



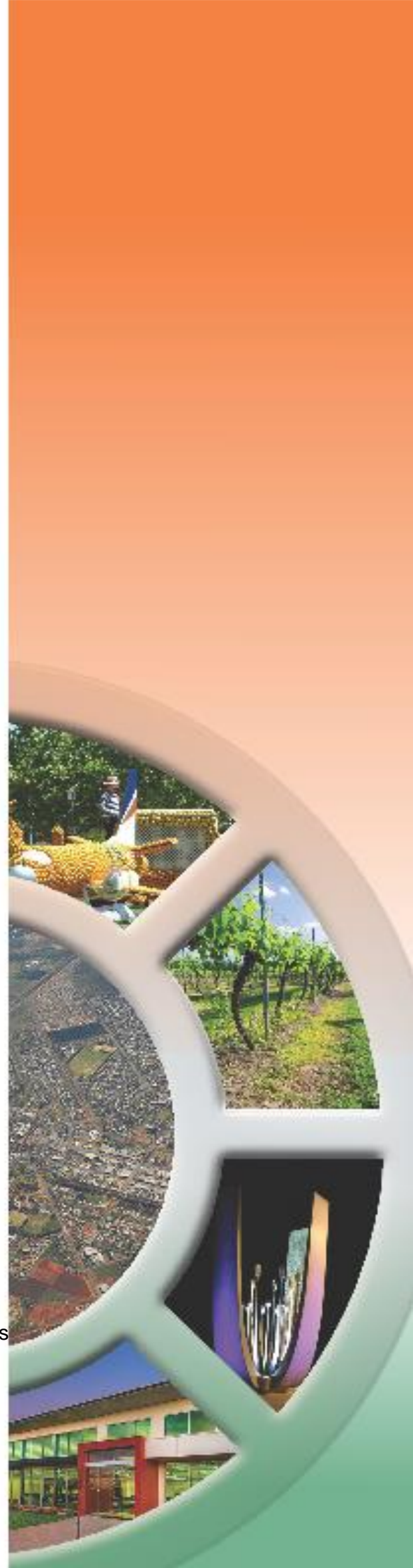
# Ordinary Meeting

**Tuesday, 26 March 2024**

## ATTACHMENTS UNDER SEPARATE COVER

**CL01 DA 222/2023 - Construction Of A New Dwelling And  
Torrens Title Subdivision To Create A Detached Dual  
Occupancy Development**

- (a) DA 222/2023 - Draft Conditions of Consent
- (b) DA 222/2023 - Application Plans
- (c) DA 222/2023 - Statement of Environmental Effects  
including variation requests
- (d) DA 222/2023 - DA Assessment Report



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## ATTACHMENTS UNDER SEPARATE COVER

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## Attachment B – 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 construction of detached dwelling to create a dual occupancy & two lot Torrens Title subdivision at Lot 314 DP 1250478, 31 Polkinghorne Street GRIFFITH.

It is advised that the proposed two lot Torrens Title subdivision has been assessed in regards to the provision of **Clause 4.6** Exceptions to Development Standards (of Clause 4.1A) of the Griffith Local Environmental Plan 2014, with a variation of **11.7%** of the development standard.

It also 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 dual occupancy (detached) development, which is defined as:

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

The development must be implemented in accordance with Development Application No. 222/2023(1) accepted by Council on 19 October 2023 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
Site Plan Dwg 2-06 23/139854	30 October 2023	Frank Tabotta
Floor Plan Dwg 3-06 23/130532	19 October 2023	Frank Tabotta
East and West Elevation Dwg 4-06 23/1338800	19 October 2023	Frank Tabotta
North and South Elevation Dwg 5-06 23/1338800	19 October 2023	Frank Tabotta
Preliminary Landscape Plan and fence elevation 23/139692	27 October 2023	Premier Nurseries
Landscape Plant List 23/139693	27 October 2023	Premier Nurseries

Document	Date Accepted by Council	Prepared or Drawn By
Statement of Environmental Effects Including LEP Clause 4.6 Variation and DCP Variation	19 October 2023	SKM Planning

23/130540		
Basix Certificate no. 1417264S_02 23/130533	19 October 2023	Frank Tabotta Design Studio

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 Development 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) Stormwater runoff

All stormwater runoff shall be directed to Council's street 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)*.

(9) 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.

(10) Property Number

The proposed development has been allocated the following street number:

- **31 Polkinghorne Street (Unit 1 / Lot 1)**
- **47 Madden Drive (Unit 2 / Lot 2)**

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

(11) Aboriginal Heritage

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

1. Not further harm the object.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.
4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

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.

(12) 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.

### **Prior to the issue of a Construction Certificate for Building Works**

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.

(13) 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 Roads and Maritime Service (RMS) 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.*

(14) 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.

- (15) 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.

- (16) Section 7.12 Development Contributions

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (former S94A) 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 Councils adopted *Section 94A Contributions Plan 2010 (Amendment 2013)*. A copy of this policy is publicly available from Council's website [www.griffith.nsw.gov.au](http://www.griffith.nsw.gov.au).

Total payment shall be **\$4,008.06** (1% of the proposed cost of carrying out the development). In accordance with Council's Section 94A Contributions Plan 2010 (Amended 2013) the total payment amount will be indexed by the Consumer Price Index (All Groups Index for Sydney as published by the Australian Bureau of Statistics), applicable at the date of payment.

The contribution is to be paid **prior to the issue of the Construction Certificate**, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

- (17) 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	\$ 8,695.00	1 ET	\$8,695.00
Sewerage	Griffith	\$ 6,093.00	1 ET	\$6,093.00
Drainage	Collina	\$4789.00	1ET	\$4,789.00
<b>Total</b>				<b>\$19,577.00</b>

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** unless other arrangements acceptable to Council are made.

The contribution is exclusive of the fees for the connection of water services to the individual allotments. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

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*.

(18) 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**.

### **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.

(19) Extension of Council's sewer main

Council's existing gravity sewer system is to be extended to service the proposed development / 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 Construction Certificate for Subdivision Works**.

### **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.

(20) 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.

(21) 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.

(22) 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.

(23) 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.

(24) 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.

(25) 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.

(26) Accessway levels

Driveway construction is subject to Council's *Engineering Guidelines - Subdivisions and Development Standards*. The finished level of the driveway at the property boundary shall be 130mm above the top of kerb. Upon completion of the formwork and string lines for the driveway, the applicant shall arrange for Council's Surveyors to inspect these works **prior to the pouring of concrete for the driveway**. In the event that this level is unachievable,

documentary evidence, including a detailed design is to be submitted to Council for approval **prior to the commencement of driveway construction.**

Failure to construct to the given levels or without Council approval will render the owner liable for any necessary reconstruction costs to alter work not in conformity with such levels.

(27) 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.

(28) 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.**

### Prior to Commencement of Subdivision Certificate Works

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

- (29) 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.

- (30) 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.

- (31) 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.



(32) 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.

(33) SafeWork NSW

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

(34) 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.

(35) 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.

(36) Kerb Adaptors

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

(37) 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**.

(38) 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.

(39) 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.

(40) 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.

(41) Subdivision Certificate

A Subdivision Certificate must be issued prior to lodgement of the Final Plan of Survey with the Land Registry Services. 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.

(42) Easement for Sewer

**Prior to the issue of the Subdivision Certificate** a three (3) metre easement shall be established over Council's sewer infrastructure pursuant to Section 88B of the Conveyancing Act for the drainage of sewage over proposed lot no 2. Matters to be addressed in the instrument should include the width and location of the easement.

(43) 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*.

(44) 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**.

(45) 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**.

(46) 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 1. 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*.

(47) 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.

(48) 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

(49) Compliance with Conditions of Consent

**Prior to the issue of a Subdivision Certificate**, all conditions of development consent 222/2023 and development consent 138/2022 are to be completed and a final Occupation Certificate issued for each dwelling.

### **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.

(50) 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.

(51) 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 road name Madden Drive. 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*.

(52) Internal driveways

**Prior to the issue of an Occupation Certificate** the internal driveway to the proposed dual occupancy is to be constructed of concrete in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and *Council's Development Control Plan 21 – Residential Development Policy*.

(53) 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**.

(54) 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

(55) 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.

(56) Installation of Landscaping

The approved landscaping shall be installed to the satisfaction of Council **prior to the issue of the Occupation Certificate**.

(57) Separate water meters

**Prior to the issue of an Occupation Certificate**, separate water meters are to be connected to each of the proposed units a minimum distance of 1 metre from the driveway. A separate application is to be submitted to Council for additional connections to Council's potable water main.

Where the connection is 25mm or greater 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.

## On-Going Requirements

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

(58) 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.

(59) 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.

(60) Letter Boxes

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

(61) Clothes Drying Areas

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

### 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) 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](http://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.

### Attachment D – Other Council Approvals and Consents

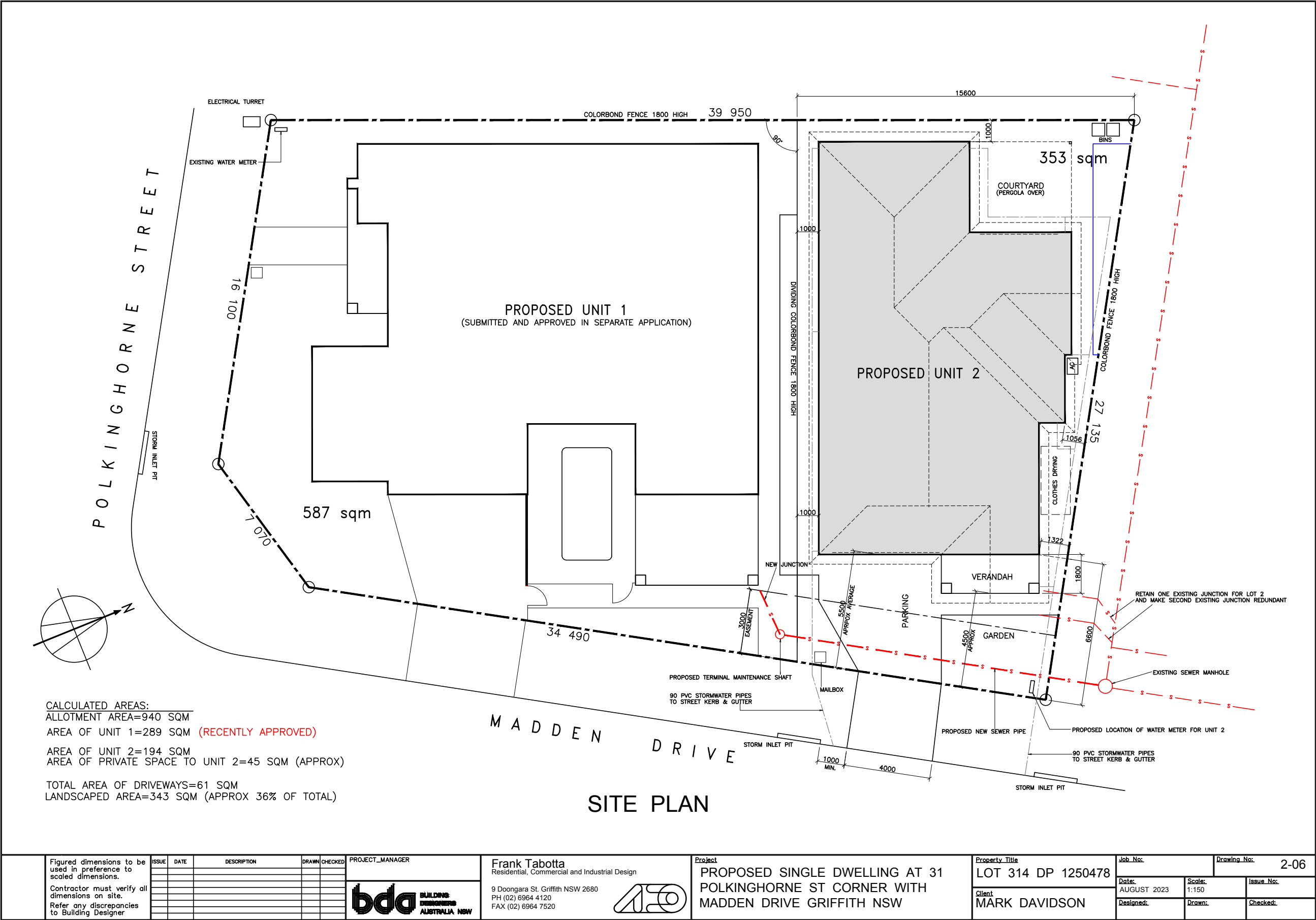
#### Section 68 Local Government Act 1993 Approvals

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







BUILDER IS TO ENSURE THE BUILDING MEETS ALL REQUIREMENTS OF THE BASIX CERTIFICATE ISSUED WITH THESE PLANS, INCLUDING THE FOLLOWING:

HOT WATER SYSTEM TO BE GAS INSTANTANEOUS WITH 6 STAR RATING  
GAS COOKTOP TO BE USED WITH UNDERBENCH ELECTRIC OVEN  
3 PHASE REVERSE CYCLE AIR CONDITIONING TO BE USED WITH ENERGY RATING OF EER 3.0-3.5 FOR COOLING CYCLE & EER 3.5-4.0 FOR HEATING CYCLE  
INSULATION TO WALLS TO BE MINIMUM R2.5 BATTS  
INSULATION TO CEILING TO BE MINIMUM R4 BATTS  
INSULATION TO ROOF TO BE 55mm FOIL BLANKET SARKING  
A 4KW PHOTOVOLTAIC SYSTEM IS TO BE INSTALLED WITH THE PROJECT

ARTIFICIAL LIGHTING

LED LIGHTING IS REQUIRED TO BE INSTALLED TO ALL LIVING AREAS INCLUDING THE KITCHEN AS WELL AS BEDROOMS, BATHROOM, ENSUITE, HALLWAYS AND LAUNDRY

WATER

TOTAL AREA OF GARDEN AND LAWN TO BE IRRIGATED = 35 SQM  
AREA OF INDIGENOUS OR LOW WATER USE SPECIES = 15 SQM  
NO RAINWATER TANKS REQUIRED FOR THIS DWELLING

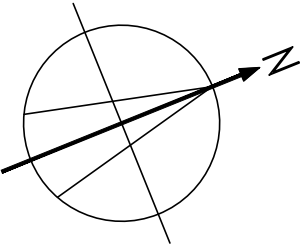
SHOWER HEADS TO HAVE MINIMUM RATING OF 4  
TOILET FLUSHING SYSTEM TO HAVE A MINIMUM RATING OF 4  
KITCHEN TAPS ARE TO HAVE A MINIMUM RATING OF 4  
BASIN AND VANITY TAPS ARE TO HAVE A MINIMUM RATING OF 4

WINDOWS & DOORS

GENERALLY, WINDOWS & DOORS ARE TO BE STANDARD ALUMINIUM FRAMED WITH DOUBLE GLAZING USING CLEAR GLASS  
ENTRY DOOR UNIT TO BE SOLID TIMBER PANEL WITH FIXED GLASS SIDELIGHT  
SEE BASIX CERTIFICATE FOR U VALUE & SHGC RATING FOR EACH INDIVIDUAL WINDOW

