



Planning,  
Industry &  
Environment

IRF20/5764

## Gateway determination report – PP-2020-3907

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Affordable Housing Project – rezone and change lot sizes, Griffith (65 homes plus construction jobs)

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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans  |
|---|
| Council Report 10 November 2020                                   |
| Greencap Pty Ltd (2020) Remedial Action Plan for Dave Taylor Park |

# 1 Planning Proposal

## 1.1 Overview and objectives of planning proposal

**Table 2 Planning proposal details**

| <b>LGA</b>                      | <b>LGA name</b>  |
|---------------------------------|--|
| <b>PPA</b>                      | <b>Griffith City Council</b>   |
| <b>NAME</b>                     | <b>Rezone land and amend lot sizes for Griffith Affordable Housing Project (“Griffin Green Project”)</b>               |
| <b>NUMBER</b>                   | <b>PP-2020-3907</b>  |
| <b>LEP TO BE AMENDED</b>        | <b>Griffith Local Environmental Plan 2014</b>  |
| <b>ADDRESS</b>                  | <b>8-13, 14, 15, 16 and 17 Snaith Place, Griffith<br/>7-11 Heath Crescent, Griffith<br/>1-8 Thomas Place, Griffith</b> |
| <b>DESCRIPTION</b>              | <b>Lots 14-17, Lot 186, Part Lot 187, Lot 189 DP 705992</b>  |
| <b>RECEIVED</b>                 | <b>8/12/2020</b>   |
| <b>FILE NO.</b>                 | <b>IRF20/5764</b>  |
| <b>POLITICAL DONATIONS</b>      | <b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>                 |
| <b>LOBBYIST CODE OF CONDUCT</b> | <b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>           |

The planning proposal contains objectives and intended outcomes, on page 5. They have been adequately explained and the objectives and intent of the proposal are clear.

In summary, the objective of the planning proposal is to facilitate the development of an affordable housing project on NSW Land and Housing Cooperation land. Note: the land is to be purchased by Council and develop in partnership with Argyle Housing, supported by Commonwealth funding, under the Building Better Regions Fund.

## 1.2 Explanation of provisions

The planning proposal seeks to amend the Griffith LEP 2014 per the changes in Table 3 below:

**Table 3 Current and Proposed controls**

| Control             | Current  | Proposed                    |
|---------------------|--|-----------------------------|
| Zone                | Lot 189 = RE1 Public Recreation Zone<br><br>Note: Lots 14-17, Lot 186, Part Lot 187, will remain R1 General Residential Zone | R1 General Residential Zone |
| Minimum lot size    | Lot 189 = no minimum lot size;<br><br>Lots 14-17, Lot 186, Part Lot 187 = 600m <sup>2</sup>                                  | 450m <sup>2</sup>           |
| Number of dwellings | 0  | 65                          |
| Number of jobs      | N/A  | Construction related jobs   |

The planning proposal contains an explanation of provisions, on page 6, and adequately explains how the objectives of the proposal will be achieved through a series of mapping amendments. A condition is recommended in the Gateway determination, to clearly outline the subject site in existing and proposed mapping changes.

In summary, the project involves two parts:

1. rezone lot 189 DP 705992 from RE1 Public Recreation to R1 General Residential with a minimum lot size of 450m<sup>2</sup>; and
2. amend the minimum lot size for Lots 14-17, Lot 186, Part Lot 187 (the remainder of the site) from 600m<sup>2</sup> to 450m<sup>2</sup>.

The affordable housing project is proposed to be delivered in two stages:

- Stage 1 = 41 vacant single dwelling lots, including 1 lot suitable for 20 units and 1 lot for 5 units. It will also include one lot for a community park.
- Stage 2 = construction of 20 affordable housing units.

The planning proposal identifies the future community park could be rezoned to RE1. This rezoning does not form part of this planning proposal, as it will be subject to final design. It will be explored as part of Council's planned comprehensive amendment to the Griffith LEP 2014 in 2021.

When Lot 189 is transferred into Council's ownership, the planning proposal indicates that Council will classify the land as Operational.

## 1.3 Site description and surrounding area

The subject land is 2.8ha in size and is made up of seven lots (illustrated and listed in Figure 1 below). Council confirmed, all lots are currently owned by NSW Land and Housing Cooperation (including those with existing dwellings), all lots will be transferred to Council, in order to undertake the development.

