

<b>JRPP NUMBER</b>	2012WES016
<b>DA NUMBER</b>	DA 190/2012
<b>PROPOSED DEVELOPMENT</b>	The proposed development relates to the construction of a four (4) storey serviced apartment building with forty (40 units); construction of two (2) single storey retail premises; landscaping; car parking and access arrangements; and a three (3) lot Torrens Title subdivision on Lot 34 DP 884345 (55-67 Railway Street) Griffith.
<b>STREET ADDRESS</b>	55-67 Railway Street, Griffith
<b>APPLICANT</b>	Ai Project Developments C/- KDC Pty Ltd PO Box 320 Newcastle 2300
<b>LAND OWNER</b>	Griffith City Council 1 Benerembah Street Griffith NSW 2680
<b>NUMBER OF SUBMISSION</b>	Nil
<b>RECOMMENDATION</b>	Approval (subject to the conditions of consent in Attachment 'H')
<b>REPORT BY</b>	Kelly McNicol Coordinator of Planning and Compliance, Griffith City Council

## Assessment Report and Recommendation

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**Lodgement Date:** 26 November 2012  
**Capital Investment Value:** \$15,413,336  
**BCA Class:** 3 (serviced apartments), 6 (retail buildings)  
**Land Zoning:** 3 (a) General Business  
**Current Use** Vacant

## EXECUTIVE SUMMARY

### Proposal

Development Application 190/2012 seeks development consent for the construction of a four (4) storey serviced apartment building with forty (40) units, a conference room and gym; construction of two (2) single storey retail premises; landscaping; car parking (138 parking spaces) and access arrangements (two (2) accessways off Railway Street, one off Kooyoo Street and one off Ulong Street); and the three (3) lot Torrens Title subdivision of Lot 34 DP 884345 (55-67 Railway Street) Griffith. The site is located within the Central Business District of Griffith and has an area of 1.01 Ha with ample frontage on Railway Street and minimal (6.0 metres) frontage on Kooyoo Street.

## Type of Development

- The proposed development is considered *local development* under the provisions of the *Environmental Planning and Assessment Act 1979*.
- The proposed development is considered "Council related development over \$5 million" as per Schedule 4a (4) of the *Environmental Planning and Assessment Act 1979* which is development for which regional panels may be authorised to exercise consent authority functions of councils.

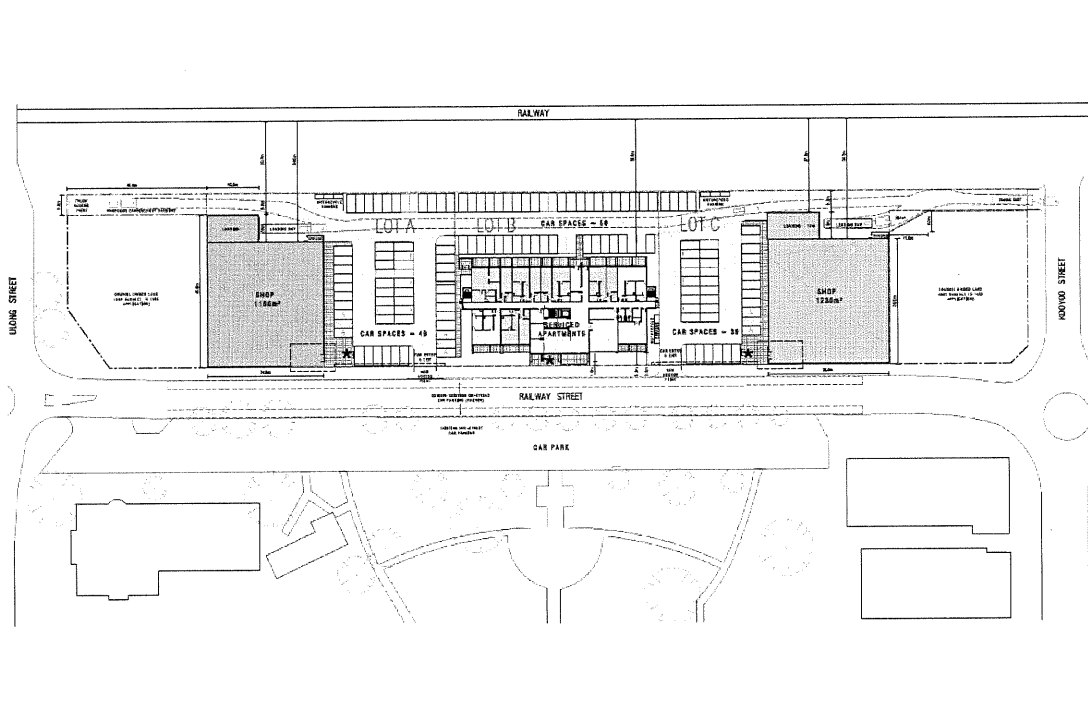


Figure 1 Development Site Plan

## Consultation

Neighbour notification and advertising has been carried out in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Council's Notification Policy (Development Control Plan No. 25). During the notification period no submissions were received from the public. Consultation with the NSW RMS, the NSW Department of Planning, the Joint Regional Planning Panel Secretariat, Habitat Planning and internal divisions of Council also occurred as part of the assessment of the development application.

## Main Issues

- The applicant was required to submit additional information including the following:
  - A turning path diagram detailing the swept path of semi-trailer vehicles entering and exiting the road carriageway of Railway Street and Kooyoo Street and the tapers required to accommodate this vehicle. This is to justify the width of the accessways and the tapers at the connection point to the Railway Street and Kooyoo Street carriageway. Driveway widths are to accommodate the largest size vehicle.
  - A turning path diagram detailing the swept path of the semi-trailer vehicle manoeuvring throughout the site in accordance with AS2890.2. This is to ensure all vehicles can enter and exit the site in a

forward direction. The swept path is to ensure that the manoeuvring of the largest size vehicle does not encroach on parking spaces.

- The applicant was unable to facilitate the required semi-trailer movements on site and pursued a right of carriageway over the adjacent lands for the purposes of heavy vehicle movements. Griffith City Council is the registered owner of both adjacent properties and provided in principle support for a right of carriageway to be placed over their lands for the purposes of the development at the Ordinary Meeting of Council held on 12 March 2013.
- As the application relates to properties in which Council has an interest, including the subject site and the adjacent sites, the assessment report has been reviewed by a private consultancy firm (Habitat Planning) to ensure transparency in the assessment process (refer to Attachment 'G'). It should be noted that the Council assessment staff involved in this development application were not privy to any discussions pertaining to the sale of the subject site or acquisition of right's of carriageway.

### Recommendation

It is recommended that Development Application 190/2012 be approved pursuant to Section 80 of the *Environmental Planning & Assessment Act, 1979*, subject to the conditions of consent contained within Attachment 'H' of this report.

## ASSESSMENT

### Site History

Current land use	During a site visit on 30 November 2010 it was noted by the assessment officer that the proposed site is currently vacant (refer to Attachment 'C' for site photos).
Previous approvals	There are no previous development approvals for the site, however, the site was previously used for infrastructure related to the adjacent rail line including a siding, turntable and railway sheds.

### Timeline of Events Pertaining to the Development Application

Pre-Lodgement Meeting	31 October 2012
Lodgement Date	26 November 2012
Date JRPP Notified	27 November 2012
Notification Period	30 November 2012 to 21 December 2012
Internal Referrals	Sent on 27 November 2012
External Referrals	Sent to RMS on 27 November 2012
Additional Information Required	28 November 2012
Additional Information Received	23 April 2013
Assessment Report Sent to Habitat Planning for Peer Review	30 May 2013
Assessment Report, Draft Conditions, Peer Review and Attachments Sent to JRPP	11 June 2013

## Site Description

The subject site is located on Lot 34 DP 884345 (55-67 Railway Street) GRIFFITH. The site is 109,047 m<sup>2</sup> in area and has 198.8 m of frontage on Railway Street and 6.0 metres of frontage on Kooyoo Street (battleaxe). The site is relatively flat and is vacant with the exception of two large gum trees on the southeast corner of the site (proposed to be removed).