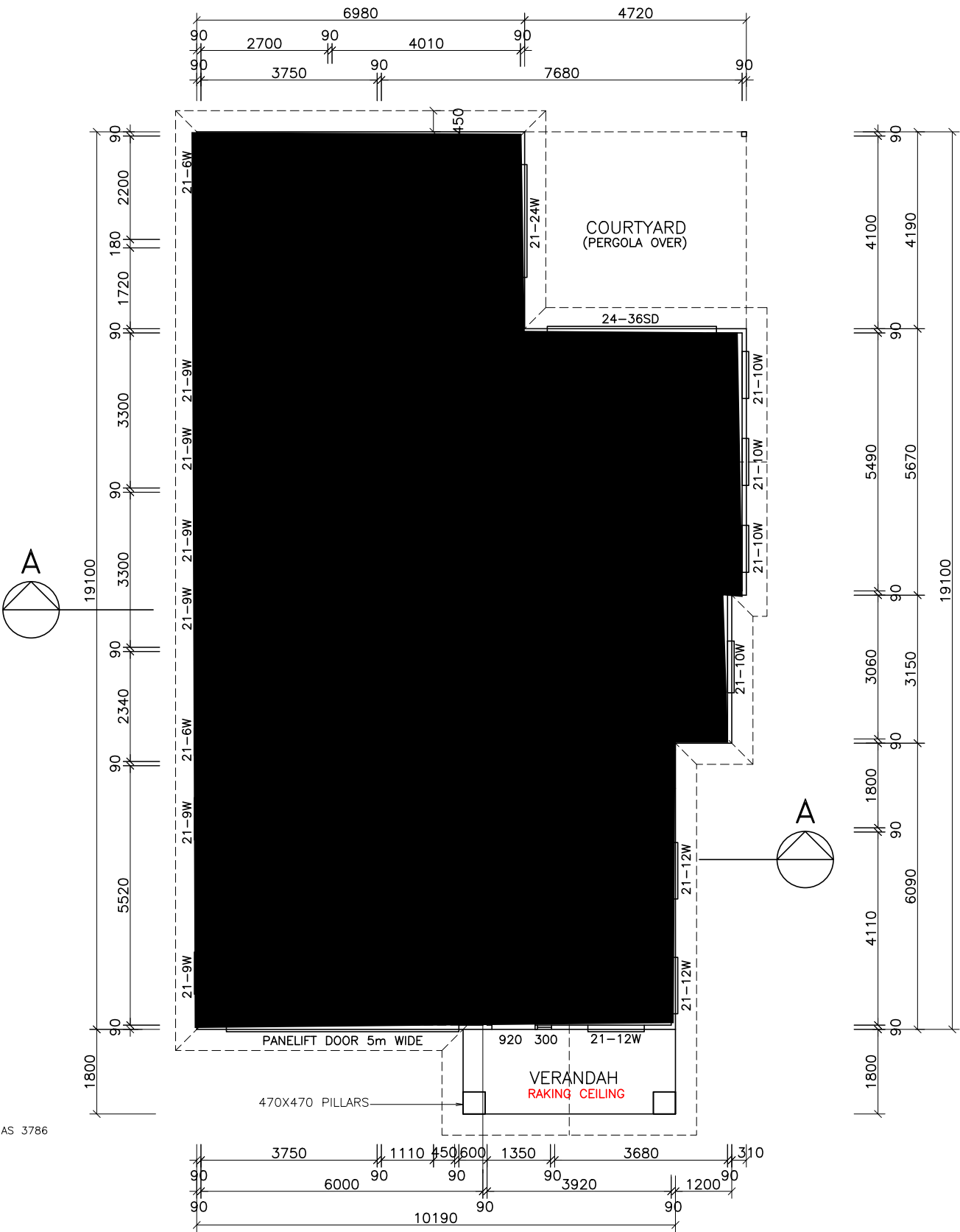
AREAS

ALLOTMENT AREA = 940 SQM  
DESIGNATED AREA FOR PROPOSED DWELLING = 353 SQM  
AREA OF DWELLING = 193 SQM  
AREA OF FRONT PORCH = 8 SQM  
PRIVATE OPEN SPACE = 45 SQM



FLOOR PLAN

SA SMOKE ALARM LOCATIONS ARE TO COMPLY WITH AS 3786



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**

**Frank Tabotta**  
Residential, Commercial and Industrial Design

9 Doongara St. Griffith NSW 2680  
PH (02) 6964 4120  
FAX (02) 6964 7520



Project

**PROPOSED SINGLE DWELLING AT 31 POLKINGHORNE ST CORNER WITH MADDEN DRIVE GRIFFITH NSW**

Property Title

**LOT 314 DP 1250478**

Client

**MARK DAVIDSON**

Job No.

**3-06**

Date:  
AUGUST 2023

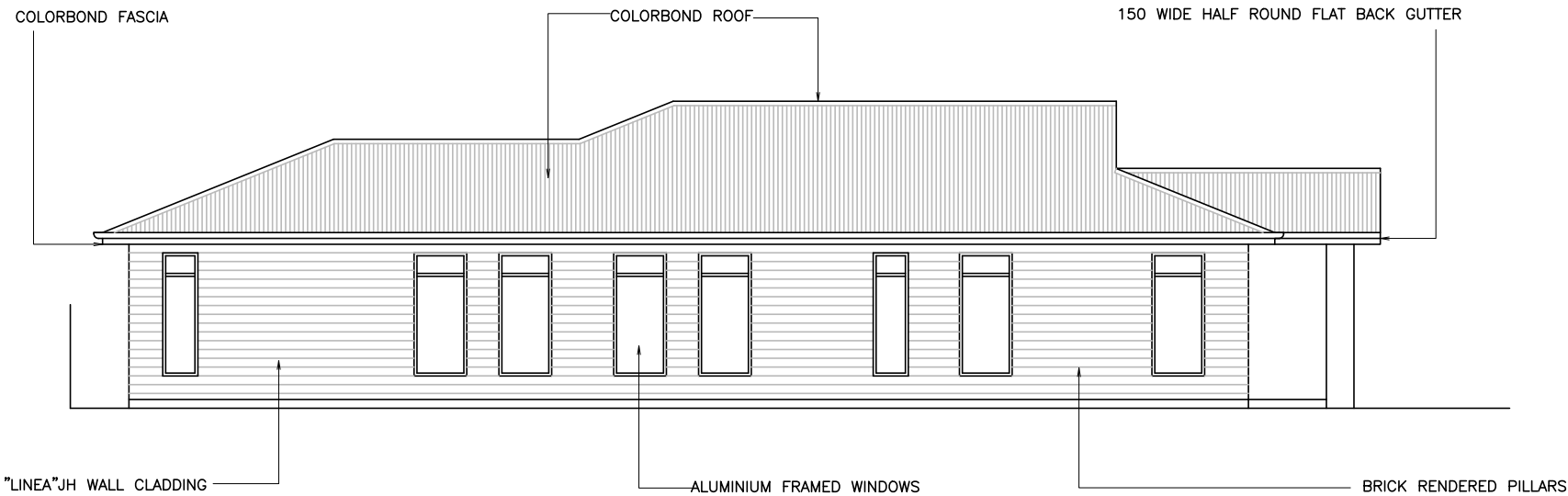
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1:100

Issue No.

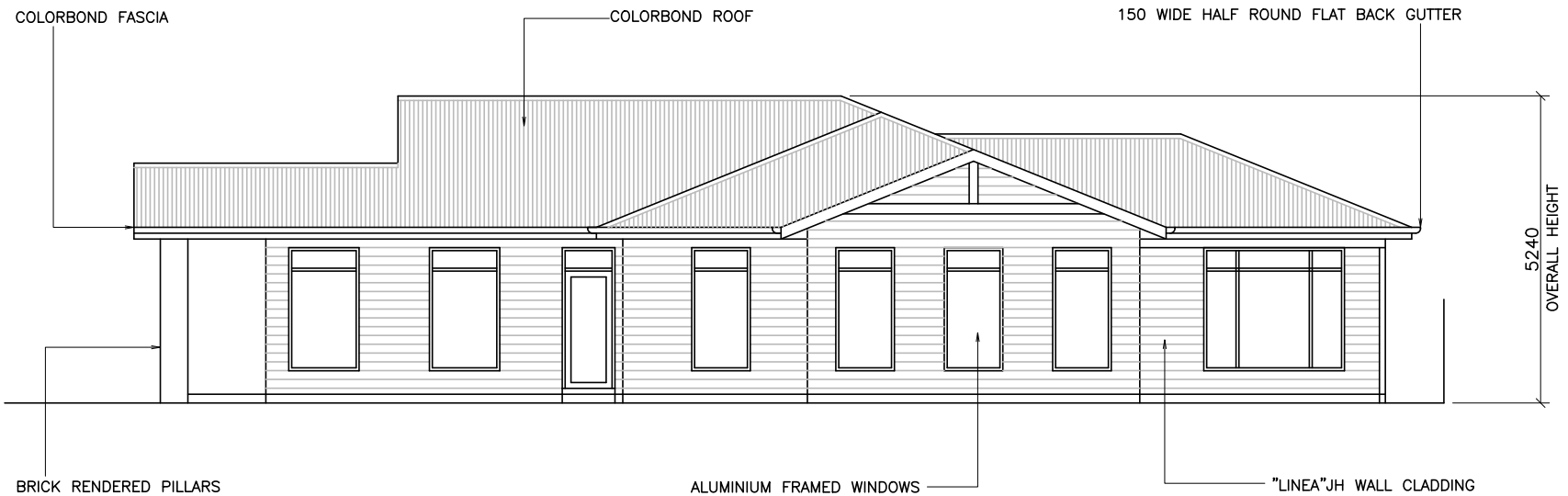
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Drawn:



Checked:

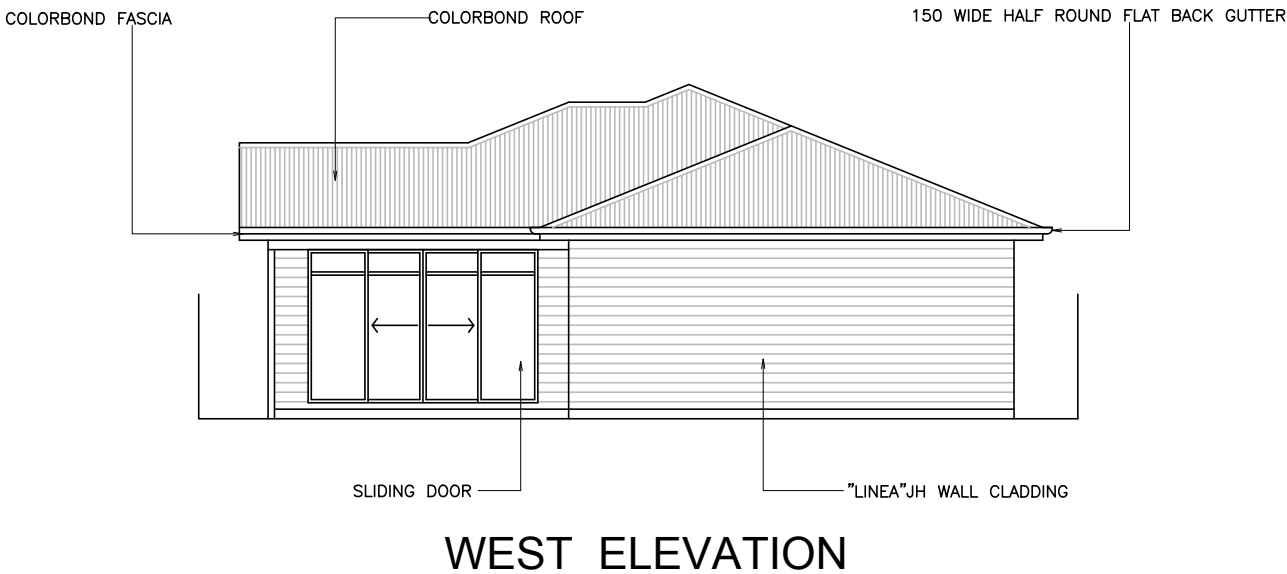
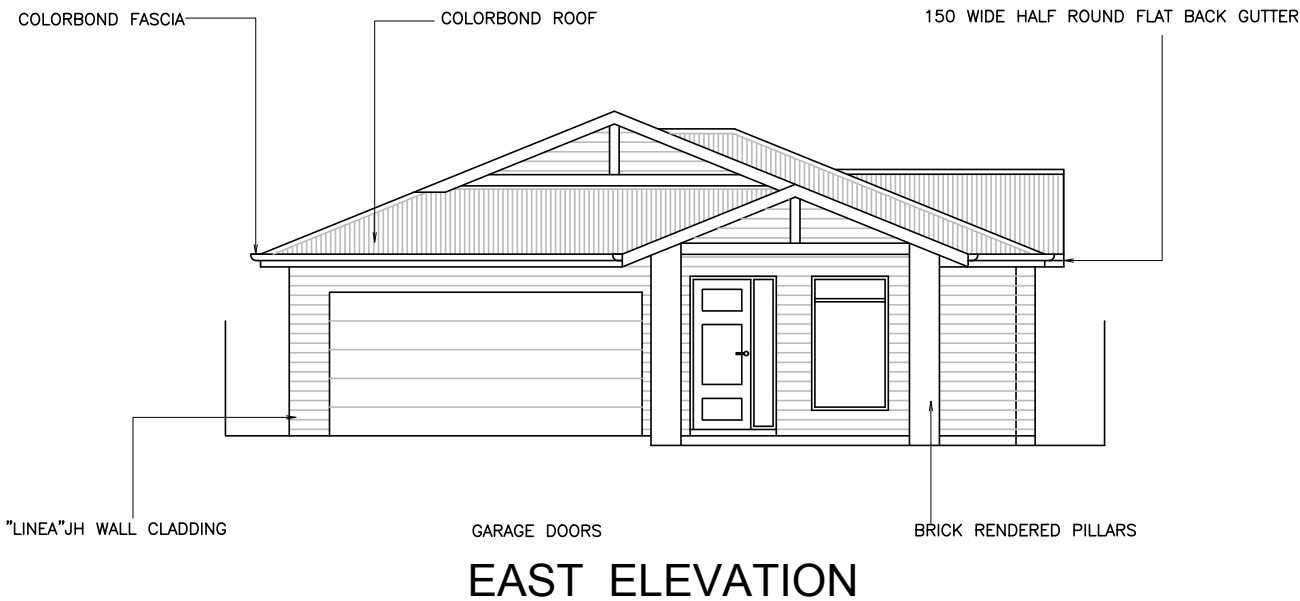


SOUTH ELEVATION



NORTH ELEVATION

<div>Figured dimensions to be used in preference to scaled dimensions.</div> <div>Contractor must verify all dimensions on site.</div> <div>Refer any discrepancies to Building Designer</div>	ISSUE	DATE	DESCRIPTION	DRAWN	CHECKED	PROJECT_MANAGER	<div>Frank Tabotta</div> <div>Residential, Commercial and Industrial Design</div> <div>9 Doongara St. Griffith NSW 2680</div> <div>PH (02) 6964 4120</div> <div>FAX (02) 6964 7520</div> <div> <b>bda</b> BUILDING DESIGNERS AUSTRALIA NSW</div>	<div>Project</div> <div>PROPOSED SINGLE DWELLING AT 31 POLKINGHORNE ST CORNER WITH MADDEN DRIVE GRIFFITH NSW</div> <div></div>	<div>Property Title</div> <div>LOT 314 DP 1250478</div> <div>Client</div> <div>MARK DAVIDSON</div>	Job No:		Drawing No:		5-06		



SPECIFICATION

GENERAL


- Drawings prepared from information supplied by the owner and/or builder.
- Dimensions are in millimetres unless noted otherwise.
- All dimensions shall be verified on site.
- Do not scale off drawings.
- It is the responsibility of the builder to verify documents as to their accuracy and suitability.
- These plans are to be read in conjunction with Engineer's details.
- BCA refers to the Building Code of Australia - Volume 2, Housing Provisions.