Apart from Lot 189, the subject land is currently zoned for residential development in an existing residential area of Griffith surrounded by similar zoned land, with a 600m<sup>2</sup> minimum lot size. Lot 189 is currently zoned RE1 Public Recreation and has no minimum lot size.





**Figure 1 Subject site (left) and site being rezoned (right) (source: Planning Proposal)**

The site is predominantly cleared of vegetation, with some individual trees.

Part of the land is currently used as a park, however only around 9,000m<sup>2</sup> is formally recognised as RE1 public recreation. The remainder of the site is zoned for residential use, which has not been developed. The planning proposal identifies that only around 4,000m<sup>2</sup> of the land is utilised for park purposes, the remainder is identified as “underutilised”. The Park includes a small playground, basketball court and BBQ area. Council has confirmed that there are no restrictions on the land titles of the subject land.

Lots 14-17 DP705992, all contain existing dwellings. The lots are owned by NSW Land and Housing Cooperation and have been utilised for social housing.

The site adjoins Walla Avenue, an arterial road connecting to the centre of Griffith city.

The site would have full access to residential services and infrastructure, such as reticulated water, sewer and stormwater as it is in the middle of an existing residential subdivision.

The site is approximately 1.4km south west of the Griffith main street (Banna Avenue), see Figure 2.



**Figure 2 Site context (source: ePlanning Spatial Viewer)**



## 1.4 Mapping

The planning proposal includes the proposed changes to the Griffith Local Environmental Plan 2014 maps, which are suitable for community consultation.

The proposal involves amending the map sheets as follows:

- LZN\_004A – rezone Lot 189 DP 705992 (Dave Taylor Park) to R1 General Residential, and
- LSZ\_004A – amend the lot size to 'G' 450m<sup>2</sup> for Lots 14-17, Lot 186, Part Lot 187, and Lot 189 DP 705992

It is important to note that the subject land, excluding Lot 189, is currently zoned R1 General Residential with an existing lot size of 600m<sup>2</sup>. This is shown in Figures 3 and 4.

As outlined above a condition is recommended to ensure the maps are updated.