The lands immediately surrounding the site to the east and west are vacant parcels owned by Griffith City Council. Memorial Park is located to the south of the site across Railway Street. The Temora-Roto Railway line is located immediately adjacent to the site to the north and a privately owned freight rail terminal exists to the north-east. The Griffith (Banna Avenue) Central Business District is located 70 metres from the subject site to the south. The nearest residential receptor is located 75 metres to the west, across Ulong Street, from the proposed development. Other notable uses in the area include the Court House, Post Office, Police Station and Library which are all within 150 metres of the subject site (refer to Figure 2 below).

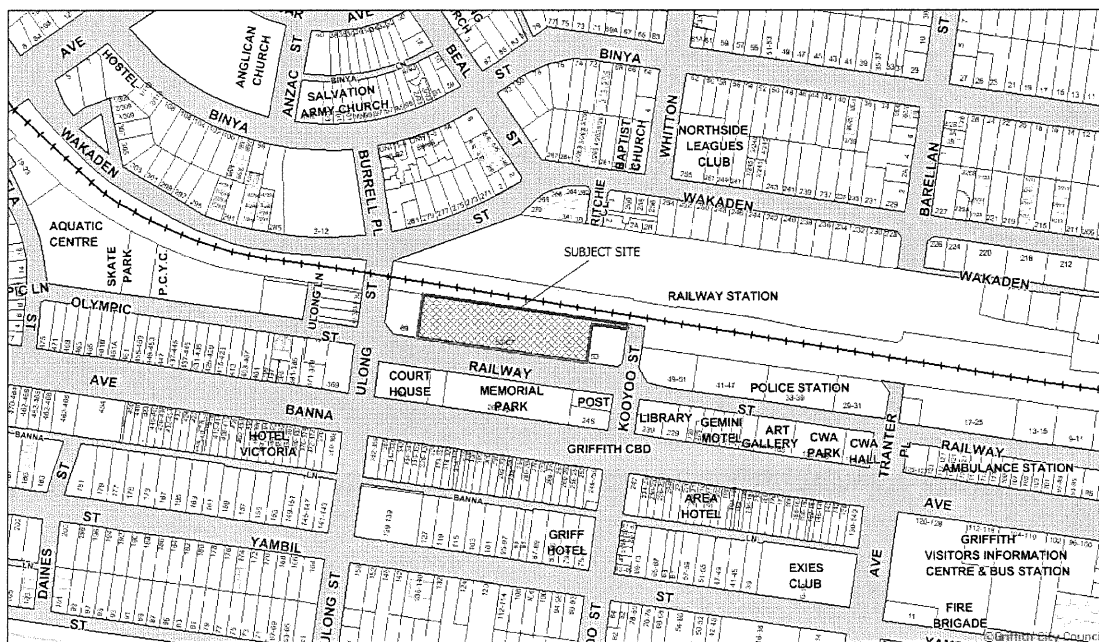


Figure 2 - Locality Plan

## Proposal in Detail

Ai Project Developments (applicant) propose to construct a commercial development on the subject site with an estimated Capital Investment Value of \$15,413,336. The proposal includes:

- Construction of a four (4) storey serviced apartment building with forty (40) units, a gym, conference room and associated offices (15.4 metres in height /13.2 metres not including roof plant).
- Construction of two (2), one storey retail premises (both 7.0 metres in height):
  - One located at the eastern extent of the site with an area of 1230 m<sup>2</sup>
  - One located at the western extent of the site with an area of 1190 m<sup>2</sup>.
- A carpark with 138 parking spaces and two (2) shade sails (no elevations provided).
- Four (4) accessways, one of which is proposed off of Ulong Street for the entrance of heavy vehicles, one off of Kooyoo Street for the exiting of heavy vehicles and two (2) off Railway Street for passenger vehicles.

- Installation of landscaping throughout the site and within the road reserve and the construction of footpaths.
- Signage (limited details provided) – a separate DA will be required for signage.
- Three (3) lot Torrens title subdivision.
  - Lot A: 3,445 m<sup>2</sup> (eastern retail tenancy)
  - Lot B: 3,053 m<sup>2</sup> (serviced apartments)
  - Lot C: 3,549 m<sup>2</sup> (western retail tenancy).

### **Serviced Apartments**

The four (4) storey serviced apartment building will have a total gross floor area of 4,416 m<sup>2</sup>, and a height of 15.4 metres with car parking contained within proposed Lot B (see site plan). The building will contain 14 two bedroom units, 22 two bedroom twin key units and 4 three bed twin key units. The applicant suggests that the units have been designed to be self sufficient and will be used for short and long term corporate stays and tourist and visitor accommodation. The applicant has included a Plan of Management for the operation of the apartments (refer to Attachment 'A(h)'). The applicant suggests that there will be approximately fourteen (14) staff members onsite during the day shift, with reduced staff numbers during the afternoon and night.

The building is considered to be of a modern design and is oriented towards the Railway Street frontage and Memorial Park. The majority of the building is proposed to be constructed of pre-cast concrete panels some of which will be painted. The building will be accented by face brickwork, recycled timber features and glass panels (refer to Attachment 'B').

### **Retail Premises**

The proposal entails the construction of two (2) large retail premises at opposite ends of the site. The retail premises on proposed Lot A on the western extent of the site is proposed to be 1190 m<sup>2</sup> with a zero boundary setback to Railway Street and the adjacent lot. The building includes a loading dock at the rear of the building. The retail premises on proposed Lot C on the eastern extent of the site is proposed to be 1230 m<sup>2</sup> with a zero boundary setback to Railway Street and the adjacent lot. The building includes a loading dock at the rear of the building.

The retail premises are proposed to be constructed of precast concrete panels with colourbond ultra finish and brick and timber panel attributes. Illuminated signage has been proposed, however the details of the signage including colour schemes and text have not been provided.

The proposed development does not include the internal fit out of the two (2) retail premises and therefore a separate application will need to be lodged and approved prior to the first use of these buildings. Due to the lack of signage details, a separate development application will also need to be lodged for signage related to the development.

## SECTION 79C(1)(a)(i) any environmental planning instrument.

### Griffith Local Environmental Plan 2002

#### (i) Permissibility

The subject site is zoned as 3 (a) – General Business under the provisions of the Griffith Local Environmental Plan 2002. Although the exact use of each retail space is unknown, the applicant has suggested the use will be retail related. As such, the proposed development can be defined as a “shop” and a “motel” which are considered permissible development under the provisions of the Griffith Local Environmental Plan 2002.

#### *Definitions:*

**shop or shopping centre** means a building or place used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but (in the table to clause 10) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a land use elsewhere specifically defined in this Dictionary.

**motel** means a building or buildings (other than a hotel, boarding house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

#### (ii) Aims and Objectives

The aims of this plan are:

- (a) to provide for urban and rural land development by implementing the Griffith Growth Strategy 2030—Urban and Rural Land Release Strategy, and
- (b) to provide a legal basis for development control plans that provide more detailed local planning policies, and
- (c) to protect areas on which agriculture depends, and
- (d) to protect areas that are environmentally sensitive, and
- (e) to manage the urban areas of the local government area by strengthening retail hierarchies, promoting appropriate tourism development, guiding affordable urban form, providing for the protection of heritage items and precincts and controlling the development of flood liable land, and
- (f) to promote ecologically sustainable urban and rural development, and
- (g) to promote development of rural land in accordance with the aims and objectives of the MIA & Districts Community Land and Water Management Plan.