STATUTORY REQUIREMENTS

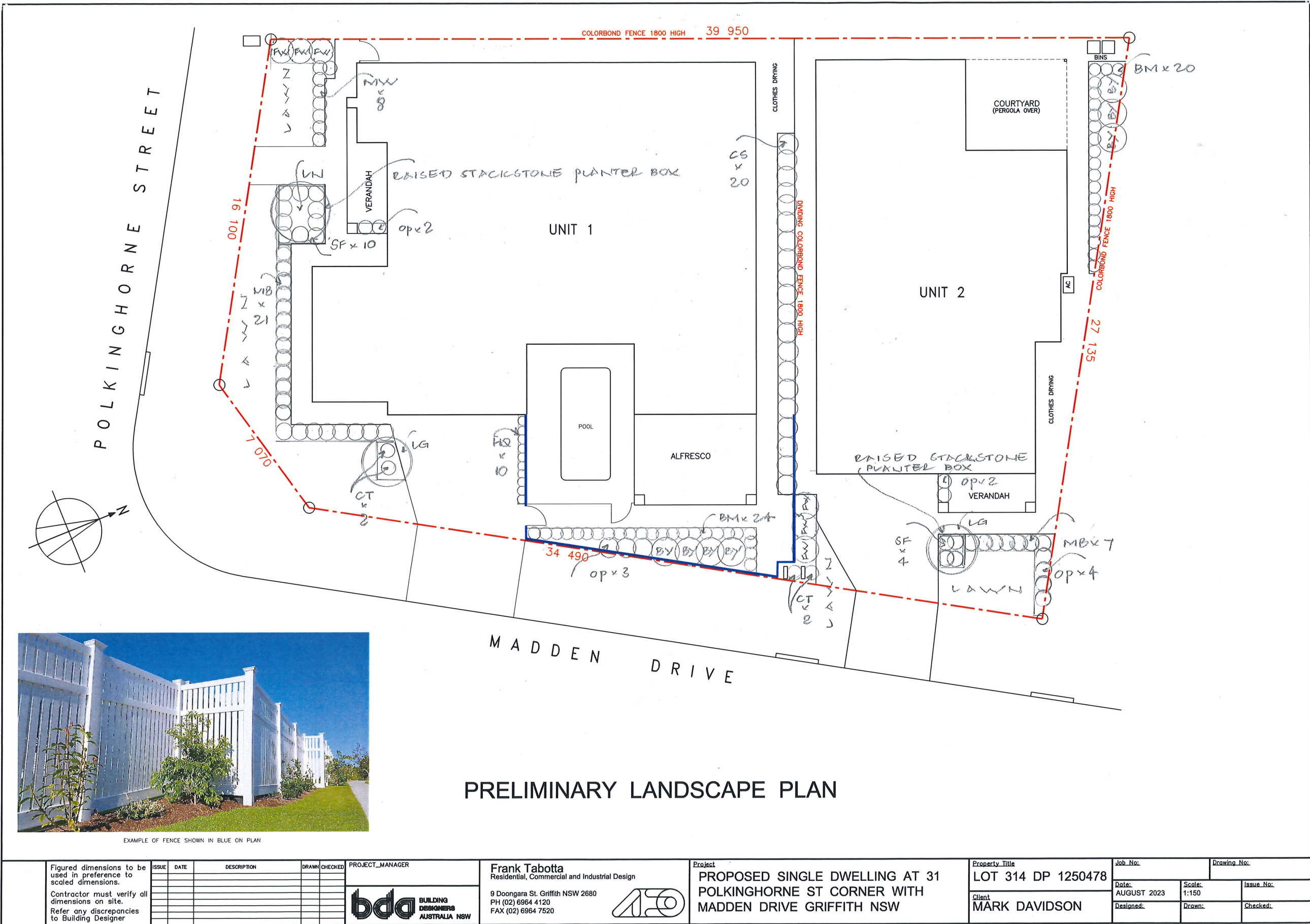
- All work to be carried out in accordance with the BCA, conditions imposed by the local authority and the commitments outlined in the relevant Basix certificate.
- The builder is to comply with the requirements of all legally constituted authorities having jurisdiction over the building works and the provisions of the Home Building Act.
- Prior to the commencement of building work, the builder shall provide temporary toilet facilities for the use of subcontractors. Where the local authority requires the temporary toilet to be connected to sewer mains, the additional cost shall be borne by the owner. On completion the builder shall remove the convenience.

BCA REQUIREMENTS

- All earthworks shall be in accordance with the engineer's details and Part 3.1.1 of BCA.
- All excavations and underfloor fill shall...be in accordance with the engineer's details and Part 3.2.2 of BCA.
- Primary building elements are to be protected from subterranean termites in accordance with Part 3.1.3 of BCA.
- Provide adequate cross ventilation 'to space under suspended ground floors in accordance with Part 3.4.1 of BCA. Sub floor access 'to be provided as indicated on plan.
- Stormwater drainage shall be carried out in accordance with Part 3.1.2 of BCA.
- All timber framework shall comply with Part 3.4.2 of BCA or AS1684.
- Roof trusses shall be designed in accordance with AS1720, and erected, fixed and braced in accordance with manufacturer's instructions.
- Strip and sheet flooring shall be installed in accordance with AS1684.
- All metal fittings used in structural timber joints and bracing must have corrosion protection.
- Steel framing shall be in accordance with manufacturer's recommendations and Part 3.4.2 of BCA.
- All roof cladding shall comply with Part 3.5.1 of BCA and be installed in accordance with manufacturer's recommendations.
- Gutters and down pipes shall be in accordance with Part 3.5.2 of BCA.
- Sarking shall comply with AS/NZS4200.1&2. '
- Flashings shall comply with Part 3.3.4 of BCA.
- Clay brickwork shall comply with Part 3.3 of BCA, AS/NZS4455, AS/NZS4456 & AS3700.'
- Damp proof courses shall comply with Part 3.3.4 of BCA
- Cavity ventilation must be provided in accordance with Part 3.3.4 of BCA.
- Mortar shall comply with Part 3.3.1 of BCA and joint tolerances shall be in accordance with AS3700.
- Masonry accessories shall comply with Part 3.3.3 of BCA. Appropriate ties shall be provided to articulated masonry joints.
- Lintels used to support brickwork over wall openings shall comply with Part 3.3.3 of BCA and be protected from corrosion in accordance with Part 3.4.4 of BCA.
- Internal wet areas and balconies over habitable rooms to be waterproofed in accordance with Part 3.8.1 of BCA. Wet area wall lining is to be fixed in accordance with manufacturer's recommendations.
- All timber doors and door sets shall be manufactured in accordance with AS2688 & AS2689 unless listed otherwise in the Schedule of Works.
- Windows and doors shall be manufactured and installed in accordance with AS2047.
- All glazing shall comply with Part 3.6 of BCA.
- All plumbing shall comply with the requirements of the relevant supply authority and AS3500, and be carried out by a licensed plumber.
- All electrical work shall comply with the requirements of the relevant supply authority and AS3000, and be carried out by a licensed electrician.
- All gas installations shall comply with the requirements of the relevant supply authority and be carried out by a licensed gas fitter.
- Provide and install hard wired smoke alarms in accordance with AS3786 and Part 3.7.2 of BCA.
- Installation of wall and floor tiles shall be in accordance with AS3958.1.
- Building is to be sealed to the requirements of Part 3.12.3 of BCA, including chimneys, flues, roof lights, external windows and doors, exhaust fans, roof, walls and floors.
- Services are to be installed to the requirements of NSW Part 3.12.5 of BCA, including hot water supply, insulation of services, central heating water piping and heating and cooling ductwork.

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	Frank Tabotta Residential, Commercial and Industrial Design  9 Doongara St. Griffith NSW 2680 PH (02) 6964 4120 FAX (02) 6964 7520 	Project PROPOSED SINGLE DWELLING AT 31 POLKINGHORNE ST CORNER WITH MADDEN DRIVE GRIFFITH NSW	Property Title LOT 314 DP 1250478  Client MARK DAVIDSON	Job No.		Drawing No. 4-06
										Date:	Scale:	
										AUGUST 2023	1:100	
										Designed:	Drawn:	Checked:

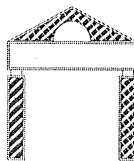








**PREMIER NURSERIES**  
Where beautiful gardens begin



**Mr Davidson - Plant Proposal - Lot 314 DP1250478**

Code	Qty	Item	H x W (m)	Unit	Cost	Tot
BM	44	<i>Buxus microphylla</i>	0.3 x 0.3	150mm	\$ -	\$ -
BY	7	<i>Camellia japonica</i> 'Pope John XX111'	2.0 x 1.6	200mm	\$ -	\$ -
CS	20	<i>Camellia sasanqua</i> 'Setsugeka'	2.5 x 1.5	200mm	\$ -	\$ -
CT	4	<i>Cerastium tomentosum</i> 'Snow In Summer'	0.2 x 0.8	150mm	\$ -	\$ -
FW	6	<i>Magnolia x hybrida</i> 'Fairy White'	3.0 x 1.2	200mm	\$ -	\$ -
HQ	10	<i>Hydrangea x quercifolia</i>	1.2 x 1.0	200mm	\$ -	\$ -
LG	2	<i>Magnolia x grandiflora</i> 'Little Gem'	4.0 x 2.0	300mm	\$ -	\$ -
LN	1	<i>Lagerstroemia indica</i> 'Natchez'	5.0 x 3.0	300mm	\$ -	\$ -
MB	28	<i>Arthropodium</i> 'Matapouri Bay'	1.0 x 0.8	150mm	\$ -	\$ -
MW	8	<i>Tulbaghia</i> 'Milky Way'	0.5 x 0.5	150mm	\$ -	\$ -
OP	11	<i>Raphiolepis x hybrida</i> 'Oriental Pearl'	0.8 x 1.0	200mm	\$ -	\$ -
SF	10	<i>Dichondra</i> 'Silver Falls'	0.2 x 0.8	150mm	\$ -	\$ -





## Statement of Environmental Effects

---

### **Construction of an Additional Detached Dwelling & Two Lot Torrens Title Subdivision**

LOT 314 DP 1250478  
31 Polkinghorne Street, Griffith NSW

PREPARED FOR: Mark Davidson  
BY: SKM PLANNING PTY LTD – 6 MURPHY CRESCENT, GRIFFITH NSW –  
[ADMIN@SKMPLANNING.COM](mailto:ADMIN@SKMPLANNING.COM)

DATE OF FINAL ISSUE – 29 SEPTEMBER 2023  
PREPARED BY – KELLY MCNICOL M.PL (DIRECTOR)

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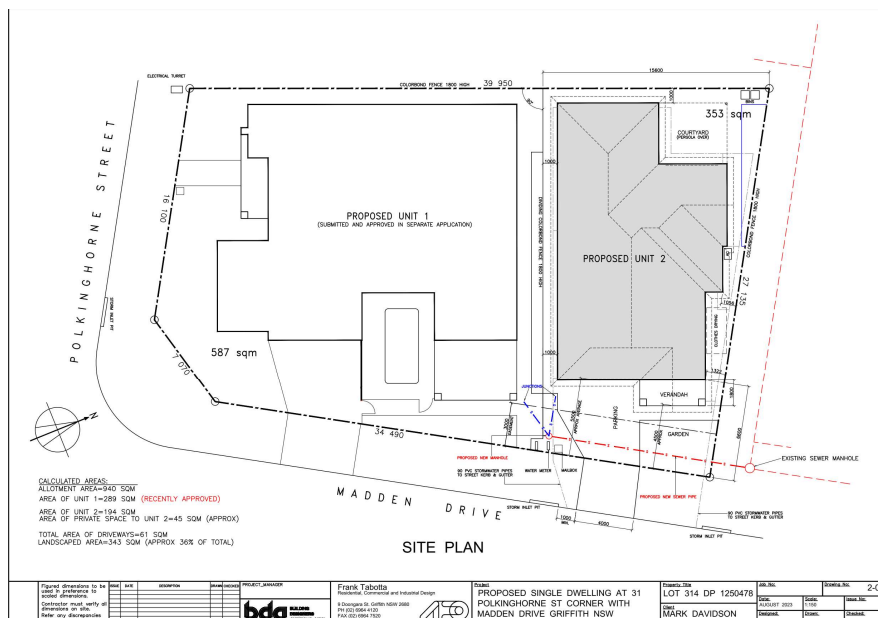
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APPENDIX 1 – CLAUSE 4.6 VARIATION REQUEST

APPENDIX 2 – DCP VARIATION REQUEST

# 1 Introduction



### Need & Justification

## 2 The Site

### 2.1 Site Description

The development site is known as 31 Polkinghorne Street, Griffith and is legally identified as Lot 314 DP 1250478. The site has an area of 940 m<sup>2</sup>. The site is located in Collina and was legally subdivided for residential development in 2019. In accordance with the then Collina Development Control Plan, the site was nominated as a multi-dwelling allotment. The site is vacant and falls towards Madden Drive. Council's reticulated water network is located in Madden Drive and Polkinghorne Street and Council's sewer system is located to the north-east of the site on 52 Tucker Street. Essential Energy's underground electrical system and telecommunication infrastructure is located in Madden Drive and Polkinghorne Street.

### 2.2 Surrounding Land Uses

The subject site is zoned R1 General Residential. Existing uses in the immediate locality are primarily single detached dwellings, vacant allotments and open space. Council's main drainage network is located adjacent to Citrus Drive. The site has access to the commercial areas of Griffith via Citrus Drive to the east and Clifton Blvd to the west.