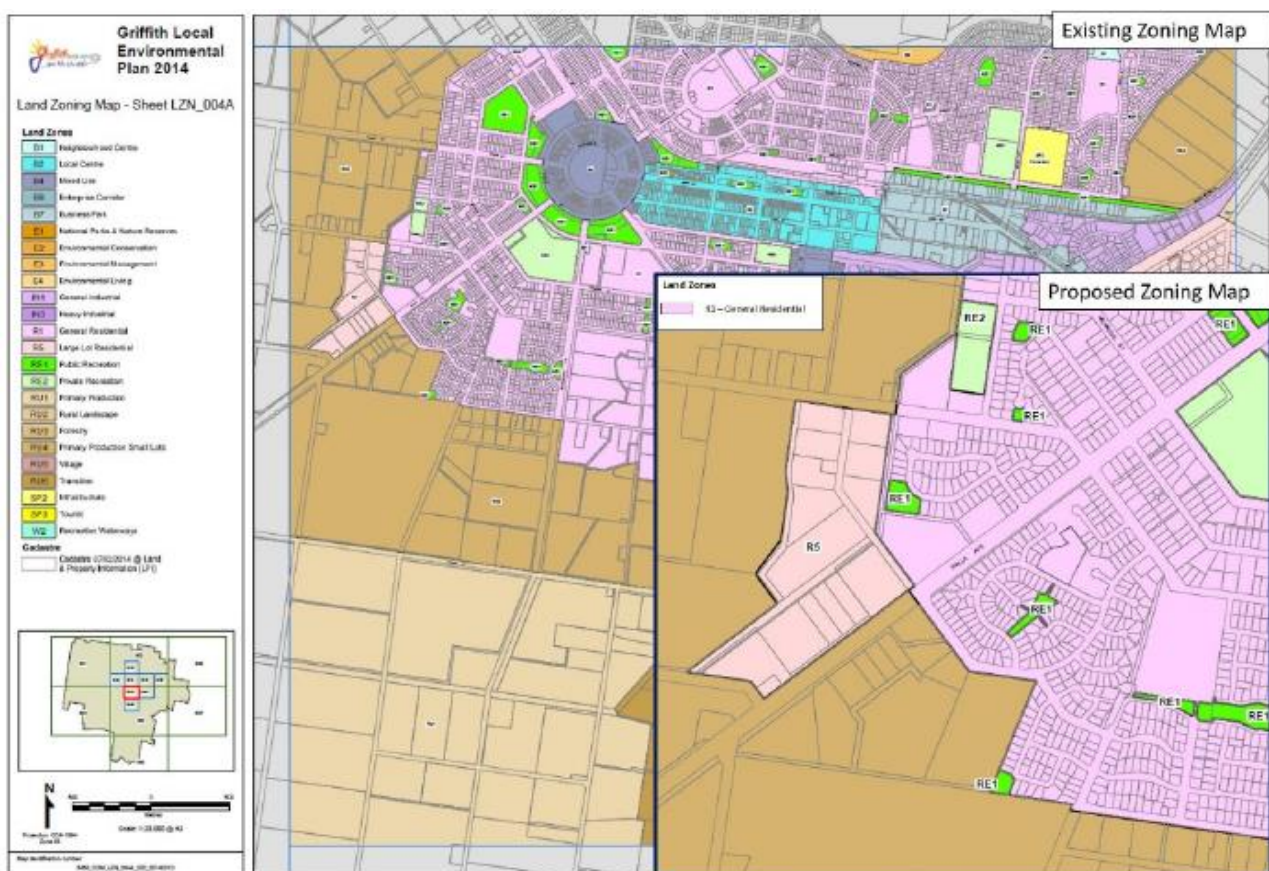


Figure 3 Current and proposed zoning map (Source: Planning Proposal)

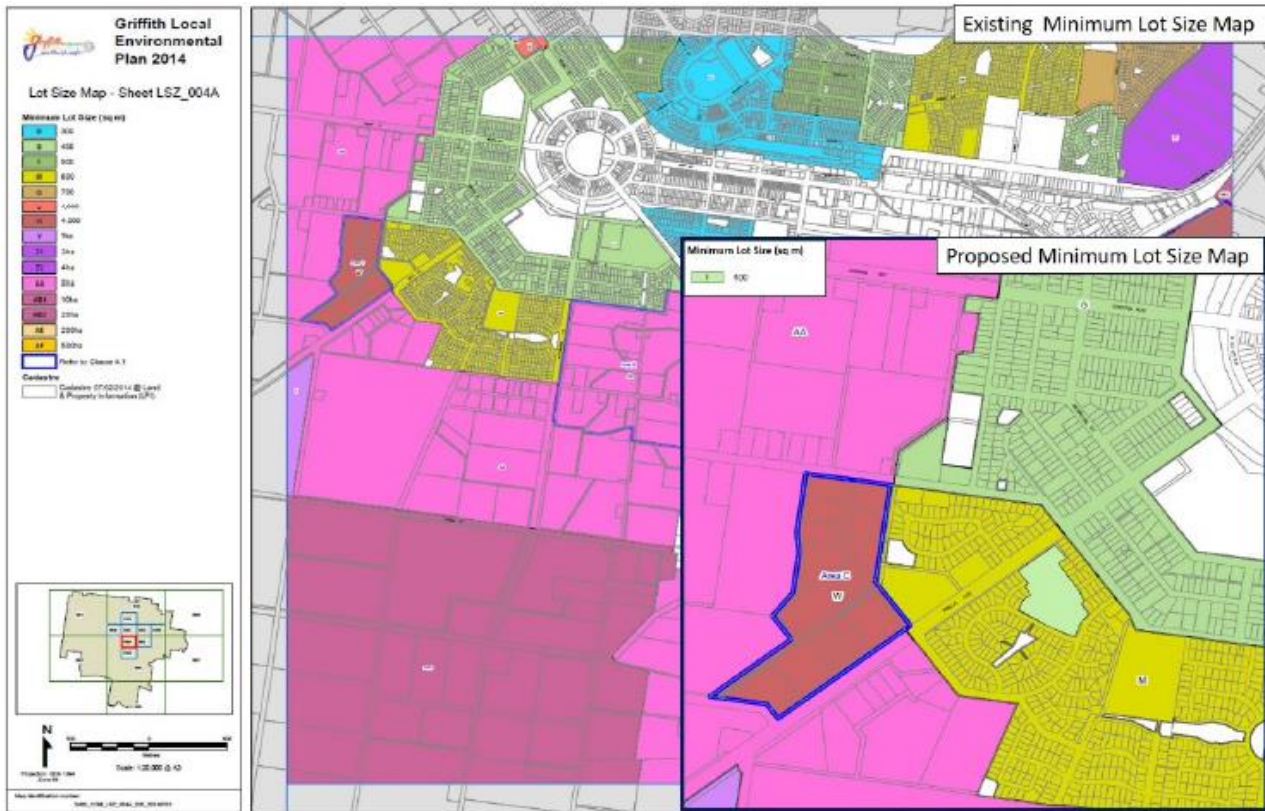


Figure 4 Current and proposed lot size map (Source: Planning Proposal)