The proposed development is consistent with the aims of the Griffith Local Environmental Plan 2002.

### **Clause 10 – Zone Objectives**

- (a) To provide for and encourage the development and expansion of business activities that will contribute to the economic growth and employment opportunities within the City of Griffith, and
- (b) To encourage the continued growth of the business area of Griffith as the commercial, retail and administrative centre of the City of Griffith and

*surrounding areas and to reinforce particularly the concentrated retail core as the prime business area of the City of Griffith, and*

*(c) To permit a wide range of uses within the zone that are associated with, ancillary to or supportive of retail and service facilities within the zone, and*

*(d) To ensure there is adequate provision within the zone for car parking and recreational and social facilities, and*

*(e) To minimise conflicts between pedestrian and vehicular movement within the business areas, and*

*(f) To enable the development of land within the zone for commercial and retail purposes, and*

*(g) To enable industrial development on land within the zone that is compatible with existing commercial and retail development, and*

*(h) To enable development within the zone that is associated with, ancillary to or supportive of, commercial or retail development, and*

*(i) To enable the development of land for other purposes where the consent authority is satisfied that such a use will not detrimentally affect the amenity of any existing or proposed nearby development, and*

*(j) To enable development of land within this zone for residential purposes where the Council is satisfied that adequate amenity will be provided for residents of residential buildings and the land will not be required for commercial or retail use.*

The proposed development of the vacant site at Lot 34 DP 884345 (55-67 Railway Street) Griffith for the purposes of serviced apartments and two retail tenancies meets the intent of the 3 (a) General Business zone objectives. The forty (40) serviced apartments will support the retail and service oriented uses in the Griffith CBD by increasing the density of patrons temporarily residing in the area. The proposed development has been re-designed (refer to Attachment 'B') to ensure that conflict between pedestrian and vehicular movement is minimised by providing a separate entry and exit point for delivery vehicles. Adequate facilities for parking have been provided on the site and within each lot proposed to be subdivided. Linkages to social and recreational opportunities can also be provided from the development to Memorial Park and the Banna Avenue precinct via a pedestrian walkway.

#### **Clause 24 - Tree preservation**

*(1) Objective:*

*To protect vegetation and provide for the assessment of the impact of clearing for the reason of preserving the amenity and the ecology of the City of Griffith.*

*(2) Pursuant to section 32 of the Act, the Council may by resolution make, revoke or amend a tree preservation order.*

*(3) A tree preservation order is to identify a tree or class of trees that must not be ringbarked, cut down, topped, lopped, removed or wilfully destroyed without development consent or the permission of the Council, but does not apply to trees in a State forest or within a reserve as defined under the provisions of the Forestry Act 1916.*

*(4) A person must not ringbark, cut down, top, lop, remove or wilfully destroy a tree to which a tree preservation order applies without development consent or the permission of the Council or unless required or authorised to do so by or under an Act.*

*(5) A tree preservation order, and any revocation or amendment of it, does not have effect until it has been published in a newspaper circulating in the City of Griffith local government area.*

*(6) A tree preservation order made and in force immediately before the appointed day under any environmental planning instrument that applied to land to which this plan applies shall be deemed to be a tree preservation order made and published by the Council under this clause identifying the trees to which it is expressed to apply and may be revoked or amended by the Council in accordance with this clause.*

*(7) In Zone 7, 7 (c), 7 (v) or 7 (w), a tree that exceeds a height of 3 metres shall not be cut down, lopped or otherwise destroyed without development consent or the permission of the Council, regardless of whether it is identified in a tree preservation order.*

There are no tree preservation orders in force on the site however, the proposed development includes the removal of two gum trees adjacent to Railway Street at the eastern extent of the site. The trees are immediately adjacent to the roadway and will be required to be removed to construct a footpath in front of the proposed development. The retention of these trees would pose a risk to the safety of pedestrians and vehicles as gum trees are prone to have branches fall. Council has recently approved the removal of several gum trees in heavily trafficked areas around the city. The applicant will be required to plant vegetation within the site including shade trees in parking areas and adjacent to the railway reserve at the rear of the site.

#### **Clause 26 - Flood liable land**

*(3) Consent must not be granted to development of any flood liable land unless the consent authority has considered:*

*(a) a survey identifying the level of the land relative to the 1 in 100 year flood level,*

Aerial Laser Survey (ALS) of the Griffith CBD area was conducted as part of the Griffith Floodplain Risk Management Study & Plan 2011 (Worley Parsons). The subject allotment was included in this survey and as such information was extrapolated from this documentation.

*(b) the likelihood of loss of life or property from flooding,*

The loss of life or property is unlikely as there is no flood indication for a 1 in 100 year storm event as specified in the *Griffith Floodplain Risk Management Study 2011* (Worley Parsons).

*(c) the likelihood of increase demand for flood mitigation measures and emergency services,*

The subject site is located within the CBD catchment identified in *Council's Onsite Detention Policy*. The subject site is currently vacant; the proposed development involves a three (3) lot Torrens Title Subdivision and the construction of serviced apartments, two (2) retail premises and associated parking facilities. The proposed development will create a significant increase in the impervious area of the subject site.

As such, the proposed development will be required to incorporate onsite detention to ensure that stormwater runoff is limited to 65L/s/ha from the subject site. This is to ensure the additional stormwater runoff from the site as



a result of the development does not create an additional impact on the existing Council owned street drainage system or on downstream allotments/catchment areas.

- (d) *any impediments to the operation of floodway systems in times of flood,*

The subject allotment is not an impediment to any floodway. The subject allotment is not located in a floodway where significant volumes of water flow during floods.

- (e) *the effect of proposed development on adjoining land in times of flood,*

The proposed design for the development will create an increased discharge from a greater impervious area as the subject site is currently vacant. Stormwater control measures are to be implemented to ensure stormwater does not cross property boundaries.

- (f) *limits on the intensity of development of urban flood liable land,*

The development is not considered to be an over intensification of the site. The nature of the development allows for detention of stormwater to be incorporated in the design therefore minimising the impact on the downstream drainage system.

- (g) *the provision of services and facilities appropriate to the flood liability of the land,*

Should the development be approved, a condition shall be imposed that the floor level for any future buildings be constructed at 410mm above the existing natural ground level to protect person & property in localised flooding events.

- (h) *the effect of the proposed development on the watertable of that land or of land in its immediate vicinity.*

There will be minimal effect on the watertable as the development will not add to infiltration of ground waters.

## **Division 5 Heritage conservation**

### **37 Development in the vicinity of a heritage item**

- (1) *Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.*

- (2) *This clause extends to development:*

- (a) *that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*
- (b) *that may undermine or otherwise cause physical damage to a heritage item, or*

- (c) *that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.*
- (3) *The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.*
- (4) *The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.*

During pre-lodgement discussions the applicant was requested to provide a Heritage Impact Statement to satisfy Clause 37 of the Griffith LEP as the subject site is in the vicinity of a heritage item (being the former Lyceum Theatre, the Commonwealth Bank and the Banna Avenue Conservation Area incorporating Memorial Park and the Courthouse). The assessment was carried out by Graham Brooks and Associates and is available in Attachment 'A(g)'. A detailed review of the potential Heritage Impact of the proposed development by Council staff has been provided in Attachment 'D' which suggests that the development generally respects the heritage significance of nearby heritage items or the conservation area for the following reasons:

- *The proposed development will not result in any negative impact on the Commonwealth Bank or the former Lyceum Theatre nor on iconic structures within the conservation area, namely the Courthouse and the Cenotaph.*
- *The scale of the building, in particular its height, is acceptable on the basis that the physical separation and relative isolation of the development site from other buildings within the streetscape allows for a more imposing building.*
- *The development is located outside the established conservation area and provides an acceptable transition along the edge of a conservation area.*

And recommends that:

- *The applicant is to provide Council a detailed materials/samples board and colour palette for the development prior to the lodgement of the construction certificate.*
- *That should any unexpected relics be disturbed during excavation of the site they are to be managed in accordance with the provisions of the NSW Heritage Act, 1977.*

#### **Clause 50 - Access**

*A road or other means of access to an existing public road must not be opened without development consent.*

The proposed development includes the opening of four (4) access points to the surrounding street network. Two accessways for passenger vehicles have been proposed on Railway Street and one access for the entry of heavy vehicles on Ulong Street and one access for the exiting of delivery vehicles on Kooyoo Street.