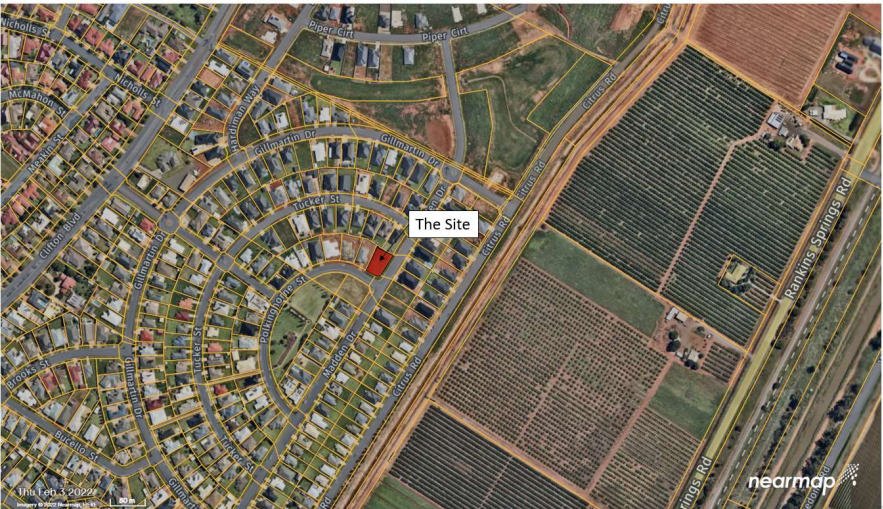


Figure 2: The Site and its Surrounds

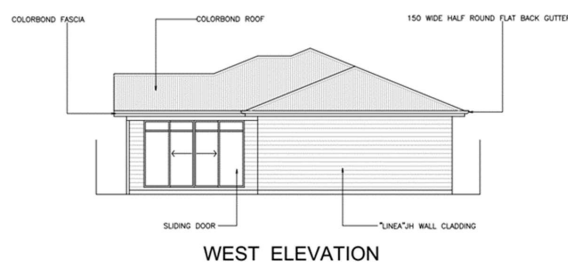
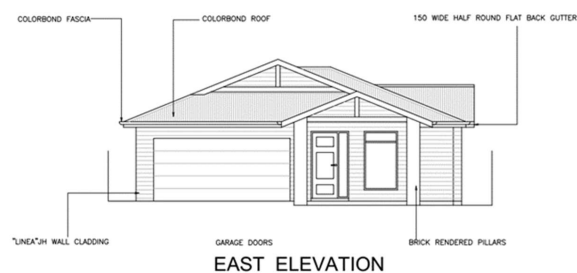
## 3 Proposed Development

### 3.1 Overview

This DA is seeking approval for the construction of a single detached dwelling and ancillary infrastructure and the two lot Torrens title subdivision of the site. The new dwelling would have a total lot area of 353 m<sup>2</sup>.

Development specifics are summarised below:

- Minor earthworks to form up a pad
- Construction of a single detached dwelling with:
  - Two main bedrooms
  - A third smaller bedroom / study
  - A main living area attached to a kitchen
  - A sitting room at entry
  - An ensuite bathroom attached to the main bedroom
  - A main bathroom
  - A courtyard accessed from the main living area
  - An attached two car garage.
- Installation of landscaping – lawn, trees and shrubs
- A two lot Torrens title subdivision is proposed
- A sewer main extension across the frontage of proposed Lot 2
- A 4 m wide accessway providing access to a double garage.



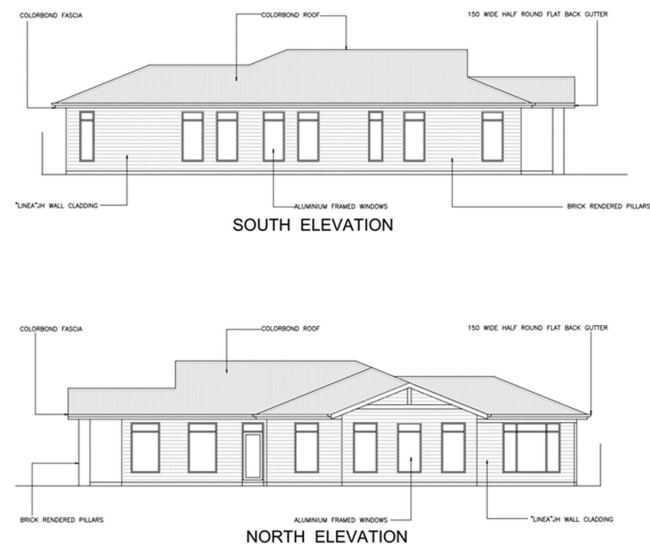


Figure 3: Proposed Elevations



## 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.

#### 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 a smaller sized dwelling.

#### Permissibility

##### 2 Permitted without consent

*Environmental protection works; Home-based child care; Home occupations*

##### 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*

##### 4 Prohibited

*Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies*

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

Once the subdivision occurs, the development would ultimately include two detached dwellings on single allotments.

#### 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, particularly an identified need for increased amount of well-located residential units.

#### **Clause 2.6 Subdivision – consent requirements**

The proposal seeks consent for subdivision as part of this application.

### **Part 4 Principal Development Standards**

#### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows—*
  - (a) to provide a minimum lot size for the subdivision of land,*
  - (b) to ensure that subdivision does not unreasonably impact on the natural and environmental values of the area and will not lead to fragmentation of natural areas,*
  - (c) to protect the productive capacity of agricultural land,*
  - (d) to prevent the fragmentation of rural lands,*
  - (e) to encourage a diversity of lot sizes, housing forms and densities in residential zones.*
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (3A) Despite subclause (3), the size of each lot resulting from the subdivision of land identified as “Area A”, “Area B” or “Area C” on the Lot Size Map, if the lot is connected to a reticulated sewer or the consent authority is satisfied that it will be connected to a reticulated sewer, must not be less than the area shown in Column 2 of the Table to this subclause opposite the relevant area.*

<b>Column 1</b>	<b>Column 2</b>
Area A	700 square metres
Area B	600 square metres
Area C	3,000 square metres

- (4) This clause does not apply in relation to the subdivision of any land—*
  - (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
  - (b) by any kind of subdivision under the Community Land Development Act 2021.*

**Commentary:** The minimum lot size for the precinct is 700m<sup>2</sup>. Consent for the subdivision is sought via a clause 4.6. variation to clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development.

#### **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:** Development consent is sought under clause 4.1A to create Proposed Lot 1 with a lot area of 587m<sup>2</sup>. Proposed Lot 1 will contain the approved dwelling. Consent is also sought pursuant to clause 4.6 variation to clause 4.1A(4) to create proposed Lot 2 which will have an area of 353m<sup>2</sup>, less than the minimum area allowed for a detached dwelling house. Proposed Lot 2 will contain proposed new dwelling 2. However, the average of the two subdivided lots would be more than 400m<sup>2</sup>

#### 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

##### 5.10 Heritage conservation

The site is not listed as a heritage item or in a conservation area.

#### 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 includes ancillary earthworks limited to site preparation and installation of infrastructure only and does not require consent under this clause.

##### Clause 7.2 – 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.

#### **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.

#### **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 to the site presently via the Council owned potable water main in Madden Drive.

*(b) the supply of electricity*

Electricity is presently connected to the site. Essential Energy's underground electrical service is located in Madden Drive and Polkinghorne Street.

*(c) the disposal and management of sewage:*

Council's sewer line runs through the rear yard of 52 Tucker Street. The proposal includes the extension of the main to provide connection of the lots to this service.

*(d) stormwater drainage or on-site conservation*

The subject site drains to Madden Drive. Onsite detention can be established for this dwelling in accordance with Council's Onsite Detention Policy.

*(e) suitable vehicular access*

The development includes the construction of a 4m wide concrete vehicular access to Madden Drive. A section 138 approval under the *Roads Act 1993*, would be required to be obtained post approval and prior to the construction of the accessway between the road carriageway and the lot boundary.

#### **4.3 State Environmental Planning Policies (SEPP's)**

##### **3.6 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*

The site is not burdened internally by any electrical infrastructure. As such, a referral to Essential Energy is not required.

##### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX certificate has been completed for the proposed dwelling.

#### **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.

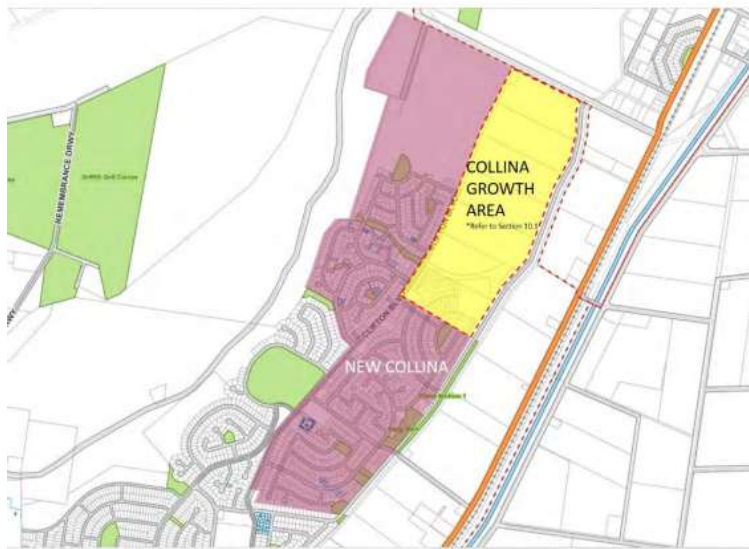
#### 4.5 Griffith Community Participation Plan

It is noted that dual occupancies are required to be notified to adjoining and adjacent landowners. If any submissions are received in regards to the development, it is requested that the applicant be provided with an opportunity to address any concerns which may be raised.

#### 4.6 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 in the Collina Growth Area adjacent to the existing precinct known as New Collina. The site is located with the master planned area by Council which seeks to emulate the Burley Griffin Design for the remainder of the city. The precinct is largely envisioned as containing single detached dwellings on medium sized residential allotments. The area has been earmarked for 20% multi-dwelling allotments which are identified as part of the development application for the subdivision of the land and established in an 88B Instrument. The subject site is considered a multi-dwelling allotment as per the 88B instrument.

The specific controls and design criteria specified in GRDCP2020 are outlined and assessed in **Table 1** below.



TABLE 1 – Compliance with Griffith Residential Development Control Plan 2020

Control Type	Clause	Control	Proposal	Compliance?
<b>Floor Space Ratio</b>	N/A	<i>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?</i>	The FSR for the corner allotments within the precinct is 0.7:1. The proposed development is well below the FSR which has been estimated at 0.61:1 including the proposed and approved dwellings on the lot. After the subdivision the FSR for Lot 1 is 0.51:1. Proposed Lot 2 is 0.54:1.	Yes
<b>Maximum Height</b>	N/A	<i>Is the dwelling below the maximum height level for the precinct?</i>	The dwelling is below the maximum height of 9m for the precinct.	Yes
<b>Parking</b>	N/A	<i>Has parking been provided in accordance with the rates in the precinct statement? 3+ bedroom unit = 2 spaces + 1 visitor space per 6 units</i>	A total of two undercover parking spaces have been provided in a two-car garage.	Yes
<b>Precinct Statement</b>		<i>Has the Applicant provided justification the development achieves the outcomes in the Precinct Statement, if applicable?</i>	The proposal is consistent with the desired future character for the New Collina Precinct, including the specific controls for FSR and parking provisions.	Yes
<b>Site analysis plan</b>	4.2	<i>Has a Site Analysis Plan been submitted with the DA?</i>	In designing the proposal, a site analysis has been undertaken of the site and surrounds and determined that the site is mostly unconstrained and favourable to a single-storey dual occupancy and subdivision development. The submitted plans address the surrounds and adjoining properties.	Yes
<b>Streetscape</b>	4.3(a)	<i>If the dwelling is on a corner block, does it address both street frontages?</i>	The proposed dwelling does not face both street frontages.	n/a

	4.3(b)	<i>The primary street façade of a dwelling should address the street and incorporate at least two of the design features:</i> <ul style="list-style-type: none"> <li>• entry feature or porch;</li> <li>• awnings or other features over windows;</li> <li>• recessing or projecting architectural elements;</li> <li>• open verandah; or</li> <li>• bay windows or similar features</li> </ul>	The dwelling contains recessing and projecting features at both frontages and entry features.	Yes
	4.3 (c)	<i>Does the proposal fit in with the scale or character of surrounding development? Or, does the development achieve the future development goals of the precinct as described in the Precinct Statement?</i>	The proposal is consistent with existing scale including existing single storey detached dwellings and dual occupancies.	Yes
	4.3 (e)	<i>Does a window to a habitable room face the street?</i>	Windows facing the street include the entry and sitting area.	Yes
	5.5(g)	<i>Are the detached dual occupancies separation by a minimum of 1.8m?</i>	The dwellings will be separated by 2.8m	Yes
<b>Building Design</b>	4.4(a)	<i>Is the design generally in accordance with the precinct statement?</i>	The design achieves outcomes consistent with the precinct statement.	Yes
	4.4(b)	<i>Are blank front walls spanning 5 m without a physical change avoided?</i>	Walls do not exceed 5m without a physical change.	Yes
	4.4(c)	<i>Do the side walls visible from the street have a length of 10 m without a physical change?</i>	Side walls do not exceed 10m without a physical change.	Yes
	4.4(d)	<i>Are windows facing the street provided in a balanced manner?</i>	Street facing windows are balanced and respond to the orientation of the site and internal uses.	Yes

	4.4(e)	<i>Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?</i>	The materials are consistent with existing housing design in the locality. Materials shown on plans are Linea JH Cladding, Colourbond roofing and aluminium framed windows.	Yes
	4.4(f)	<i>Will the proposal overshadow adjacent private open spaces or habitable rooms?</i>	The proposal is single story in height and will not impact on adjoining properties in terms of overshadowing.	Yes
	5.5(j)	<i>3+ bed dwellings are to have a minimum internal floor area of 90m<sup>2</sup></i>	The dwelling has a floor area of 193m <sup>2</sup>	Yes
	5.5(k)	<i>Are bedrooms a minimum of 8 m<sup>2</sup> excluding wardrobe space?</i>	All bedrooms are 10m <sup>2</sup> or more + robe space.	Yes
		<i>Is storage (in addition to storage in kitchens and bedrooms) of 10 m<sup>3</sup> with a minimum dimension of 500 mm provided?</i>	Yes, via linen cupboard, laundry and in garage	Yes
<b>Sustainability</b>	4.5(a)	<i>Has a BASIX certificate been submitted?</i>	See included with the DA.	Yes
	4.5(b)	<i>Does the dwelling adopt general sustainable building practices?</i>	The development has been designed to achieve this.	Yes
<b>Height</b>	4.6(a)	<i>Is the dwelling height less than 9 m?</i>	Yes. The dwelling is single storey in height	Yes
	4.6(b)	<i>Does the height of the dwelling suit the streetscape?</i>	The height is similar to existing single storey dwellings in the precinct.	Yes
	4.6(d)	<i>Are the proposed tree heights consistent with dwelling scale?</i>	A landscaping design accompanies this application.	Yes
<b>Solar Access and Energy Efficiency</b>	4.7(a)	<i>Is solar access available between the hours of 9 am and 5 pm for a minimum duration of 3 hours to any living area on</i>	The proposal complies with recommendations and requirements for solar access and energy efficiency.	Yes

		<i>the 22nd of June for each respective dwelling?</i>		
	4.7(b-c)	<i>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.</i>	The building has been designed to maximise solar access to living areas to achieve optimum winter sun and summer shading. The living areas are orientated with a north facing aspect.	Yes
	4.7(d)	<i>Has the location of outdoor clothes drying areas been provided with access to sunlight? Or is there a suitable location for such facilities?</i>	Outdoor clothes drying areas have been provided with access to sunlight.	Yes
<b>Setbacks</b>	4.8.1(a-b)	<i>Front Setbacks – 4.5 m or average of two nearest dwellings (whichever is greater). Garages must be setback a minimum of 5.5m</i>	The dwelling has a primary street frontage setback average of 5.5 m to Madden Drive, as well as the garage.	Yes
	4.8.2	<i>Building articulation permitted in front setbacks</i>	A verandah is proposed to be setback 4.5m.	Yes
	4.8.3	<i>Side Setbacks – single storey = 0.9 m</i>	The dwelling is setback from the western neighbour by 1.05m - 1.3 m.	Yes
	4.8.4	<i>Rear setbacks - Ground level: minimum setback is 2m</i>	The dwelling is setback 1m from the rear boundary. A 1m concession is sought.	Concession sought.
<b>Visual and Acoustic Privacy</b>	4.9(a-b)	<i>Has the development considered the location of windows, and private open space of adjacent dwellings? Has overlooking been considered?</i>	The location of windows and consideration of privacy has been incorporated into the design.	Yes
	4.9(c)	<i>Are noise generating plant and equipment shown on the plans and located and</i>	Noise generating equipment can be located away from existing dwellings.	Yes