## 2 Need for the planning proposal

Council's principal justification for utilising public owned land for an affordable housing development is the analysis and recommendations in the Griffith Housing Strategy 2019 (see section 3.2 below). It is agreed that there is a need for this planning proposal and that the rezoning and minimum lot size changes are the best means of achieving it.

The NSW Land and Housing Corporation owns all the subject land and is currently transferring it to Griffith City Council. Council has committed funds jointly with Argyle Housing and the Commonwealth Government for the purposes of a joint venture affordable housing project on the subject land. To enable this development to occur, the subject land needs to have reduced minimum lot sizes and part of the site needs to be rezoned.

Whilst there will be a reduction in public open space, the development proposal includes a 3,000m<sup>2</sup> public park to be developed in consultation with the local community. Council has indicated that the non-active areas of the park are considered under-utilised. Council has subsequently advised that the new park size is able meet the open space requirements outlined in Council's Residential Development Control Plan (see extract in Figure 5) however it is not clear if this accounts for the loss to existing residents from building on existing open space.

The proposal will result in a net loss of public open space. The planning proposal submitted for Gateway does not provide enough justification for this loss in the context of other Council policies and broader open space provision. Council should update the planning proposal to address the loss of open space in this area, particularly with the increase in residents in this location. See Section 3.3 for more details.



#### 11.1.4 NETWORK OF ACTIVE AND PASSIVE RECREATION

- a) Areas of passive and active recreation must be provided generally in accordance with the CGA Open Space Plan (refer to **Figure 38**).
- b) Useable open space areas, must be generally not less than 3000 m<sup>2</sup> per open space and must be provided within each subdivision within 400 m safe walking distance of each lot.
- c) Development applications for the residential development of the CGA are to include a preliminary design of open spaces in accordance with following principles:
  - I. Pedestrian, cycle linkages must be provided to other destinations;
  - II. Park furniture, shaded areas and resting place must be provided to promote pedestrian comfort;
  - III. Safe pedestrian crossing points must be provided where routes intersect the road network;
  - IV. Easily identifiable access points must be provided; and
  - V. Frontage to abutting roads provided to optimise pedestrian access and visibility.

**Figure 5 Extract Griffith Residential Development Control Plan (2020)**

The proposal to rezone and amend lot sizes is the most appropriate planning outcome to achieve the desired objectives.

## 3 Strategic assessment

### 3.1 Regional Plan

Table 4 provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan. The planning proposal provides its own assessment on page 8 and 9.

**Table 4 Regional Plan assessment**

| Regional Plan Objectives                               | Justification   |
|--|---|
| Goal 1 - A growing and diverse economy                 | The planning proposal states that it would be consistent with this Goal as it facilitates the development of affordable housing for existing and new employees. The Griffith Housing Strategy 2019 identified that over 1300 new affordable housing units are required to meet the needs of the Griffith community and economy. |
| Goal 2 – A healthy environment with pristine waterways | The planning proposal identifies it is not located within close proximity to any waterways and is not known to contain any water resources, nor does it have any environmental assets.  |
| Goal 4 – Strong, connected and healthy communities     | The planning proposal seeks to rezone under-utilised lands for affordable housing, consistent with the demand identified in the Griffith Housing Strategy 2019.   |

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in table 5 below:

**Table 3 Local strategic planning assessment**

| Local Strategies                                      | Justification   |
|---|---|
| Griffith Local Strategic Planning Statement           | <p>A key theme of the LSPS is to ensure land use policies, plans and strategies are developed or refined to cater for continued growth and ensure adequate affordable housing is available for existing and new residents. It reinforces the Housing Strategy outcomes.</p> <p>Planning Priority 1 is to increase urban density and housing affordability. This planning proposal would implement this priority.</p> <p>Action 1.1C is to increase the availability of affordable housing (short term).</p> <p>Action 1.1D is to collaborate with community housing providers and Housing NSW (ongoing). This planning proposal would implement this action.</p> <p>Strategy 11.1 is to undertake public-private partnerships with housing providers to increase affordable housing. Action 11.1A is to complete the Griffin Green development (this planning proposal) as a model for PPPs and affordable housing. This planning proposal directly implements this action.</p> |
| Griffith Housing Strategy 2019                        | <p>The Strategy identified that over 1300 new affordable housing units are required to meet the needs of the Griffith community and economy</p> <p>The proposal is consistent with the Housing Strategy and in particular, the following outcome:</p> <p>Strategy 16: <i>Council will endeavour to explore <b>Council and publicly owned sites</b> for the purpose of affordable housing partnerships as the Strategy is rolled out, ensuring that sites are:</i></p> <ul style="list-style-type: none"> <li>• <i>well located with regard to transport and/or services;</i></li> <li>• <i>maximise the yield of social and affordable housing;</i></li> <li>• <i>are multi-tenure developments; and</i></li> <li>• <i>are able to achieve favourable economics (at least break even in the first year).</i></li> </ul> <p>This proposal meets the objectives of the Housing Strategy outcome and will maintain a public park, albeit smaller.</p>                              |
| Guiding Griffith 2040 (community strategic plan 2017) | The proposal is identified as consistent with Council's Community Strategic Plan.   |
| Griffith Land Use Strategy Beyond 2030 (2012)         | The proposal is not inconsistent with the Land Use Strategy.  |

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in Table 6 below:

**Table 4 9.1 Ministerial Direction assessment**

| Directions  | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency   |
|---|----------------------------------|--|
| 2.6 Remediation of contaminated land. The aim is to reduce the risk of harm to human health & the environment.  | Yes                              | The Direction applies to the proposal as part of the site contains a covered mound of asbestos contaminated fill and other materials. Council has obtained a Remedial Action Plan as it intends to have the contaminated material removed from the site. It is intended the remediation would be independently validated once the material has been removed.<br><br>These actions are consistent with the Direction. |
| 3.1 Residential Zones. The aim is to encourage a variety of housing choice and type, efficiently use infrastructure and services, and minimise impacts on the environment and resource lands. | Yes                              | The Direction applies to the proposal as the land is currently and proposed to be wholly zoned for residential development (including a future park). The proposal meets all the requirements of the Direction as it provides housing choice, uses existing infrastructure and services, reduces the consumption of land for housing on the urban fringe and will be of good design.                                 |
| 3.3 Home occupations. The aim is to encourage the carrying out of low-impact small business in dwellings.   | Yes                              | The Direction applies to all planning proposals. This proposal would not change existing permissibility for home occupations in residential zoned land.  |
| 3.4 Integrating Land Use and Transport. The aims are to ensure urban development meets specified objectives.  | Yes                              | The Direction applies as the planning proposal will alter or remove a zone or provision relating to urban land (NB. Council identified this Direction was "not applicable").<br><br>This proposal is consistent with the requirements of the Direction.  |
| 5.10 Implementation of Regional Plans. The aim is to give legal effect to the Regional Plans.   | Yes                              | The Direction applies to all planning proposals. The proposal is consistent with the Direction (see discussion in Section 3.1 of this report).   |
| 6.1 Approval and Referral Requirements. The aim is to ensure LEP provisions encourage efficient and appropriate assessment of development   | Yes                              | The Direction applies to all planning proposals. The proposal is consistent with the Direction as it does not intend to introduce any new referral or consultation requirements.   |

| Directions  | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency  |
|---|----------------------------------|---|
| 6.2 Reserving Land for Public Purposes. The aim is to reserve land for public purposes and facilitate the removal of reservations where land is no longer required for acquisition. | Not yet                          | <p>The Direction applies to all planning proposals. To be consistent with the Direction, the Secretary's approval is required to reduce existing zonings or reservations of land for public purposes.</p> <p>It is recommended the Secretary does not approve the rezoning of the RE1 zoned land at this time. The Gateway determination requires Council to update the planning proposal to further justify the loss of open space and request the Secretary's approval prior to finalising the LEP.</p> |

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in table 7 below.