**Clause 51 - Development in Highway Service Business Zone and along arterial roads**

- (1) Objectives:
    - (a) To protect and improve the capacity, efficiency and safety of Kidman Way and Mackay Avenue, and
    - (b) To enhance the streetscape adjacent to those roads, and
    - (c) To prevent or reduce the potential impact of traffic noise on development adjacent to those roads.
  - (2) In this clause, nominated road means Kidman Way, Mackay Avenue or any other arterial road.
  - (3) This clause applies to land that:
    - (a) has frontage to a nominated road, or
    - (b) relies on a nominated road for its sole means of vehicular access, or
    - (c) has direct access to another road at a point less than 90 metres from that road's intersection with a nominated road.
  - (4) The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:
    - (a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capability or efficiency of the nominated road, and
    - (b) the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the nominated road is not impeded, and
    - (c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the nominated road, and
    - (d) the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and
    - (e) the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and
    - (f) where practicable, access to the land is provided by a road other than the nominated road, and
    - (g) a minimum 5 metre building line setback has been observed.
- Note. State Environmental Planning Policy (Infrastructure) 2007 applies to Griffith City area.

The subject allotment is bounded by Ulong Street, Railway Street and Kooyoo Street. Ulong Street is classified as a "Link road" as specified on *Council's Road Hierarchy Plan*. Railway Street is classified as a "Collector road" as specified on *Council's Road Hierarchy Plan*. Kooyoo Street is classified as a "Residential Access road" as specified on *Council's Road Hierarchy Plan*. As such, Clause 51 of the GLEP 2002 does not apply to this development.

**Clause 57 - Availability of essential services**

- (1) Objectives:
  - (a) To ensure that development does not occur without adequate measures to protect the environment and the community's health, and
  - (b) To ensure that development occurs in a coordinated and efficient manner and that costs attributable to it are borne equitably.

(2) Consent must not be granted to the carrying out of development on any land unless:

- (a) a potable water supply and facilities for the removal or disposal of sewage and drainage water are available to that land, or
- (b) arrangements satisfactory to the Council have been made for the provision of that supply and those facilities, if the proposed use of the land will, in the opinion of the consent authority, generate a need for such a supply or for those facilities.

A Council owned 125mm diameter, uPVC potable water main exists along the Railway Street frontage of the subject allotment. A Council owned 150mm diameter, vitreous gravity sewer main exists along Railway Street to the east of the subject allotment. A sewer manhole exists in the south-eastern corner of the subject allotment, providing connection to the sewer main. A Council owned 150mm diameter, vitreous gravity sewer main exists along Railway Street to the west of the subject allotment. A sewer manhole exists in the north-western corner of the subject allotment, providing connection to the sewer main. Council's street drainage system exists along Railway Street to service the proposed development. Also, interallotment drainage exists along both the eastern and western boundaries of the subject allotment to service the Temora-Roto Railway reserve. The applicant will be required to connect to and if required upgrade these services as required in the draft conditions of consent (refer to Attachment 'H') should the application be approved. A more detailed analysis of essential services is provided in Attachment 'E' – Council's Engineering Assessment.

### State Environmental Planning Policies

The following SEPPs apply to this development:

*State Environmental Planning Policy (Infrastructure) 2007*

### **Schedule 3 – Traffic Generating Development**

Column 1 Purpose of development  Note.  The development may be the erection of new premises or the enlargement or extension of existing premises	Column 2 Size or capacity—site with access to any road	Column 3 Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Apartment or residential flat building	300 or more dwellings	75 or more dwellings
Area used exclusively for parking or any other development having ancillary parking accommodation	200 or more motor vehicles	50 or more motor vehicles
Commercial premises	10,000m <sup>2</sup> in area	2,500m <sup>2</sup> in area
Commercial premises and industry	15,000 m <sup>2</sup> in area	4,000m <sup>2</sup> in area
Drive-in theatres	200 or more motor vehicles	50 or more motor vehicles
Drive-in take away food outlets	200 or more motor vehicles	Any size or capacity
Educational establishments	50 or more students	
Freight intermodal facilities and freight terminals	Any size or capacity	
Heliports, airports or aerodromes	Any size or capacity	
Hospital	200 or more beds	100 or more beds
Industry	20,000m <sup>2</sup> in area	5,000m <sup>2</sup> in area
Landfill, recycling facilities, waste transfer station	Any size or capacity	
Motor showrooms	200 or more motor vehicles	50 or more motor vehicles
Parking	200 or more motor vehicles	50 or more motor vehicles
Places of assembly or places of public worship	200 or more motor vehicles	50 or more motor vehicles
Premises licensed under the <i>Liquor Act 1952</i> or the <i>Registered Clubs Act 1976</i>	200 or more motor vehicles	50 or more motor vehicles
Refreshment rooms	200 or more motor vehicles	500m <sup>2</sup>
Roadside stalls, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale	200 or more motor vehicles	Any size or capacity
Service stations (including service stations which have retail outlets)	200 or more motor vehicles	Any size or capacity
Shops	2,000m <sup>2</sup>	500m <sup>2</sup>
Shops and commercial premises	4,000m <sup>2</sup>	1,000m <sup>2</sup>

The proposed development will have access to Ulong Street, Railway Street and Kooyoo Street, all of which are not considered 'classified road's' for the purposes of the SEPP. The nearest "classified road" is Banna Avenue which is located 130 metres from the nearest access to the proposed development and therefore Column 3 of the above Schedule cannot be considered. Column 2 of the above Schedule however is relevant to the proposed development as the size of the retail space is 2420m<sup>2</sup> and therefore a referral has been sent to the Roads and Maritime Services (RMS). The submission received from the RMS will be discussed later in this report.

*State Environmental Planning Policy 55 (Remediation of Land)*

## **7 Contamination and remediation to be considered in determining development application**

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
  - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The subject site was previously utilised as a locomotive workshop with turntable, locomotive sheds, engineering facilities and coal stages. The coal stages were used to remove coal ash from the locomotives where the material would then be stored in a series of ash pits. All of the facilities have been removed from the site, but there is

still potential for contamination. A Phase 1 Environmental Assessment or preliminary investigation for the purposes of the *NSW Managing Land Contamination Planning Guidelines* was carried out in 2005. The Phase 1 Environmental Assessment reported that large quantities of ash were evident over the entire site. As such, the applicant was required to provide a “*Detailed Investigation*” in the form of a Phase II Environmental Assessment of the subject site (refer to Attachment ‘A(c)’). The Assessment provided was carried out by Aitken and Rowe Testing Laboratories for Lots 32, 33 and 34 DP 884325 (which includes the subject site and the two adjacent properties) on behalf of Griffith City Council in 2005 (prior to Council purchasing the lands). The purpose of the Assessment was to establish the extent and distribution of BTEX, PAH’s, TPH, heavy metal and asbestos contamination potentially impacting soil on the site. The Assessment included a review of background information, three (3) composite samples of the surface soil on the site, drilling four (4) bore holes to 1.5 metres and sampling at various depths and laboratory analysis of the samples.