		<i>screened away from bedrooms on adjacent properties?</i>		
	4.9(d)	<i>Does the dwelling include a balcony, if so has overlooking been considered?</i>	No balconies proposed.	n/a
<b>Private Open Space</b>	4.10(a)	<i>Has a minimum of 15 m<sup>2</sup> 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?</i>	The proposal includes a courtyard with a minimum area of 15 m <sup>2</sup> .	Yes
	4.10(b)	<i>Is the PPOS within a 4 m or greater setback area?</i>	The PPOS is within setbacks greater than 4m.	Yes
	4.10(c)	<i>Is the PPOS visible from neighbouring sites, if so has it been screened?</i>	The PPOS won't be visible from neighbouring sites due to location and fencing.	Yes
	4.11(b-c)	<i>Can the landscaping areas generally be planted and maintained in accordance with 4.11(b-c)?</i>	The landscaping areas would permit a variety of trees to be planted which can be included to provide shade, privacy and visual softening of the development. A full landscaping schedule will be developed and appropriate species native and drought tolerant species will be selected.	Yes
<b>Street Trees</b>	4.12(a-f)	<i>Have street trees been proposed in accordance with 4.12 (a-f)?</i>	Additional street trees can be planted as per Council requirements.	Yes
<b>Landscaping</b>	5.5(p)	<i>Has a minimum landscape area of 20% of the total lot area been provided?</i>	The landscaping area of proposed Lot 2 is 98m <sup>2</sup> or 27.7% of the site.	Yes
<b>Vehicle Access and Parking</b>	4.13(a-e)	<i>Does the dwelling have an undercover parking space?</i>	The dwelling includes two undercover parking spaces via an attached garage, and have been designed in accordance with the Parking Code and Council's Engineering Standards: Subdivision and	Yes
	5.5(i)	<i>Has parking been located and designed in accordance with the relevant Guidelines?</i>		

		<p><i>Are driveways designed accordingly?</i></p> <p><i>Are driveways a minimum of 3.5 m wide?</i></p> <p><i>Are garages a maximum of 6m wide?</i></p>	Development. The driveway would allow a vehicle to enter the garage in a forward direction and exit reversing into Madden Drive. The proposed driveway is 4 m wide. The garage is 6m wide.	
<b>Site Facilities</b>	4.14(a-c)	<p><i>Are waste and recycling bins located in areas and enclosures not visible from the street or a public space? Are open air clothes drying facilities provided in a secure and convenient location, screened from streets and other public places? Are mail box structure located close to the primary street frontage?</i></p>	All site facilities have been provided for in the design of the development.	Yes
<b>Rainwater Tanks</b>	4.15	<p><i>Are rainwater tanks are required in accordance with the BASIX certificate?</i></p>	The Basix Certificate does not require a rainwater tank.	n/a
<b>Fencing</b>	4.16	<p><i>Front fences must be designed in accordance with clause 4.16 of the DCP</i></p>	No front fence proposed.	n/a
<b>Stormwater</b>	4.18	<p><i>Stormwater infrastructure must be designed to convey stormwater to Council's street system</i></p>	Roof water will be discharged via pipes to Council's Street stormwater system.	Yes
<b>Essential Services</b>	4.20	<p><i>Is the provision of all necessary essential services provided to the development?</i></p>	The subdivision of the site has provided the necessary infrastructure for the development.	Yes
<b>Parking Design</b>	Appendix 1 3.1	<p><i>Minimum Design Standards Single Dwellings and Dual Occupancies:</i></p> <p><i>a) Off-street parking may be located in enclosed garages or under a protective roof or covering.</i></p> <p><i>b) For each residential lot, not more than two driveways must be permitted,</i></p>	Complies with the minimum design standards for access and parking for dual occupancies.	Yes

- 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.*
- 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.*

<b>Parking Construction</b>	<i>All areas used for standing and manoeuvring of vehicles must be designed in accordance with Council's Engineering Standards: Subdivision and Development.</i>	The proposed new access is able to meet the relevant requirements of Council's <i>Engineering Standards: Subdivision and Development</i> .	Yes
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<b>Subdivision: General Controls</b>	Appendix 2	<i>Does the proposed subdivision comply with appendix 2, 2.2 General controls (a – h) for Infill subdivision?</i>	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
<b>Lot Size &amp; Layout</b>		<i>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 Q – min lot size 700m<sup>2</sup> – min lot width 18m.</i>	Proposed Lot 1 complies with the minimum widths. Proposed Lot 2 has a width of 11.6 – 15.6m.	Concession sought
<b>Access &amp; pedestrian movement</b>		<i>Does the proposed subdivision comply with appendix 2, 2.3 (a) – (c) access &amp; pedestrian movement?</i>	The accessway can be constructed to meet the requirements of Council's Engineering Standards: Subdivision and Development.	Yes
<b>Essential services</b>		<i>Does the proposed subdivision comply with appendix 2, 2.4 (a) – (f) Essential Services?</i>	The design and installation of sewerage and water will be in accordance with Council's Engineering Standards. Connection to sewer is from the adjoining property at 52 Tucker Street with an extension to run along proposed Lot 2 to connect to proposed Lot 1. The water metres can be located 1m from the driveway. Electricity is to be provided underground.	Yes
<b>Stormwater</b>		<i>Does the proposed subdivision comply with appendix 2, 2.5 (a) – (b) Stormwater?</i>	Conceptual stormwater details have been provided on the DA drawings, and detailed OSD design is to be provided at Construction Certificate stage.	Yes



## 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 within the New Collina Precinct which is an important residential growth area for Griffith. The immediate locality is primarily used for residential uses and dwelling types consist of a mixture of single detached dwellings and some dual occupancies and multi-dwelling housing. The proposal is consistent with the built form of the locality and would not impact the locality and the streetscape. It is not expected that the dwelling would negatively impact the streetscape or provide a negative visual impact to the locality.

### 5.2 Traffic and Parking

The development provides adequate onsite parking for visitors and residents with two undercover parking spaces proposes. The ability for tandem parking spaces for one spot has also been maintained, however, on street parking for visitors will also be utilized.

### 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.

### 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.

### 5.6 Site specific hazards

#### Bushfire

A search on the NSW Rural Fire Service website indicates that the subject property is not bushfire prone land.

#### Flood prone land

After reviewing the maps associated with the *Griffith Main Drain J and Mirrool Creek Floodplain Risk Management Study and Plan*, it does not appear the subject site is flood prone for 1 in 100 year events.

#### 5.7 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.
- The development has demonstrated the ability to achieve compliance with majority of Council planning policies and strategies.
- This proposal is considered to achieve compliance with 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 development achieves desired outcomes recommended in the Griffith Housing Strategy 2019 by providing a solution to an identified lack of residential housing availability in Griffith.
- 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 Conclusion

This development application seeks consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15 of the same Act.

As demonstrated by the detailed assessment of the proposed development in this SEE, the proposal satisfies the intent and requirements of the relevant legislation including the EP&A Act, SEPPs, Council's Policies, relevant Australian Standards, and ability to comply with building requirements of the Building Code of Australia.

The development should be supported as it delivers a part of the solution to the identified housing supply shortage in Griffith. The land is ideal for medium density residential accommodation and the design complies with majority of development controls and design criteria listed the *Griffith Residential Development Control Plan 2020*. The proposal is compatible with the locality and existing established land uses.

A 4.6 Variation request has been submitted with the application at Appendix

## Appendix 1 – 4.6 Variation Request

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 addition 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 587m<sup>2</sup>, is vacant and will contain the previously approved dwelling.

Proposed Lot 2 has a site area of 353m<sup>2</sup>, and will contain 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*

- (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.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
- (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
  - (c) clause 5.4,
  - (caa) clause 5.5,
  - (ca) clause 6.1 or 6.2.

**Comment:** An assessment of the relevant parts of *Clause 4.6 Exceptions to Development Standards* as relates to this proposal is provided below:

- ***Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?***

Strict adherence to a 400m<sup>2</sup> minimum lot size is unreasonable and unnecessary in this instance. The objectives of the development standard are: "to encourage housing diversity without adversely impacting on residential amenity." The NSW Department of Planning 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 has been achieved by providing a residential lot with a smaller site area, sufficiently containing a 3-bedroom dwelling. A residential allotment with a site area of 353m<sup>2</sup> is not an unreasonable allotment size.

The proposed development achieves the objective of clause 4.1A *to encourage housing diversity without adversely impacting on residential amenity*, and strict compliance with a 400m<sup>2</sup> lot area would serve no purpose in achieving the objective, therefore in the instance of this case, compliance is unnecessary and unreasonable.

- ***There are sufficient environmental planning grounds to justify contravening the development standard?***

The subdivision will result in only 1 lot with an area less than the minimum specified by clause 4.1A. The variation of the lot size is minor; proposed Lot 2 is to be 353m<sup>2</sup> which is 88.25% of the minimum area specified by clause 4.1A, a concession of 11.75%.

The site is suitable for a dual occupancy development, as the site is a legally identified multi dwelling lot. The new dwelling as proposed maintains site coverage below the FSR ratio for the precinct, the site is well-serviced and unburdened by easements. The proposal would have negligible impacts in terms of visual bulk, overshadowing, privacy and view loss. The proposal is compatible with existing uses, similar or smaller in scale, and consistent with existing residential development in the locality. The proposed development achieves the objective of clause 4.1A... *to encourage housing diversity without adversely impacting on residential amenity* and the objectives of the R1 zone by providing *for the housing needs of the community & to provide for a variety of housing types and densities*.

The lot size is 47m<sup>2</sup> less than permitted, however is a sufficient size to accommodate an appropriately sized 3-bedroom dwelling which will provide a high level of amenity to future occupants and without compromising the amenity of adjoining properties.

- ***Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?***

The proposed development is considered to be in the public interest as it is consistent with the objectives of Clause 4.1A and the objectives for zone *R1 General Residential*.

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 is encouraging housing diversity in providing a dwelling on a smaller lot which is unlikely to have any impact on the existing residential amenity of the area. FSR targets are within the specified controls, solar access and privacy to existing dwellings will not be negatively impacted on by construction of the additional dwelling and creation of a new allotment less than 400m<sup>2</sup>.

The Zone R1 General Residential objectives specify:

**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.*

The landowner wishes to build a 3-bedroom dwelling on a smaller sized lot with smaller landscaped areas for less maintenance than required by larger residential lots. The design as proposed therefore provides for the housing needs of the community by providing a varied lot size which adequately accommodates a dwelling.

- ***Will contravention of the development standard raise any matter of significance for State or Regional environmental planning?***

A variation of the lot size area for a detached residential development for 1 allotment by 47m<sup>2</sup> is unlikely to raise any matters of significance for State or Regional environmental planning.

- ***The public benefit of maintaining the development standard?***

The development otherwise maintains compliance with majority of Development Controls and the dwelling would be permitted at the site whether or not the site is subdivided. The proposal is consistent with the objectives of the development standard and the objectives for development within the R1 General Residential zone.

## Appendix 2 – Request for a Variation to a Development Standard

Variations to development controls contained within the *Griffith Residential Development Control Plan 2020* is sought.

### *What is the development control to be varied and the extent of variation?*

The controls seeking a variation are tabled below:

Topic	Objective	Controls	Proposed	Extent
<b>Rear setbacks</b>	<p><i>To ensure that setbacks reflect the objectives, planned densities, streetscapes, topography and land use structures of different precincts – including the facilitation of affordable housing</i></p> <p><i>Rear setbacks allow for separation distances between neighbouring dwellings to provide visual and acoustic privacy</i></p>	<p><i>4.8.4 Rear setbacks –</i></p> <p><i>Ground level: minimum setback is 2m</i></p>	<p>1m rear setback.</p>	<p>Concession of 1m sought.</p>
<b>Lot size &amp; layout – lot width</b>	<p><i>Infill subdivision objectives:</i></p> <p><i>a) To allow for a range of housing choices.</i></p> <p><i>b) To efficiently utilise existing essential services with capacity.</i></p> <p><i>c) To improve or maintain the amenity of the locality.</i></p>	<p><i>Lot design should maintain a minimum lot width that is compatible with the subdivision pattern, measured at the building line adjacent to the primary</i></p>	<p>Proposed Lot 2 has a width of approximately 12.6m at the front building line.</p>	<p>5.4m lot width concession</p>



- d) To encourage subdivision and increase in housing in accessible locations.

frontage as detailed as follows:  
minimum lot width 18m
- e) To ensure solar access and energy efficiency is considered in the subdivision of land.

Provide details of the specific circumstances of the variation and why it's being requested.

- **Rear Setbacks:** The proposed rear setback will be consistent with the approved dwelling on site.
- **Lot width:** As the site is a nominated multi-occupancy corner allotment, an 18m lot width is excessive.

Are the controls considered unnecessary or unreasonable in the circumstances of the proposal?

In the instance of this development, it is not considered that strict enforcement of these controls is necessary. The following summarised reasons outline why flexibility should be applied to the circumstance of this development:

- **Rear setback:** The rear setback encroachment of 1m to the rear boundary is for a length of 7m only and won't cause a negative visual impact to the streetscape, nor a loss of privacy to the approved dwelling at 29 Polkinghorn Street (CDC 585/2019). As this dwelling was approved as a CDC, it is likely that the dwelling would have sufficient side setbacks from all boundaries. As the lot is a corner lot, 1m is not unreasonable and is consistent with a side setback.
- **Lot widths:** Due to lot dwelling configuration, Lot 2 is unable to meet the 18m width specified in the GRDCP. Lot 1 meets minimum width, however a variation is requested to proposed lot 2.

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

Objective	Comment
<p><b>To ensure that setbacks reflect the objectives, planned densities, streetscapes, topography and land use structures of different precincts – including the facilitation of affordable housing</b></p> <p><b>Rear setbacks allow for separation distances between neighbouring</b></p>	<p>The street frontage is not impacted by the rear boundary encroachment as it will be obscured from view at the street by the approved dwelling and reflects the setback of the approved dwelling on site. Sufficient separation distance between neighbouring dwellings is maintained.</p>

<b><i>dwelling to provide visual and acoustic privacy</i></b>	
<b><i>Minimum lot width</i></b>  <b><i>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 as follows: minimum lot width 18m</i></b>	<p>Although the lot design does not achieve an 18m minimum width, the proposal has demonstrated that this size can sufficiently accommodate a dwelling, parking onsite, sufficient landscaping and private open spaces</p>

***Provide a justification as to why the development will not have additional adverse impacts as a result of the variation***

The proposal is not likely to have any adverse impacts as a result of the requested concessions for the following reasons:

- Rear setback:
  - The proposed rear dwelling setback protects the privacy and sunlight access to adjacent dwelling at 29 Polkinghorn Street (CDC 585/2019)
  - CDC 585/2019 is likely that the dwelling would have sufficient side setbacks from all boundaries.
  - A 1m setback is not unreasonable and is consistent with a side setback of which it would appear to the dwelling at 29 Polkinghorne Street.
- Lot width:
  - The proposal has demonstrated that this size can sufficiently accommodate a dwelling, parking onsite, sufficient landscaping and private open spaces.
  - As the site is a nominated multi-occupancy corner allotment, an 18m lot width is excessive.
  - The development is of a high-quality design.