**Table 5 Assessment of planning proposal against relevant SEPPs**

| SEPPs                    | Requirement  | Proposal   | Complies |
|--------------------------|--|--|----------|
| 55 – Remediation of Land | Reduce the risk of harm to human health and the environment. | <p>The subject land contains an area of known contamination. Council has had the material investigated and has decided to have the material removed (rather than capped). A Remedial Action Plan accompanied the planning proposal. The land will be independently validated that no contamination remains after the material is removed.</p> <p>These actions are considered adequate to meet the requirements of the SEPP.</p> | Yes      |

## 4 Site-specific assessment


Council's planning proposal does not address the questions outlined in Section C of the Department's Guide to Preparing Planning Proposals. However, sufficient information has been provided (including follow up discussions with Council) for this assessment report without the need to formally request further information from Council. A condition is recommended to include discussion in the planning proposal, in accordance with the Department's guidelines, prior to community consultation.

### 4.1 Environmental

Table 8 provides an assessment of the potential environmental impacts associated with the proposal.



**Table 8 Environmental impact assessment**

| Environmental Impact | Assessment   |
|----------------------|--|
| Native vegetation    | <p>An assessment of the aerial photo of the site shows there are a few scattered trees on the site. Council has subsequently advised that the vegetation on the site will largely remain and be incorporated into a future subdivision design. The site is predominantly clear and there are no issues of concern for the rezoning and lot size amendment stage of this development.</p> <p>Council is also obliged under the <i>Biodiversity Conservation Act 2016</i> to undertake appropriate investigations as part of the development application to subdivide the site, should any clearing be proposed at that time.</p>  |

**Figure 6 Aerial photo of the subject land (Source: Nearmap)**

## 4.2 Social and economic

Table 9 provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 Social and economic impact assessment**

| Social and Economic Impact | Assessment  |
|----------------------------|---|
| Heritage                   | <p>While the planning proposal does not specifically address this issue, Council has subsequently advised that the site does not contain any issues of heritage or cultural heritage significance. The subject land is located within an existing urban subdivision in the City of Griffith. The park is highly modified with park facilities, including skate ramp and BBQ facilities. There are no buildings or structures on the subject land containing the park.</p> |

|                        |   |
|------------------------|---|
| Public open space      | The planning proposal will result in the reduction of public open space in this location. However, the proposal indicates the site is underutilised. Council does not consider the loss of the parkland to be significant. The proposal includes the retention of a 3,000m <sup>2</sup> park which meets the open space requirements outlined in Council's Residential Development Control Plan and which will be designed in conjunction with the local community. |
| Contaminated land risk | Council has investigated the contamination on the site and has prepared a Remedial Action Plan to remove the contamination from the site. It proposes that an independent validation will be undertaken prior to any development of the site to ensure the site is safe for residential purposes (see further discussion in Table 6 of this report).  |
| Infill development     | This proposal will more effectively utilise existing infrastructure and services by redeveloping an existing urban site for residential development and an affordable housing development.  |

## 4.3 Infrastructure

The proposal will have adequate access to appropriate infrastructure as it is located within an existing residential subdivision and can be appropriately extended. There are no concerns with capacity of various infrastructure as the proposal will not generate a significant demand.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 14 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination. The following is an extract from the Department's Guidelines about what constitutes a "low impact" proposal that warrants a 14-day exhibition period. Given the proposal meets all these criteria, it is considered acceptable to allow for a short exhibition period.

\* A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal LEP
- does not reclassify public land.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is agreed that Council does not need to specifically consult with government agencies.

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the site/planning proposal is of a local, low risk nature, identified in a series of local strategies, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is strategically identified in the Local Strategic Planning Statement and Council's Housing Strategy 2019.
- The contaminated land issue has been adequately dealt with.
- There are no other site constraints or issues of concern.
- There are no issues relating to infrastructure and service provision.
- There are significant economic and social benefits to the proposal.
- The inclusion of a 3,000m<sup>2</sup> park as part of the development is noted however further documentation is required about the net open space position in this area following this development

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public consultation, update the planning proposal to;
  - clearly identify the site in the existing and proposed LEP maps (Figures 3 and 4 in the planning proposal);
  - provide discussion in accordance with Section C of the Department's Guide to Preparing Planning Proposals
2. Prior to finalising the LEP, Council is to update the planning proposal to further justify the loss of public open space in this area and to seek the Secretary's approval to reduce land zoned for public purposes under the Ministerial Direction 6.2 Reserving Land for Public Purposes.
3. The planning proposal should be made available for community consultation for a minimum of 14 days.
4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



\_\_\_\_\_  
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