Although the purpose of the Assessment was to distinguish if the site was suitable for road widening or car parking, the analysis indicates that the site is suitable, in its present state for sensitive land uses. The soil analysis revealed that there was no asbestos on the site and all samples taken for BTEX, TPH and PAH analysed were below the thresholds for sensitive land uses prescribed in the NSW Environmental Protection Authority (EPA) Guidelines. Other elements, including chromium, cadmium and arsenic were found to exist on the site but were well below the Health Investigation Levels for soils as provided by the Environmental Protection and Heritage Council. The assessment concludes that the site is considered “clean” and acceptable for sensitive land uses as per the *Contamination Land Management Act 1997*. The Phase II Environmental Assessment, although 8 years old, is still considered adequate and relevant as the site has remained vacant during this time. The *Managing Land Contamination – Planning Guidelines* also have not been amended since the Assessment was carried out. As the Assessment has shown that all compounds, heavy metals and asbestos were below the acceptable levels provided by the EPHC and the EPA, no form of remediation is warranted for the site.

#### *State Environmental Planning Policy (State and Regional Development) 2011*

The proposed development is considered Regional Development for the purposes of the SEPP as it is a “Council related development over \$5 million” under Schedule 4A of the *Environmental Planning and Assessment Act 1979* as Council presently owns the land and is also a party to an arrangement pertaining to the proposed right of carriageway’s over lots 32 and 33 DP 884345:

#### **Schedule 4A**

#### **4 Council related development over \$5 million**

*Development that has a capital investment value of more than \$5 million if:*

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

The following Part of the SEPP applies to Regional Development:

#### **Part 4 Regional development**

##### **20 Development to which Part applies**

*This Part applies to development of a class or description included in Schedule 4A to the Act.*

##### **21 Council consent functions to be exercised by regional panels**

- (1) *A regional panel for a part of the State may exercise the following consent authority functions of the council or councils for that part of the State for development to which this Part applies:*
  - (a) *the determination of development applications, and applications for the modification of development consents previously granted by the panel, in accordance with Part 4 of the Act,*
  - (b) *without limiting paragraph (a), the functions of a consent authority under Divisions 2 and 2A of Part 4 of the Act and sections 89A, 93I, 94, 94A, 94B, 94C, 94CA, 94EF, 94F, 95 (2), 96 (2) and 96AA of the Act.*

The Joint Regional Planning Panel – Western Division is the determining authority for the proposed development, however, Council has retained the assessment functions for the development. As the proposed development relates to Council owned lands which are to be sold to the developer post determination, an external planning consultant has been retained to carry out a peer review of this assessment report (refer to Attachment 'G').

#### **SECTION 79C(1)(a)(ii) any draft environmental planning instrument.**

There are no draft environmental planning instruments that apply to the Griffith Local Government Area.

#### **SECTION 79C(1)(a)(iii) any development control plan.**

The following development control plans (DCP) are considered to be applicable to the proposed development:

##### **Development Control Plan No. 11 – Urban Subdivision**

*Where does this plan apply?*

- 1) *To land within the City of Griffith which are zoned*
  - *2(a) Residential*
  - *2(v) Residential (village)*
  - *3(a) Business*
  - *4(a) Industrial*

The subject site is zone 3(a) General Business and therefore the DCP applies to the three (3) lot Torrens Title subdivision proposed as part of the development

2) *What are the aims of this plan?*

- (a) *to provide standards, which promote orderly subdivision and growth for both infill and new release areas.*

- (b) *to protect the character of established areas of Griffith which are distinguished by larger lot sizes.*

The subdivision of the subject site represents a form of infill development as the site is vacant and surrounded by the Griffith CBD. The proposed three (3) lot subdivision is not expected to diminish the character of the area as the lot layout of the area tends towards smaller block sizes with narrow frontages.

*3) What standards are required to be met for Subdivision Approval?*

*Those identified in Attachment A.*

*Attachment 'A' – Standards for Subdivision*

The attachment includes standards for residential subdivision and for industrial subdivision but does not include any requirements for commercial subdivision.

***Development Control Plan No 19 – Mixed Development***

The above noted DCP refers mainly to developments which include both retail and residential components on one lot. The proposed development includes temporary accommodation on one lot and two (2) proposed retail structures on the other lots. As such, the majority of the DCP does not apply to the development. The sections of the DCP which are considered to apply to the development have been assessed below.

*Where does this plan apply?*

*To the Business 3(a) Zone*

As the proposed development is in the 3(a) Business zone, the development control plan applies. However, the scope and intent of the policy is to control developments which have both residential and commercial components in the CBD. As the proposed development does not contain a residential component, the "Residential Component" requirements have not been analysed.

*Attachment 'B' - Setbacks*

*Commercial / Retail*

*1.) Front Boundary*

*Where the street level activity is commercial or retail the minimum front boundary setback shall be the front property boundary.*

A 3.4 metre setback has been proposed for the serviced apartments and a zero setback has been proposed for the two retail spaces.

*2.) Side and rear Boundary*

*Buildings may be erected up to the side and rear boundaries.*

The two (2) retail buildings will be erected up to the side boundaries of the site and have a rear setback of > 6.0 metres. The serviced apartment building is proposed to



be erected between 1 – 3.5 metres from the boundaries of proposed Lot B and C and the Railway Street road reserve.

3.) *Garages and parking structures are to be sited and designed so as to not dominate the street frontage.*

The parking facilities of the proposed development account for 65 metres of the entire street frontage which is 197 metres. As such, the parking facilities account for 34% of the street frontage and cannot be considered to dominate the streetscape of the subject site.

#### *Attachment 'B' – Design*

##### *Commercial Component*

*Objective: To allow flexibility in siting buildings and ensure bulk and scale of new development protects reasonable resident amenity.*

1.) *Entries from the street to residential areas should have sufficient and clearly identifiable access without breaking retail/commercial continuity.*

Not applicable

2.) *Venting from ground floor occupancies should minimise negative impacts of any cooking smells or other odours on upper storey occupants.*

Not applicable

3.) *Fire egress and separation requirements in the Building code of Australia and any other fire safety regulations must be observed.*

There is no residential component requiring fire separation.

4.) *Development of the public parking areas shall be generally in accordance with DCP No. 20.*

An assessment of the development against DCP No.20 is provided later in this report.

5.) *Development within the vicinity of a heritage item or within the Heritage conservation area shall assess the impact and provide measures to conserve the significance of the item and the Heritage Conservation area.*

The applicant has provided a "Statement of Heritage Impact" which has been assessed against clause 37 of the Griffith LEP (previously in this report) and clause 79C of the Environmental Planning and Assessment Act, 1979 later in this report.

6. *Griffith Rail Yard Study – Structure Plan, November 1997 has identified potential contaminated sites. No change of use of these sites which may increase the risk of harm will be recommended until the land has been investigated and a remediation plan put in place.*

The applicant has submitted a Phase II Environment Assessment of the subject site which concluded that the trace elements of heavy metals and other substances on the site were below the thresholds for sensitive land uses.

#### *Attachment 'B' – Height*

*Objective: to control the height of buildings in order to maintain a consistent residential character and maximise privacy, solar access and views.*

*1.) Height should suit the streetscape and maintain view corridor and not unreasonably restrict sunlight to adjacent properties.*

The proposed development includes a four (4) storey serviced apartment building in the centre of the subject site and two (2), one storey retail structures at the eastern and western extents of the site. There are very few structures in the immediate vicinity of the subject site as it is surrounded by Ulong street, Kooyoo Street, Railway Street and the railway. The applicant has provided shadow diagrams which indicate that the proposed development will not restrict sunlight to any properties in the area including Memorial Park (refer to Attachment 'A(a)').

*2.) To maintain Griffith's built character, multi-unit dwellings should generally be two storey. However Council will allow three storey at the street frontage where it does not adversely impact upon the streetscape, privacy and solar access enjoyed by adjacent properties.*

The proposed development does not relate to multi-unit dwellings.