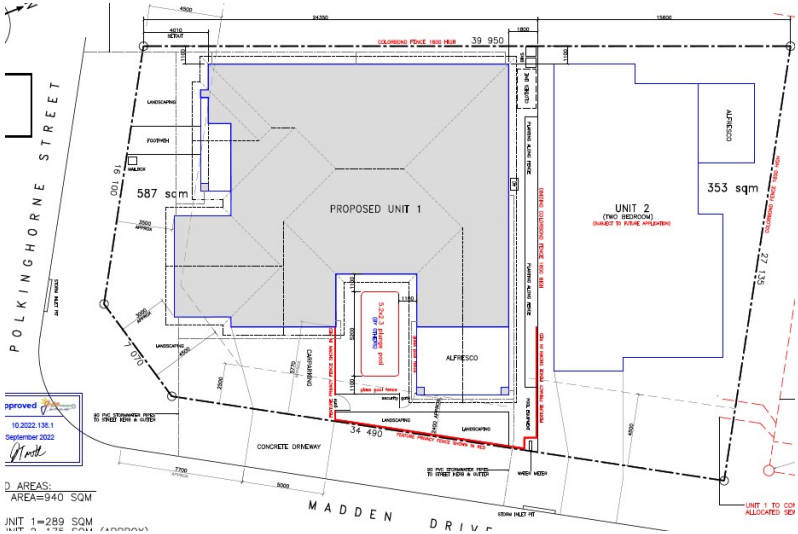




## Development Assessment Report

### PART ONE: GENERAL ADMINISTRATION

<b>DA No:</b>	222/2023(1)
<b>Property description:</b>	LOT: 314 DP: 1250478 31 Polkinghorne Street GRIFFITH
<b>Description of proposed development:</b>	Construction of single story detached dwelling & two lot Torrens Title Subdivision on a designated dual occupancy lot
<b>Type of development:</b>	Local
<b>DCP Variation – Clause &amp; %:</b>	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 4.1 accompanies this proposal, as well as a request for a variation to a development control for concessions relating to relating to rear setbacks specified in the Griffith Residential DCP 2020  4.8.4 Rear setbacks – Unit 2 (50%) Appendix 2 2.2 Lot size – Lot 2 353m <sup>2</sup> rather than 400m <sup>2</sup> (11.7%)
<b>LEP Variation</b>	Clause 4.1A – proposed lot 2 area is 11.7% in size smaller than the development standard of 400m <sup>2</sup> – This variation can only be determined at an ordinary meeting of council.
<b>Applicant's details:</b>	SKM Planning 1 Murphy Crescent GRIFFITH NSW 2680
<b>Landowner's details:</b>	Mr M M Davidson PO Box 600 GRIFFITH NSW 2680
<b>Landowner's consent:</b>	All landowners have provided consent
<b>Cost of works:</b>	\$400,806.00

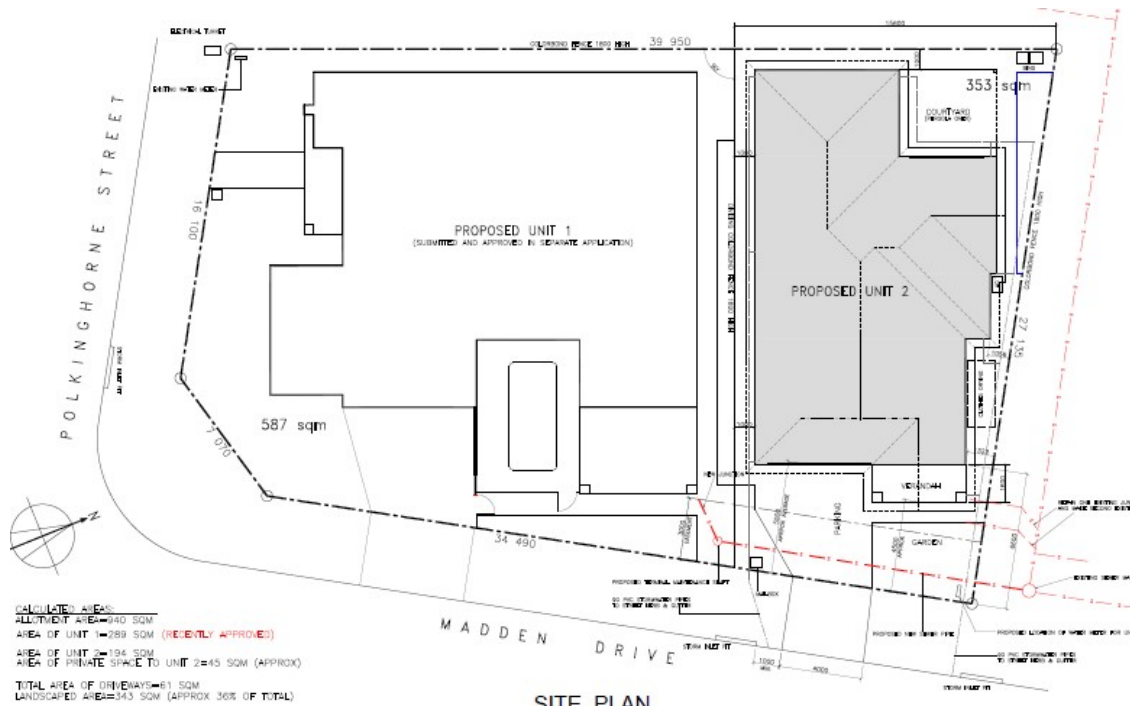
**PART TWO: SITE HISTORY**

<b>Site description &amp; current land uses</b>	The subject site is located on a corner block the north of the intersection of Polkinghorne Street and Madden Drive, Griffith. The site has an area of 939.8m <sup>2</sup> and is currently vacant. The land was previously used for horticulture (citrus cultivation) which was cleared for the residential subdivision.
<b>Previous applications</b>	<p>DA 138/2022 for a single dwelling (proposed unit 1) and inground pool on the subject land. Note Unit 2 outline was provided for master planning purpose only.</p>  <p>APPROVED 10/2022 136.1 September 2022</p> <p>D AREA: AREA=940 SQM UNIT 1=289 SQM UNIT 2=651 SQM</p>
<b>Previous subdivisions &amp; related properties</b>	<p>The subject site was approved as a multi-dwelling lot</p>  <p>313 345.5m<sup>2</sup></p> <p>314 939.8m<sup>2</sup></p> <p>315 310.0m<sup>2</sup></p> <p>SSM203063 PLACED</p>
<b>Restrictions on the title of land</b>	There are no easements on the subject land.

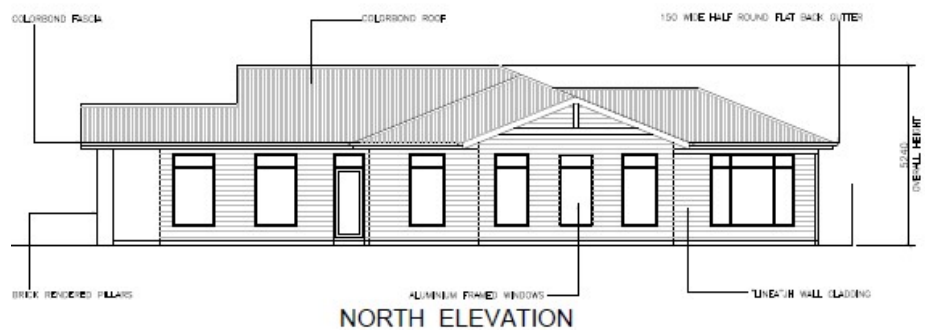
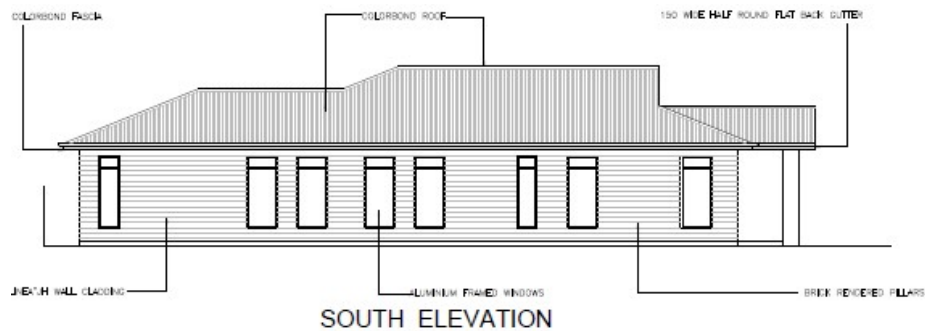
<b>Easement or infrastructure affecting the land</b>	 <p>Existing services are shown on the above plan: Blue - water Yellow – sewer</p>
<b>Existing &amp; proposed development on adjoining land</b>	The surrounding land uses comprise predominately of single storey dwelling houses and public recreational areas.
<b>Pre-lodgement discussions</b>	Not known
<b>Any previous compliance or enforcement actions</b>	Not known

**Development Description**

The Applicant is seeking development consent for the construction of a new three bedroom single storey dwelling (Proposed Unit 2) to create a detached dual occupancy and a two lot Torrens title subdivision. (see Figures 2 to 4). The subdivision will create lots sized 587m<sup>2</sup> (Lot 1 – Unit 1) and 353m<sup>2</sup> (Lot 2 – Unit 2). Unit 1 already has development approval including the construction of a swimming pool and front fence (DA 138/2022).



**Figure 2 – Site Plan**



**Figure 3 – Elevations Dwelling 2**  
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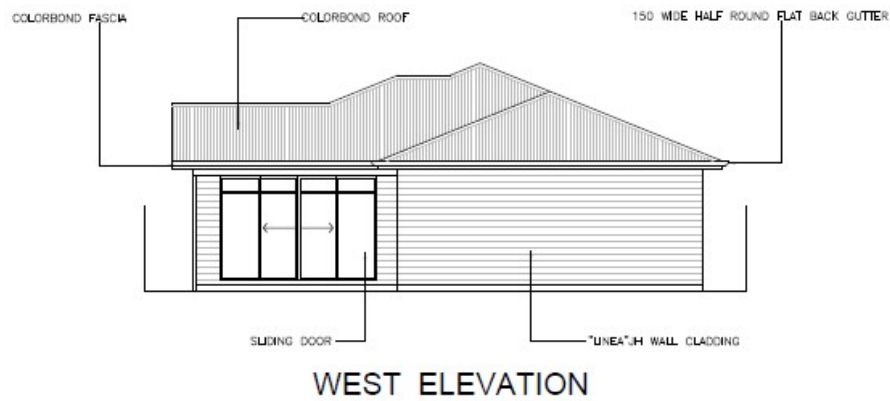
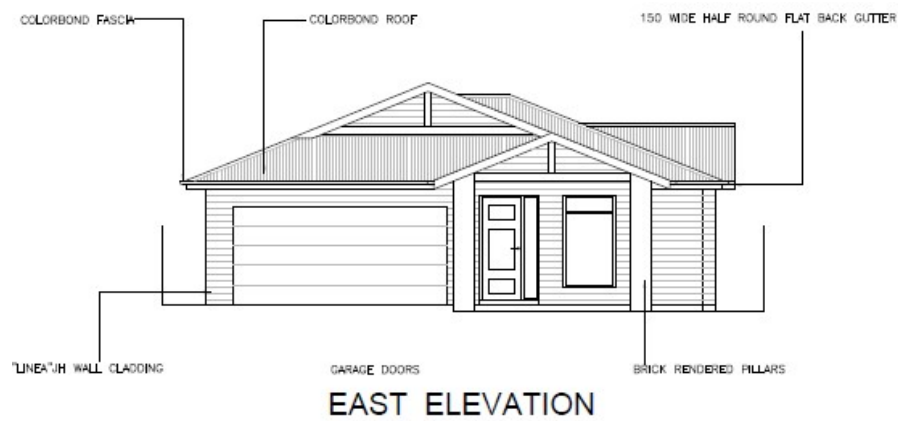


Figure 4 – Elevations Dwelling 2

### PART THREE: MATTERS FOR CONSIDERATION

Development Assessment Panel (DAP) meeting held on 24 October 2023

Issues identified:



- Previous DA for 1st dwelling - 138/2022 - no CC issued yet
- DA lodged 19 October 2023
- subdivision certificate not to be issued until dwelling under both consents reach OC stage
- (or one complete & the other at frame stage?)
- rear setback to be 2m min (bdy opposite street frontage) DCP variation
- Clause 4.6 on subdivision (did similar on 118 Orrella DA148/2023)- 11.7% to be determined by Council
- Not under officer delegation - should it just be strata or CT rather than Torrens?
- otherwise standard residential conditions, S68, 138, 7.12, survey etc
- S64 contributions for additional dwelling, water, sewer & stormwater drainage?
- Driveways as per engineering guidelines
- OSD ? or charge s64?
- individual Water meters &

**Additional information**

- Confirm sewer location from work as executed plans and give copy to applicant to revise their sewer location
- An additional \$50.00 for notification fees as we are notifying 7 properties

Date requested:	27 October 2023
Details of request:	<ol style="list-style-type: none"> <li>1. An additional \$50.00 for notification fees as additional properties have been notified.</li> <li>2. Existing sewer arrangement includes two sewer junctions on the north eastern corner of proposed lot two as per the attached plan. Confirmation that one or of these two sewer junctions are to be made redundant. The new manhole or dead-end to be located within proposed lot 1, with each junction arising from the main within its own lot. An extract of the works as executed plans is available from Councils Development Engineers if required.</li> <li>3. A lot size variation of greater than 10% will require determination at an Ordinary Meeting of Council. Alternative options include strata or community title subdivision, or increasing the lot size of proposed lot 2. Confirmation is required of the applicant's preference, noting other requested variations will also be the subject of reporting and consideration by Council.</li> </ol>
Date received:	30 October 2023

**SECTION 4.15 Evaluation**

Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (EP&A Act) requires the consent authority to consider the provisions of Environmental Planning Instruments (EPIs), which includes Local Environmental Plans (LEPs). The GLEP applies to all land within the Griffith LGA. An assessment of the development against the relevant sections of the GLEP is provided in the below table.

<b>Griffith Local Environmental Plan 2014</b>	
<b>Zoning</b>	The subject land is zoned R1 General Residential
<b>Zone objectives</b>	<ul style="list-style-type: none"> <li>• To provide for the housing needs of the community.</li> <li>• To provide for a variety of housing types and densities.</li> <li>• To enable other land uses that provide facilities or services to meet the day to</li> </ul>



	<p>day needs of residents.</p> <ul style="list-style-type: none"> <li>• To facilitate development of social and community infrastructure to meet the needs of future residents.</li> <li>• 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.</li> </ul> <p><b>Compliant</b> The development is consistent with zone objectives by providing for housing needs for the community and by contributing to the variety of housing types.</p>
<b>Landuse definition</b>	<p>Dual occupancy (detached) means 2 dwellings on one lot of land that are detached to each other, but does not include a secondary dwelling.</p> <p>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.</p>
<b>Permissibility</b>	The proposed development is permissible in the zone
<b>Applicable clauses of the GLEP2014 that relate to the application:</b>	
<b>2.6 Subdivision</b>	Subdivision is permissible with consent of Council
<b>4.1 Minimum subdivision lot size</b>	<p><b>Not Compliant</b></p> <p>The proposed lot is 353m<sup>2</sup> with a minimum lot size of 700m<sup>2</sup> permitted for Area A where reticulated sewer is provided. As such, the development will utilise the lot size allowances provided by Clause 4.1A as detailed below.</p>
<b>Clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development</b>	<p><b>Complies:</b> 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 as a result of the subdivision, only one dwelling is located on each lot resulting from the subdivision, and the size of each lot resulting from the subdivision is equal to or greater than 300m<sup>2</sup> for a semi-detached dwelling or an attached dwelling, or 400m<sup>2</sup> for a dwelling house.</p> <p>The subject site is zoned R1 and the proposal comprises a detached dual occupancy development with Torrens Title subdivision. The subject site has a lot size of 940m<sup>2</sup>, with Lot 1 proposed area of 587m<sup>2</sup> and Lot 2 proposed area of 535m<sup>2</sup>.</p>
<b>Clause 4.6 Exceptions to development standards</b>	This Clause has been expanded in greater detail below this table.
<b>Clause 7.1 Earthworks</b>	<p><b>Complies.</b> 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.</p> <p>The proposed development will require minor earthworks to facilitate the construction of the two dual occupancies which will not have a detrimental impact on any of the items identified in Clause 7.1.</p>
<b>Clause 7.2 Flood planning</b>	<b>Not Applicable</b>

<b>Clause 7.10 Essential services</b>	<p><i>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:</i></p> <p>(a) <i>the supply of water - available at frontage of the site</i>  (b) <i>the supply of electricity -</i>  (c) <i>the disposal and management of sewage</i>  (d) <i>stormwater drainage or on-site conservation</i>  (e) <i>suitable vehicular access</i></p> <p><b>Complies.</b> The development will be provided with all necessary urban services. The site is connected to the reticulated potable water network, sewer and drainage network. Essential Energy infrastructure is located along Polkinghorne Street and will service the development. Stormwater will be directed to Madden Drive. Vehicular access to both dwellings will be to Madden Drive.</p>
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#### **Clause 4.6 Exceptions to development standards**

This clause establishes the process by which development standards may, in exceptional circumstances, be varied. Before granting a variation under this clause Council must consider a written request from the applicant that seeks to justify the contravention of the development standard. An assessment against each clause is provided below.

**(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.**

**Comment:** Subdivision is permissible with development consent. The development seeks to vary the minimum lot size requirement of 400m<sup>2</sup> as set out in Clause 4.1A of the GLEP. The development will have one undersized lot of 353m<sup>2</sup> (Lot 2) and one compliant lot of 587m<sup>2</sup> (Lot 1). Clause 4.1A is not expressly excluded from the operation of Clause 4.6.

**(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—**

**Comment:**

The Applicant has submitted a written request to justify the contravening the minimum lot size requirement.

**(3a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and**

**Comment:** The Applicant has provided the following response which has been summarised:

Strict adherence to a 400m<sup>2</sup> minimum lot size is unreasonable and unnecessary in this instance. The objectives of the development standard are: "to encourage housing diversity without adversely impacting on residential amenity." The objective of the control has been achieved by providing a residential lot with a smaller site area, sufficiently containing a three bedroom dwelling, as preferred by the landowners to accommodate their family's needs. A residential allotment with a site area of 353m<sup>2</sup> is not an unreasonable allotment size.

**(3b) that there are sufficient environmental planning grounds to justify contravening the development standard**

**Comment:** The Applicant has provided the following response which has been summarised:

The subdivision will result in one lot with an area less than the minimum specified by clause 4.1A. The variation of the lot size is minor, with Lot 2 to be 353m<sup>2</sup> which is 88.25% of the minimum area specified by clause 4.1A, a concession of 11.75%.

The site is suitable for a dual occupancy development, as the site is a legally identified multi dwelling lot. The new dwelling as proposed maintains site coverage below the FSR ratio for the precinct, the site is well-serviced and unburdened by easements. The proposal would have negligible impacts in terms of visual bulk, overshadowing, privacy and view loss. The proposal is compatible with existing uses, similar or smaller in scale, and consistent with existing residential development in the locality. The proposed development achieves the objective of clause 4.1A... to encourage housing diversity without adversely impacting on residential amenity and the objectives of the R1 zone by providing for the housing needs of the community & to provide for a variety of housing types and densities.

The lot size is 47m<sup>2</sup> less than permitted, however is a sufficient size to accommodate an appropriately sized 3-bedroom dwelling which will provide a high level of amenity to future occupants and without compromising the amenity of adjoining properties.

**(4) Development consent must not be granted for development that contravenes a development standard unless—**

**(a) the consent authority is satisfied that—**

**(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)**

**Comment:** The Applicant has sufficiently addressed matters required in subclause 3 as detailed above.

**(4a) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.**

**Comment:** The Applicant has provided the following response which has been summarised:

The proposed development is considered to be in the public interest as it is consistent with the objectives of Clause 4.1A and the objectives for zone R1 General Residential.

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 is encouraging housing diversity in providing a dwelling on a smaller lot which is unlikely to have any impact on the existing residential amenity of the area. FSR targets are within the specified controls, solar access and privacy to existing dwellings will not be negatively impacted on by construction of the additional dwelling and creation of a new allotment less than 400m<sup>2</sup>.

The landowner wishes to build a 3-bedroom dwelling on a smaller sized lot with smaller landscaped areas for less maintenance than required by larger residential lots. The design as proposed therefore provides for the housing needs of the community by providing a varied lot size which adequately accommodates a dwelling.

**(4b) the concurrence of the Planning Secretary has been obtained.**

**(5) In deciding whether to grant concurrence, the Planning Secretary must consider—**

**(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and**

**(b) the public benefit of maintaining the development standard, and**

**(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.**

**Comment:** Planning Circular 20-002 Variations to Development Standards provides delegated council staff with the assumed delegation of the Secretary DPE in regard to development standard variations less than 10% in a residential zone.

The proposed variation is greater than 10% however being 11.7% and therefore must be determined with greater scrutiny and can be determined at an ordinary meeting of Council.

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

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

**Comment:** Not applicable.

**(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).**

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

- (a) a development standard for complying development,**
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,**
- (c) clause 5.4,**
- (caa) clause 5.5,**
- (ca) clause 6.1 or 6.2.**

**Comment:** The development does not contravene any complying development, BASIX certificate or clauses 5.4, 5.5, 6.1 or 6.2 of the GLEP.

The Applicant has satisfied the requirements of this Clause.

## **State Environmental Planning Policies**

The following SEPPs apply to this development:

<b>State Environmental Planning Policies</b>	<b>Assessment</b>
<b><i>Transport and Infrastructure 2021 – Section 2.48 Electricity</i></b>	<p>Clause 2.48 of the T&amp;I SEPP requires certain development to be referred to the relevant electricity supply authority and any response is to be considered as part of the assessment. The development is not in close proximity to electricity services and has not been referred to Essential Energy for comment.</p> <p>Section 2.119 of the T&amp;I SEPP specifies requirements which apply to development fronting a classified road, Polkinghorne Street is a local road, as such section 2.119 does not apply to the development.</p>

<b>BASIX 2004</b>	A BASIX Certificate has been submitted demonstrating that the proposed development will comply with the requirements of the SEPP. A condition has been recommended requiring the BASIX certificate be complied with.
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#### Draft Environmental Planning Instruments:

There are no draft environmental planning instrument relevant to this development application.

### Development Control Plans

The following development control plans are applicable to the proposed development:

#### GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN – RESIDENTIAL PRECINCT STATEMENTS AND CONTROLS

Control Type/ Clause	Control	Compliance															
<b>3.14 New Collina – Collina Release Area</b>																	
<b>Future Character</b>																	
	<p>The projected future character of the Precinct is to remain as a low density neighbourhood. The undeveloped lands at the northern extent of the Precinct should be developed to continue the master plan for the land.</p> <p>The average lot area in the Precinct is 900 m<sup>2</sup> with 18 m frontages. Single dwellings dominate the streetscape with approximately 15% of the lots developed for dual occupancies and multi-dwelling housing.</p>	<p><b>Compliant</b></p> <p>The development increases residential density through the provision of a dual occupancy on a designated dual occupancy lot.</p>															
<b>Precinct Specific Controls</b>																	
	<p><b>Precinct Specific Controls</b></p> <table border="1"> <thead> <tr> <th>Max. FSR</th><th>Max. Height</th><th>Parking</th></tr> </thead> <tbody> <tr> <td>0.5:1</td><td>9 m</td><td>1 Bedroom Unit</td></tr> <tr> <td>Corner Lot</td><td></td><td>2 Bedroom Unit</td></tr> <tr> <td>0.7:1</td><td></td><td>3+ Bedroom Unit</td></tr> <tr> <td></td><td></td><td>Visitors</td></tr> </tbody> </table>	Max. FSR	Max. Height	Parking	0.5:1	9 m	1 Bedroom Unit	Corner Lot		2 Bedroom Unit	0.7:1		3+ Bedroom Unit			Visitors	<p><b>Compliant</b></p> <p>FSR: 0.61:1 for the whole of the subject site (Proposed Lots 1 &amp; 2). Dwelling 2 is slightly over 0.54:1 on the basis of 193m<sup>2</sup> on a 353m<sup>2</sup> lot</p> <p>Height: 5.24m (Dwelling 2)</p> <p>Parking: Two spaces per dwelling provided as follows: Dwelling 1 – double garage. Dwelling 2 – double garage.</p>
Max. FSR	Max. Height	Parking															
0.5:1	9 m	1 Bedroom Unit															
Corner Lot		2 Bedroom Unit															
0.7:1		3+ Bedroom Unit															
		Visitors															

#### GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN – DUAL OCCUPANCY

Control Type /Clause	Control	Proposal / Compliance?
<b>Floor Space Ratio</b>	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?	<b>Complies:</b> The FSR proposed for the development is 0.61:1 which complies with the maximum FSR of 0.7:1 for a corner site.
<b>Maximum Height</b>	Are the structures below the maximum height level for the precinct? Has this been shown on the plans in accordance with clause 4.6?	<b>Complies:</b> The proposed dual occupancy proposes a maximum 5.24 m from natural ground level.
<b>Parking</b>	Has parking been provided in accordance with the rates in the precinct statement?	<b>Complies:</b> Each dwelling contains a double garage.

Control Type / Clause	Control	Proposal / Compliance?
<b>Precinct Statement</b>	Has the Applicant provided justification the development achieves the outcomes in the Precinct Statement, if applicable?	<b>Complies:</b> The site is subject to the Collina release area. The future character of the area is to support low density development with some dual occupancy development.
<b>Site analysis plan</b>		
4.2	Has a Site Analysis Plan been submitted with the DA?	No specific site analysis plan was provided.
<b>Streetscape</b>		
4.3(b)	Does the front dwelling's primary street façade incorporate design features?	<b>Complies:</b> Each dwelling contains a front door along with habitable rooms which addresses the street frontage.
4.3 (c)	Does the proposal fit in with the scale or character of surrounding development? Or, does the development achieve the future development goals of the precinct as described in the Precinct Statement?	<b>Complies:</b> The site is in the developing Collina release area and supports the intended future character as per the precinct statement.
4.3(d)	Are the garages a maximum of 50% of the buildings front elevation?	<b>Complies:</b> The proposed garages have a maximum 43.5% of the front elevation.
4.3(e)	Does a window to a habitable room face the street?	<b>Complies:</b> The proposed dwellings each have habitable rooms facing the street frontage.
5.5(f)	If on a corner lot, does the proposal have one dwelling facing each street?	<b>Complies:</b> Dwelling one faces Polkinghorne Street and Dwelling 2 faces Madden Drive
5.5(g)	Have the dual occupancies been separated by 1.8 m?	<b>Complies:</b> 2.7m provided between the dwellings.
5.5(h)	Are garages setback 5.5 m from the front boundary and 3.5 m from a secondary street?	<b>Complies:</b> Both garages are setback a minimum of 5.5m from the street frontage.
<b>Building Design / Design Criteria</b>		
4.4(a)	Is the design generally in accordance with the precinct statement?	<b>Complies:</b> The dual occupancy has been designed in accordance with the New Collina precinct statements.
4.4(b)	Are blank front walls spanning 5 m without a physical change avoided?	<b>Complies:</b> All dwelling facades include features which support articulation to the building.
4.4(c)	Do the side walls visible from the street have a length of 10 m without a physical change?	<b>Complies:</b> All dwelling side walls include window features to provide visual interest between the dwellings.
4.4(d)	Are windows facing the street provided in a balanced manner?	<b>Complies:</b> The front façade includes window features to compliment the streetscape and balance the dwellings.
4.4(e)	Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?	<b>Complies:</b> The development area will be supported with the proposed design and features
4.4(f)	Will the proposal overshadow adjacent private open spaces or habitable rooms? (development applications for two storey dwellings should include shadow	<b>Complies:</b> The development is single storey with 2.7 metres provided between the dwellings.

Control Type / Clause	Control	Proposal / Compliance?
	diagrams or solar study)	
5.5(j)	Does each dwelling meet the minimum floor area: 1 bedroom – 55 m <sup>2</sup> , 2 bedroom – 75 m <sup>2</sup> , 3 bedroom – 90 m <sup>2</sup>	<b>Complies:</b> Unit 2 has 3 bedrooms and an internal floor area of 193m <sup>2</sup>
5.5(k)	Are the proposed bedrooms a minimum of 8 m <sup>2</sup> ?	<b>Complies:</b> Master bed = 16m <sup>2</sup> Bed 2 = 12.2m <sup>2</sup> Bed 3 = 11m <sup>2</sup>
5.5(l)	Combined living and dining room area should be – 1 and 2 bedrooms – 24 m <sup>2</sup> or 3 bedroom – 28 m <sup>2</sup>	<b>Complies:</b> Open plan kitchen/ dining/living areas have a floor area of 40m <sup>2</sup> for the 4 bed dwellings.
5.5(m)	Has adequate storage space been provided in areas other than a kitchen or a bedroom: 1 bedroom – 6m <sup>3</sup> , 2 bedroom – 8m <sup>3</sup> , 3 bedroom – 10 m <sup>3</sup>	<b>Complies:</b> Each dwelling contains a store room on the upper level, storage under the stairs and additional storage within the garage which provides a minimum of 10m <sup>3</sup>
<b>Sustainability</b>		
4.5(a)	Has a BASIX certificate been submitted for both dwellings?	<b>Complies:</b> BASIX certificates have been provided.
4.5(b)	Does the dwelling adopt general sustainable building practices?	<b>Complies:</b> Both dwellings pass the energy efficiency requirements.
<b>Height</b>		
4.6(a)	Is the height of the dual occupancy less than 9 m?	<b>Complies:</b> the dual occupancy has a maximum height of 5.24m above natural ground level.
4.6(b)	Does the height of the dual occupancy suit the streetscape?	<b>Complies:</b> The dual occupancy has been design to reflect a single story dwelling and the developing character of Collina new Release Area.
4.6(c)	If the dual occupancy is two storeys the elevation plans should show RL's	<b>Complies.</b> Appropriate plans provided.
4.6(d)	Are the proposed tree heights consistent with dwelling scale?	<b>Complies:</b> an indicative landscaping plan provides suitable landscaping which compliments the dual occupancy scale.
<b>Solar Access and Energy Efficiency</b>		
4.7(a-c)	Has solar access been considered in the design of the dwelling?	<b>Complies:</b> The outdoor areas of dwelling two face the north with windows and alfresco to this aspect.
4.7(d)	Has the location of outdoor clothes drying areas been provided with access to sunlight? Or is there a suitable location for such facilities?	<b>Complies:</b> Adequate rear yard area for drying areas with access to sun light. Site has sufficient area for additional drying areas.
4.7(e)	If the dwelling is two storeys, shadow diagrams or a solar study should be provided.	<b>N/A</b>
<b>Setbacks</b>		
4.8.1(a-b)	Front Setbacks – 4.5 m or average of two nearest dwellings (whichever is greater)	<b>Complies:</b> Front setback is 5.5m to garage and 4.5m to front veranda