#### *Attachment 'B' – Energy Efficiency*

This section relates to the energy efficiency requirements for residential dwellings and does not apply to serviced apartments. However, it is considered that the proposed serviced apartments have been designed to maximise solar access where possible.

#### *Attachment 'B' – Privacy and Security*

This section only applies to residential dwellings.

#### *Attachment 'B' – Private Open Space*

This section only applies to residential dwellings.

#### *Attachment 'B' – Landscaping*

*Objective: To provide an attractive landscape which reinforces the function of a street and enhances the appearance, amenity and energy efficiency of urban housing through integrated landscape design.*

*1.) The landscape design is to specify landscape themes and vegetation and show the locations, names, mature heights and spread of shrub and tree species proposed to be planted, and location of grassed areas and paved areas and proposed lighting and irrigation systems.*

The applicant has provided a Landscape Concept Plan (refer to Attachment 'A(i)') which indicates design principles, type of trees and shrubs to be planted and locations for each and the location of grassed and paved areas. A detailed landscape plan and lighting schedule will be required should the development be approved which will detail the proposed irrigation systems to be used, heights of all

trees at maturity and location of lighting. The applicant will be required to provide additional shade trees within the parking areas at the northern extent of the site.

*2.) The landscaped area required shall generally be not less than 40% site coverage.*

This requirement appears to be related to mixed use developments with a residential component and is too onerous for the proposed development.

*3. Landscaping shall include a suitable proportion of trees, other than palms, capable of reaching a mature height of 6 metres or more in order to*

- *Reduce the visual impact of buildings;*
- *Shade their western elevations from the hot afternoon summer sun;*
- *Promote privacy between sites; and*
- *Promote shade for car parking areas, outdoor recreation areas and children's play areas*

Two (2) large deciduous shade trees have been proposed at the two northern corners of the serviced apartment building and medium sized trees surround the remainder. Additional trees will be required in areas of the car park which are not shaded by shade structures. The street trees proposed will add interest to the streetscape and reduce the impact of the structures from the street level.

*4.) Landscape design should take into account the placement of evergreen and deciduous tree species to ensure winter sun penetration into the buildings and outdoor open space and recreation areas.*

This appears to have been considered in the Landscape Concept Plan.

*5.) A significant amount of advanced tree and shrub species shall be incorporated into the landscaping at the street frontage of the site in order to provide immediate impact and screening of the development.*

The proposed street trees will fulfil this requirement. The street trees will be required to be planted as mature plants.

#### *Attachment 'B' – Vehicle access and Parking*

Vehicle access and parking is to be provided in accordance with DCP No. 20 which will be assessed later in this report.

#### *Attachment 'B' – Acoustics*

*1.) Development adjoining a railway line, busy roads and industry is to be sited, designed and constructed in a manner which minimises adverse noise and vibration effects. Noise sensitive areas, such as living and sleeping areas should be located away from the rail line, busy road and noise source.*

The proposed development adjoins the railway line. It is considered that the retail components of the development are not sensitive to rail or traffic noise. The service apartments could be considered a form of sensitive receptor in terms of noise. The four (4) storey serviced apartment building has been setback 40 metres from the rail line. A noise consultant was engaged by the developer to carry out a review of any potential impacts from rail noise and vibration to the proposed serviced apartments. The acoustic scientist reviewed the Department of Planning and Infrastructure's 'Development near rail corridors and busy roads – interim guidelines' and determined

that the serviced apartment development was in Zone B which does not require a detailed acoustic assessment. The acoustic scientist did however recommend that the design of the serviced apartments should be undertaken with consideration of the recommended internal noise criteria of 35dB(a) (refer to Attachment 'A(k)'). A review of the floor plans for the serviced apartments indicates that the majority of bedrooms have been set back from the northern extent of the building facing the railway line. The occupants of the few bedrooms that have been proposed adjacent to the northern extent of the building are not expected to experience sleep disturbances as the vast majority of train movements through Griffith occur during daylight hours and the adjacent freight terminal is not permitted to operate during the night time. The applicant has stated that the recommended internal noise criteria of 35 dB(A) has been factored into the architectural design of the serviced apartments.

Development Control Plan No. 20 – Off Street Parking (2011)

#### **Table 1.7.1 – Parking Ratios**

<i>Serviced Apartments</i>	<i>1.25 space per serviced apartment</i>
<i>Retail</i>	<i>1 space per 50 sq. m. GFA within CBD</i>

#### Serviced Apartment (Lot B)

The applicant has proposed 40 serviced apartments which would require a total of 50 parking spaces according to Table 1.7.1. Lot B proposes 50 parking spaces including two (2) disabled spaces which satisfies the requirements of the DCP.

#### Retail (Lot A)

Proposed Lot A contains a 1190 m<sup>2</sup> building which has been proposed to be used for retail purposes which would require 24 parking spaces according to Table 1.7.1. Lot A contains 49 spaces which more than meets this requirement and permits other uses which require a higher demand for parking (subject to a development approval) to occupy the space as well.

#### Retail (Lot C)

Proposed Lot C contains a 1230 m<sup>2</sup> building which has been proposed to be used for retail purposes which would require 25 parking spaces according to Table 1.7.1. Lot C contains 39 spaces which more than meets this requirement and permits other uses which require a higher demand for parking (subject to a development approval) to occupy the space as well.

#### Total

The development, based on retail and serviced apartments occupying the site requires 99 spaces. The applicant has proposed a total of 138 parking spaces over three separate lots which exceeds the minimum specified in DCP No. 20.

### **1.9.2 Minimum standards for all other developments**

#### Access

The proposed development has four (4) access points. Two access points off Railway Street for passenger vehicles, one access point off Ulong Street for the

entrance of heavy vehicles (delivery) and one access point off Kooyoo Street for the exiting of heavy vehicles. The access points appear to have been designed in accordance with the requirements of the DCP, however, a condition of consent has been proposed to ensure that the driveways are constructed in accordance with Council's Engineering Guidelines should the development be approved.

#### **1.9.5 Manoeuvrability**

The applicant was unable to facilitate the movement of semi-trailers on site to Council's satisfaction as part of their submitted application. As such, the applicant was required to re-design the development to satisfy this section of the DCP and ensure the turning path of the largest vehicle to access the site does not conflict with the parking layout or interfere with pedestrian or vehicular traffic. The applicant has separated the heavy vehicle movements from the passenger vehicles via a new accessway off Ulong Street. The revised site plans submitted in late April 2013 provide for the appropriate manoeuvrability of heavy vehicles and passenger vehicles on site.

#### **1.9.6 Parking for People with Disabilities**

*All parking for people with disabilities must be provided according to the classification and requirement of the BCA and Australian Standards 2890.6:2009.*

The proposed development has made provisions for six (6) disabled spaces which exceeds the requirements of the BCA and the Australian Standards. If approved, a condition of consent will be placed on the development which requires the disabled spaces to be constructed to meet the relevant standards prior to the occupation of the site including sign posting and line-marking.

#### **1.9.7 Loading Bays and Service Areas**

The DCP does not require the use of loading bays for commercial developments, however if loading bays are proposed in an application, certain dimensions and design criteria are required. The applicant has proposed two single dock loading bays for each of the retail buildings. The DCP requires a single dock loading bay to be 3.5 wide by 12.5 metres deep for semi-trailers. The proposed loading docks are 7.5 and 7.8 metres wide and have depths in excess of 19 metres. Turning path diagrams have been provided which show that the heavy vehicles can manoeuvre within this area without conflicting with passenger vehicles or pedestrians. Also, heavy vehicles can comfortably enter and exit the site in a forward direction.

#### **1.9.9 Bicycle and Motorcycle Parking**

- 1 marked motorcycle space / 20 car parking areas
- 1 bicycle rail with at least 3 wheel slots / 50 car parking spaces.

The applicant has provided 9 motorcycle spaces and 3 bicycle rails have been provided on each of the proposed lots which complies with the above requirement.

#### **1.10 Construction of Car Parking**

If approved, a condition of consent will be placed on the development requiring the construction of the car park to be as per the DCP and Council's Engineering Guidelines and the relevant Australian Standards.

#### **1.10.4 Landscaping and Vegetation**

- *10% of parking lots are required to be landscaped*
- *Except where explicitly allowed otherwise by Council, trees must be planted and maintained for shade at a ratio of at least one tree for every four parking bays in the case of single rows of parking and one tree for every eight spaces in the case of double rows of parking.*

A Landscape Concept Plan has been provided for the proposed development (refer to Attachment 'A(i)'). The plan indicates that tree plantings and landscaping will be provided around the serviced apartments and street trees will be provided on Railway Street. It does not appear that 10% of the parking lot has proposed to be landscaped. The applicant will be required to plant shade trees within the parking lot as per the above requirement if the development is approved as a condition of consent. Shade sails have been provided over 18 spaces which will negate the need to plant trees in this area. It is also noted that the applicant has provided 138 parking spaces for the development and only 99 are required under the DCP. This will allow the developer, as part of a detailed landscape and parking layout plan, to provide an appropriate amount of landscaping throughout the site. If approved, the applicant will be required to submit a detailed landscape plan to Council for approval prior to the issue of a Construction Certificate.

#### **1.10.5 Lighting and Signage**

*All parking areas for developments comprising night time operation or occupation shall be illuminated.*

If the development is approved, the applicant will be required to provide Council with a lighting plan for the parking lot. The applicant has stated that the car park will be illuminated and sign posted to comply with Australian Standards. This will be conditioned accordingly and inspected prior to the occupation of the development should it be approved.

#### **SECTION 79C(1)(a)(iia) any planning agreement.**

There are no planning agreements which apply to this development.

#### **SECTION 79C(1)(a) (iv) the regulations.**

The regulations (Sections 92, 93 and 94 of the EP&A Reg) have been considered as part of this development.

#### **SECTION 79C(1)(b) the likely impacts of the development.**

The subject site is presently vacant and has been for many years. The proposed development is considered to be a reuse of an abandoned former railway site which is bordered by the rail lines to the north and Railway Street and the Griffith CBD to the south.

#### Context and setting

The subject sites locality is on the edge of Griffith's CBD in close proximity to shops a park and a heritage conservation area to the south and a transition area comprising of residential and commercial uses to the north east. The existing northern

streetscape of Railway Street has no discernable qualities or features as the area between Ulong Street and Kooyoo Street is entirely vacant and provides a direct view of the rail lines and residential units on Binya Street. The proposed development will considerably alter this streetscape to the benefit of the locality. The southern streetscape of Railway Street contains several prominent visual elements which are presently separated from the street by a parking area and several mature street trees, but include Memorial Park, the rear of the Court House and Post Office, street trees on Banna Avenue and several shops.



**Figure 3 Railway Street - View from site to Griffith CBD and Memorial Park**

This streetscape will only be altered through the construction of a raised pedestrian walkway between the proposed development and the carpark and Memorial Park on the southern side of Railway Street.

The scale and bulk of the development is not reminiscent of the majority of structures in the immediate locality. Most structures are single or double storey in height in the immediate locality however there are three and four storey buildings elsewhere in the CBD including the Griffith Plaza at the corner of Jondaryan Avenue and Banna Avenue and a block of serviced apartments located at the eastern extent of Banna Avenue. Although these structures and the proposed development are of a different scale and height than most of the structures in the CBD they are not considered to negatively impact on the character of the Banna Avenue precinct. The development of larger scale structures in various locations around the CBD adds visual interest but does not detract from the significance of the one and two storey retail facades which dominant the street frontage of the area. The majority of the scale of the serviced apartments will be screened when viewed from Banna Avenue and Memorial Park by several mature trees and the proposed street trees to be planted on the northern side of Railway Street. The two retail structures will include design elements such as reclaimed timber panelling, ultra finish colourbond and precast concrete to break up the monotony of a façade without multiple shop fronts similar to the Griffith Central development. The area between the retail premises and the serviced apartments (car park) will be softened by a recycled hardwood timber feature which will act to link

the three aspects of the development and creates the appearance of a continual street frontage.

Immediately adjacent land uses include the rail line (north) and a freight transport terminal (Patrick's) (north-west). The rail line is sparsely used as only two trains travel through Griffith on a given day. The freight terminal is used extensively for loading and unloading of trains during daylight hours. As the proposed development relates to retail and short term accommodation, the freight terminal is expected to have little impact on the proposed development, however, boundary treatments including fencing will be required to increase the safety of customers of the proposed development and limit the potential for access to the railway from the development site. If the development is approved a condition of consent will be included requiring the construction of fencing along the northern boundary adjacent to the rail line.

As a result of the development, the context and setting of the locality will be altered as the applicant has proposed a re use and intensification of a portion of the CDB which has been vacant for several years. This alteration is considered to be to the betterment of the CBD by activating the Railway Street frontage and providing visual interest while increasing the amount of patrons to the area by providing short term accommodation and alternative scales of retail space.

#### Access, Transport and Traffic

A detailed analysis of the developments access arrangements, projected traffic demand and the capacity of the local road network has been provided in the Engineering Assessment provided in Attachment 'E'.

#### Public Domain

The applicant will be required to construct a footpath along the northern side of Railway Street and a raised pedestrian footpath which will connect the development to the carpark on the southern side of Railway Street and Memorial Park. The proposed development is expected to increase the usage of Memorial Park as the park will act as a link between the retail shops on Banna Avenue and the proposed development.

#### Utilities

The proposed development will increase the demand for Council's water and Sewer infrastructure in the area. To estimate the water usage and sewer demand for the proposed development the Water Directorate "Determination of Equivalent Tenement Guidelines" were used; however the guidelines do not include an ET rate for serviced apartments but instead it is suggested that the rate for multi-unit residential be applied.

	Water ET Rate	Sewer ET Rate	Values	TOTAL
<b>Serviced Apartments</b>	2 Bedroom = 0.5 3 Bedroom = 0.67	2 Bedroom = 0.75 3 Bedroom = 1.0	2 Bedrooms = 36 3 Bedrooms = 4	Water = 20.68 ET Sewer = 31 ET
<b>Retail A</b>	0.002 / sq. m.	0.003 / sq. m.	1230 sq. m.	Water = 2.46 ET Sewer = 3.69 ET
<b>Retail B</b>	0.002 / sq. m.	0.003 / sq. m.	1190 sq. m.	Water = 2.38 ET Sewer = 3.57 ET
<b>TOTAL</b>				<b>Water = 25.52 ET Sewer = 38.26 ET</b>



1 ET in Griffith is equivalent to 490 kl / annum usage for water and 240 kl / annum usage for sewer. The proposed development will have an approximate demand of 12.5 megalitres / annum for water and 9.18 megalitres / annum of discharge for sewer. Considering the potential vacancy rate of the serviced apartments and the likelihood that the units will only be occupied by a single individual on several occasions, the estimated demand for water and sewer seems high.

The applicant has proposed some water saving solutions inline with the principles of Ecologically Sustainable Development including the use of water saving showerheads.

The Council owned infrastructure capacity in Griffith appears to be capable of adequately catering for the proposed development. A 125 mm water main and a 150 mm sewer main are located on Ulong Street which the site has access to. The applicant will be required to provide hydraulic calculations to demonstrate that post development the minimum required pressure and flow rate through Council's existing water infrastructure will be maintained. Also, calculated peak demands generated from the entire development will be required from the applicant to ensure the sewer infrastructure in the locality is suitable. The applicant will also be required to extend Council's sewer main to service proposed Lot B and as such service all three (3) of the subdivided lots.