Control Type / Clause	Control	Proposal / Compliance?
4.8.2	Building articulation permitted in front setbacks	<b>Complies:</b> Balcony on the upper level extends forward of the dwelling by 1m.
4.8.3	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	<b>Complies:</b> The dual occupancy provides the following setbacks: Unit 1: 1.1m to side boundary Unit 2: 0.9m to side boundary and greater on stepped side.
4.8.4	Rear Setbacks – ground level = 2m and upper storeys = 3 m	<b>Does not Comply:</b> Concession sought The dual occupancy provides the following setbacks: Unit 1: 1.8m which requires a 10% variation Unit 2: 1.0m for a wall distance of 7m and 5m setback for remainder of dwelling. A 50% variation concession has been sought on the SoEE.
<b>Visual and Acoustic Privacy</b>		
4.9(a-b)	Has the development considered the location of windows, and private open space of adjacent dwellings? Has overlooking been considered?	<b>Complies:</b> Each dwelling is single story only with outdoor and alfresco areas facing alternate directions.  A setback of 1.8m has been provided for proposed unit 1 to allow for a screening hedge which will provide an additional buffer between the dwellings.
4.9(c)	Are noise generating plant and equipment shown on the plans and located and screened away from bedrooms on adjacent properties?	<b>Complies:</b> Will be conditioned as part of the development to ensure compliance.
4.9(d)	Does the dwelling include a balcony, if so has overlooking been considered?	<b>Complies:</b> Single story development only.
<b>Private Open Space</b>		
5.5(n)(o)	Has a minimum of 15 m <sup>2</sup> of PPOS been provided in a location that will receive a good amount of sunlight for each dwelling? Note: balconies can be used.	<b>Complies:</b> More than 15m <sup>2</sup> of PPOS is provided to the northwest of the site.
4.10(b)	Is the PPOS within a 4 m or greater setback area?	<b>Complies:</b> The PPOS exceeds 4m width requirement.
4.10(c)	Is the PPOS visible from neighbouring sites, if so has it been screened?	<b>Complies:</b> 1.8m boundary fences are proposed to screen the PPOS.
<b>Landscape Area Controls</b>		
5.5(p)	Do the plans show that 20% of the site can be landscaped in accordance with figure 18?	<b>Complies:</b> A preliminary landscaping plan is provided.
4.11(b-c)	Can the landscaping areas generally be planted and maintained in accordance with 4.11(b-c)?	<b>Complies:</b> A preliminary landscaping plan is provided and can support vegetation of suitable size which will allow shade and incorporates native planting.



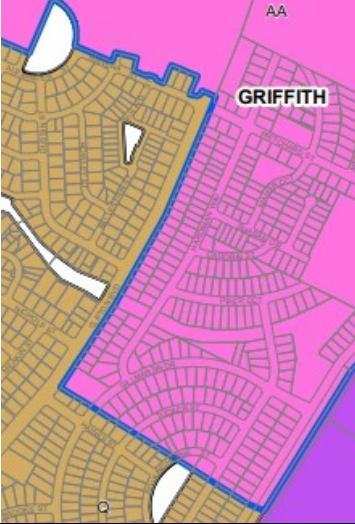
Control Type / Clause	Control	Proposal / Compliance?
5.5(q)	Has a preliminary landscape plan been provided in accordance with the clause?	<b>Complies:</b> The preliminary landscaping plan provided complies with the requirements under 5.5(q). Consent will include conditions to ensure compliance.
<b>Street Trees</b>		
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?	<b>Complies:</b> Street trees are to be provided for the whole of subdivision rather than for this application.
<b>Vehicle access and parking</b>		
5.5(b)	Has at least one undercover parking space been provided in a carport or a garage for each dwelling?	<b>Complies:</b> Each dwelling includes a double car garage.
5.5(c)	Are internal driveways a minimum of 3.5 m wide. Note: This would not apply for dual occupancies which face separate roads.	<b>Complies:</b> Each driveway has a width greater than 3.5m.
5.5(d)	Shared driveways must be prioritised for non-corner lot dual occupancies.	<b>Not applicable.</b>
5.5(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.	<b>Complies.</b> Driveways are not greater than 30m long.
4.13(b-d)	Refer to the precinct statement for parking rates and Appendix 1 and Council's <i>Engineering Standards: Subdivision and Development</i> (as amended) for design requirements.	<b>Complies:</b> Each dwelling provides 2 under cover parking space as per the parking rates.
<b>Site Facilities</b>		
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?	<b>Complies:</b> Plans for the dual occupancy as nominated suitable areas for waste storage, drying areas and mailboxes.
<b>Rainwater Tanks</b>		
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?	<b>Complies:</b> Rainwater tanks are not required for the development or for BASIX commitments.
<b>Fencing</b>		
4.16 (a-b)	Front Fences Has a front fence been proposed? If so, review front fence requirements and ensure suitable plans including elevations have been provided.	N/A: No front fence proposed for the unit 2 development. A front fence has previously been approved for the unit 1 development (DA 138/2022) in the vicinity of the swimming pool.
4.16(c)	Side And Rear Fences <ul style="list-style-type: none"> <li>New dwellings should show the location and height of side and rear fences on the plans if they are not existing already.</li> <li>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.</li> </ul>	<b>Complies:</b> 1.8m high fences are proposed along the side and rear boundaries including between dwellings

Control Type / Clause	Control	Proposal / Compliance?
	<ul style="list-style-type: none"> <li>Fencing on corner lots should be in accordance with Figure 22.</li> </ul>	
<b>Stormwater</b>		
4.18	<ul style="list-style-type: none"> <li>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?</li> <li>Has the stormwater lines discharging to the legal point of discharge been provided on the plans?</li> </ul>	<b>Complies:</b> All stormwater is discharged to the legal point of discharge being the kerb at the street frontage.
<b>Essential Services</b>		
4.20(a)	Is there Electrical Infrastructure located in proximity to the site? If so, has this been considered in the development application?	<b>Complies:</b> An electrical pit is located at the south western corner of the site.
4.20(b)	Are underground electrical lines proposed to the dwelling?	The network in the street is underground, and it is a reasonable presumption that the lines to the dwelling will be underground.
4.20(c)(i)	Have connections to Council's water and sewer infrastructure been shown on plans?	<b>Complies:</b> Water and sewer connection have been noted on the plans, with sewer requiring extension.

**GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN  
– APPENDIX 2 RESIDENTIAL SUBDIVISION**

Control Type Clause	Control	Proposal / Compliance?
<b>Infill Subdivision</b>		
2.2a	The size of any lot subdivided must be in accordance with the relevant clauses in the GLEP.	<p><b>Complies:</b> Subdivision is for torrens title subdivision with a minimum lot size of 400m<sup>2</sup> permitted under Section 4.1A(3)(b)(ii).</p> <p>The proposed lot size is 353m<sup>2</sup> with a Section 4.6 Variation submitted. The proposed lot size can be approved at an ordinary meeting of Council.</p>
2.2b	Subdivision must be consistent with the localities Precinct Statement in Section 3 of the DCP	<b>Complies:</b> The subdivision will support the precinct statement in that the character of the precinct is of low density, with up to 20% dual occupancy lots provides, mainly on corner lots as is the case with this application.
2.2c	The density of lots should maintain and promote the residential character of the area.	<b>Complies:</b> The subdivision will not impact on the dwelling density of the new collina precinct as master planned.
2.2d	Subdivision must not compromise any significant features of the locality, including streetscape character, landscape features	<b>Complies:</b> The subdivision will not alter the features of the site.

Control Type Clause	Control	Proposal / Compliance?
	or trees.	
2.2e	Development applications for subdivision must demonstrate that future development of vacant lots can comply with all sections of the DCP (i.e. setbacks, parking and private open space).	<b>Complies:</b> All controls have been considered in the assessment report.
2.2f	Development applications must demonstrate the following has been considered: 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.	<b>Complies:</b> The subject site has been specifically designed and designated for the dual occupancy.
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	<b>Complies:</b> i. New easement to be provided for sewer ii. The subject site is not mapped as flood prone land iii. The subject land is not known to be contaminated. This was considered during the subdivision of the parent parcel. iv. No significant trees are located on the site. v. The proposed new lots are rectangular in shape and suitable for the intended dwellings. vi. Each new lot has access to road frontage.
2.2h	Development applications must demonstrate the subdivision meets the requirements of Council's <i>Engineering Standards: Subdivision and Development</i> (as amended)	<b>Complies:</b> All individual services are on the lots nominated for their respective dwellings.
<b>Lot Size &amp; Layout</b>		
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.	<b>Complies:</b> Torrens title subdivision has been designed for the proposed dual occupancy and will support suitable space for both individual dwelling units.
2.3b	If an existing dwelling is to be retained, the proposed lot should be of sufficient size	N/A: No existing dwelling is on the site.

Control Type Clause	Control	Proposal / Compliance?
	and design so that the dwelling complies with section 4 of the DCP.	
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 – 300m <sup>2</sup> – 10m G – 450m <sup>2</sup> – 12m I – 500m <sup>2</sup> – 15m M – 600m <sup>2</sup> – 16m Q – 700m <sup>2</sup> – 18m U – 1000m <sup>2</sup> – 20m	<b>Complies:</b> Subdivision has been designed for the proposed dual occupancy within lot size map precinct AA. 
2.3d	Lots with a north-south axis should be prioritised.	<b>Complies:</b> Subdivision has been designed for the proposed dual occupancy providing dwellings facing the east and north.
2.3e	Rectangular shaped lots should be prioritised.	<b>Complies:</b> Subdivision has been designed for the proposed dual occupancy in a functional shape.
2.3f	Provision must be made for the collection of garbage and recycling.	<b>Complies:</b> Subdivision will not impact on waste collection.
<b>Access &amp; Pedestrian Movement</b>		
2.3a	The subdivision design must ensure an accessway can be constructed to access each lot which meets the requirements of Council's <i>Engineering Standards: Subdivision and Development</i> (as amended).	<b>Complies:</b> Subdivision has been designed for the proposed dual occupancy and will support the proposed access to the site in accordance with the standards.
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).	N/A
2.3c	c) In accordance with <i>Griffith's Pedestrian &amp; Bicycle Strategy</i> , the subdivision design should provide for footpath and cycleways where required.	N/A – Footpaths provided on opposite side of road.
<b>Essential Services</b>		
2.4a	The design and installation of sewerage and water must be in accordance with Council's <i>Engineering Standards: Subdivision and Development</i> (as amended).	N/A. The lots are already serviced and the strata subdivision will not alter these arrangements.

Control Type Clause	Control	Proposal / Compliance?
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.	N/A. The lots are already serviced and the strata subdivision will not alter these arrangements.
2.4c	Electricity should be provided via underground trenching in accordance with Essential Energy's requirements at the front of the lot.	N/A. The lots are already serviced and the strata subdivision will not alter these arrangements.
2.4d	Common trenching, or the location of compatible utility services in the same trench should be prioritised.	<b>Complies:</b> a servicing plan for the extension of sewer has been provided. Other services have been provided previously within the nature strip at greenfield subdivision stage.
2.4e	Easements over essential services must be provided to the satisfaction of the service provider.	<b>Complies:</b> new easement to be provided over sewer line.
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.	N/A. The lots are already serviced and the strata subdivision will not alter these arrangements.
Stormwater		
2.5a	The subdivision must be designed in accordance with Council's <i>Engineering Standards: Subdivision and Development</i> (as amended) and Council's <i>On-Site Detention Policy</i> (CS-CP-404)	<b>Complies:</b> Subdivision has been designed for the proposed dual occupancy and stormwater is discharged to the street with all infrastructure on the individual lots. All stormwater is design in accordance with the required standards.
2.5b	Easements to drain stormwater must be provided over all pipeline, inter-allotment drainage and any overland flow paths.	<b>Complies:</b> Subdivision has been designed for the proposed dual occupancy and stormwater is discharged to the street with all infrastructure on the individual lots.

### **Council Policies**

<b>Community Participation Plan</b>	Notification period: 27 October 2023 to 10 November 2023 Submissions received: no
<b>Section 7.12 (94A) Contributions Plan</b>	A contribution is payable \$4,008.06 representing 1% of cost of work.
<b>Section 64 Developer Services Plans</b>	1ET each for sewer and water.
<b>Use of Council's Footpath</b>	N/A with exception of driveway to be constructed.
<b>Engineering Guidelines: Subdivision and Development Standards</b>	Have been conditioned where applicable
<b>Building near sewer and water assets</b>	No new building work near infrastructure, however sewer main is to be extended to service proposed unit 1, through proposed lot 2.
<b>Onsite Detention Policy</b>	Contributions for drainage to be applied for additional dwelling.
<b>Sealing of Parking &amp; Manoeuvring Areas</b>	All driveway and access crossings are to be hardstand in accordance with Council policy.

**Matters prescribed by the regulations**

The regulations Sections 61 (demolition), 62 (fire safety), 63 (temporary structures) and 64 (upgrade of buildings) have been considered as part of this development.

**The likely impacts of the development**

<b>Consideration</b>	<b>Assessment</b>
Built Environment	The proposed development is consistent with the R1 General Residential Zone objectives as it will contribute to a mix of housing types and densities in the area. The proposed development is also consistent with the intent of the New Collina Precinct Intent.
Context and Setting	The proposed dual occupancy development is appropriate in the context of the low density residential setting and was nominated as a multiple dwelling lot as part of the preceding subdivision approval.
Solar access, privacy and views	The proposed boundary adjustment and dual occupancies will not impact on the solar access, privacy or views of other dwellings.
Compatibility	The proposed boundary adjustment and dual occupancies are compatible with the character and land uses surrounding the site.
Access Transport and Traffic	New driveways proposed.
Heritage	No known heritage significance of the site or adjoining properties. The site is not within a heritage conservation area.
Site design and internal design	The site design and internal configuration is adequate in the context of the lot dimensions. A variation to the DCP requirements has been requested for the number of driveways. The additional driveway will not result in unacceptable amenity impacts. Accordingly, the design is considered to reasonably accord with the objectives of the DCP.
Stormwater management	Stormwater is to connect to the existing reticulated network. Stormwater to be directed away from building, does not cross property boundaries and is directed to a legal point of discharge in the street.

**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 suitable for the proposed development.

**The public interest** - Federal, State, Local Government interests and community interests

- The health and safety of the public will not be adversely affected by the proposal.
- The proposal is not contrary to any Government policy.

**PART FOUR: DETERMINATION**

It is recommended that Development application 222/2023(1) be determined as **APPROVED**, subject to conditions of consent set out in Attachment B.

<b><u>Responsible Officer / Delegated Officer</u></b>  <b>Name: Mrs J V Tarbit</b> <b>Title: Development Assessment Planner</b> <b>Date: 11 March 2024</b>	<b>Signature:</b>
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