Currently drainage for the subject site is directed to the Inter-allotment drainage system along the south-western boundary of the subject allotment for disposal. The subject site is located within the CBD catchment identified in *Council's Onsite Detention Policy*. Conditions shall be imposed to ensure that the proposed stormwater design incorporates onsite detention should the application be approved. The proposed development will be required to incorporate onsite detention to ensure that stormwater runoff is limited to 65L/s/ha from the subject site. This will ensure that the stormwater runoff from the development will not adversely affect adjoining land in times of flood.

The applicant will also need to ensure that all other services, including electricity, telecommunications and gas are adequate in the area for the proposed development prior to subdividing the lands (applying for a Subdivision Certificate)

### Heritage

The applicant has provided a Statement of Heritage Impact prepared by Graham Brooks and Associates which concludes that Council should have no hesitation from a heritage perspective in approving the application (refer to Attachment 'A(g)'). An assessment of the Heritage Impact Assessment and Division 5 of the Griffith Local Environmental Plan 2002 is provided in Attachment 'D' which concludes that the development generally respects the heritage significance of nearby heritage items or the conservation area for the following reasons:

- The proposed development will not result in any negative impact on the Commonwealth Bank or the former Lyceum Theatre nor on iconic structures within the conservation area, namely the Courthouse and the Cenotaph.
- The scale of the building, in particular its height, is acceptable on the basis that the physical separation and relative isolation of the development site from other buildings within the streetscape allows for a more imposing building.
- The development is located outside the established conservation area and provides an acceptable transition along the edge of a conservation area.

## Soils

As previously mentioned in this report, the subject site was considered to be potentially contaminated due to its previous railway related use and as such a Phase II Environmental Assessment of the subject site was carried out. The Assessment concluded that the site is considered “clean” and acceptable for sensitive land uses as per the *Contamination Land Management Act 1997*. As such, no remediation is required for the proposed development.

## Waste

The applicant has stated in the Statement of Environmental Effects that “waste avoidance is a priority on this project”. The estimated ongoing waste generation rates for the serviced apartments (assuming 100% occupancy) is as follows (provided by the applicant):

### *General Waste*

Total of 84 beds @ 5L/bed/day = 420L/day = 2,940L / week

### *Recyclable Waste*

Total of 84 beds @ 1L/bed/day = 84L/day = 588L / week

The disposal of this waste will be via a private disposal company with pickup of 7 x 240L bins for general waste and 2 x 240L bins for recycling, twice weekly to accommodate the total waste from the apartments. These will be stored and screened from view by 1700 mm high timber battens on a steel frame at the rear of the serviced apartments.

Waste estimates for the two (2) retail spaces were not provided as the exact use of these buildings is not yet known. A refuse area at the rear of each retail building has been provided which will be screened from view by 1700 mm high timber battens on a steel frame. The applicant suggests that all private waste collection will occur at predetermined times where car park activity and road activity on Railway Street are low to ensure minimal disruption.

## Noise and Vibration

Noise disturbances associated with the serviced apartments is expected to be negligible as there are few sensitive receptors in the area and the predominant use of the site is for short-term accommodation. The nearest dwellings are separated from the site by the railway and are located approximately 140 metres from the apartments. The applicant has suggested that noise mitigation measures will be implemented to ensure the amenity of the area is not impacted including:

- A staff member on-site 24 hours a day, seven days a week; and
- A noise complaints register will be kept on site.

Considering the predominantly commercial nature of the area, noise from the retail premises is not expected to impact the amenity of the locality.

The predominant noise source that could impact the proposed development is the railway line to the north and freight terminal to the northwest. The railway line is infrequently used (2 trains per day) and the rail freight terminal is used only during daylight hours. Considering the close proximity of the freight terminal and railway to

existing residents, Council receives very few complaints which usually result from infrequent operation outside normal hours. As such, the continued use of the railway site in such a manner is not expected to impact on guests of the serviced apartments. A noise consultant was engaged by the developer to carry out a review of any potential impacts from rail noise and vibration to the proposed serviced apartments. The acoustic scientist reviewed the Department of Planning and Infrastructure's 'Development near rail corridors and busy roads – interim guidelines' and determined that the serviced apartment development was in Zone B which does not require a detailed acoustic assessment.

The serviced apartments are to be setback 40 metres from the railway track which will limit the amount of vibration experienced by patrons.

### Safety Security and Crime Prevention

The applicant acknowledges that the proposal (serviced apartments) has been designed within the principles of Crime Prevention through Environmental Design (CPTED) including the following safety provisions

- *Serviced apartments will have an onsite manager available all hours when reception is closed (11pm – 7am).*
- *Limiting amount of entry points to two (one from Railway Street and one from the rear parking area).*
- *All guests entering reception will be clearly visible from the reception desk.*
- *Access to serviced apartment areas will be locked from 10 pm with entry only gained by use of swipe card or reception staff manager.*
- *The serviced apartments will have CCTV spread across the premises in key traffic areas*
- *Swipe card access – guests only have access to the floor they are staying on.*
  - *After 10pm only guests with a swipe card may access the premises*
- *Lighting - all external areas will be well lit for security purposes.*

If implemented, the above measures adequately address the principles of CPTED. The proposal (serviced apartments) is not considered one which would require the preparation of a crime risk assessment. The need for a crime risk assessment will be further evaluated as part of additional development approvals related to the two retail spaces. The following is an evaluation of the proposed development against the principles of CPTED.

### *Surveillance*

The proposed development appears to have been designed to ensure clear sightlines between public and private places is achieved. The site layout interacts well with the adjacent park and car park areas and allows for passive surveillance of both spaces. The applicant suggests all external areas will be well lit, however a lighting plan has not been provided. To ensure the car park and other external areas are well lit, the applicant will be required to provide a lighting plan as a condition of consent should the development be approved. The landscaping has been designed to limit areas which offenders can hide or entrap victims with the exception of the 1.8 metre high angled brick accent wall feature at the frontage of the serviced apartments. It appears this feature has been incorporated into the design of the building immediately adjacent to the footpath to add visual interest and separate and

screen the ground floor units from the street frontage. However, it would allow opportunity for offenders to hide to entrap or startle pedestrians utilising the footpath or guests entering or exiting the serviced apartments. The feature has not been incorporated into the Landscaping Concept Design (refer to Attachment A(ii)) which shows significant low level plantings in front of the ground floor units. The use of low level plantings in this area will act to beautify the site and limit the potential for entrapment posed by the brick wall feature. As such, as part of a comprehensive landscape plan, the applicant will be required to provide low level plantings and medium sized trees at the frontage of the development as suggested in the Landscape Concept Plan and it is recommended that the brick wall feature not be approved.

#### *Access Control*

The use of extensive landscaping surrounding the service apartments, with the exception of the two (2) entrances provides a clear indication of which portions of the building people are permitted to access. As previously stated, the Ground Floor Plan and Site Plan for the serviced apartments (refer to Attachment 'B') does not provide a clear indication, other than the proposed angled brick wall, of the visual and physical barriers to be provided in front of the ground floor apartments, conference area and gym. As the brick wall will not be recommended for approval the applicant will need to provide physical and visual barriers at the frontage of the development similar to that proposed in the Landscape Concept Plan. A redesign of a low level brick feature at the frontage of the development could be considered as part of the comprehensive landscape plan. Appropriate conditions have been added to the consent to facilitate the preparation of such a comprehensive landscape plan.

#### *Territorial Reinforcement*

The proposed design encourages people to use and congregate in Memorial Park and the Railway Street footpath (to be constructed). The applicant will be required to provide a raised pedestrian footpath linking Memorial Park and the proposed development. As such a clear link through the park will be provided between the CBD and the development. The use of perimeter landscaping will provide clear transition between the public footpath and the private space of the serviced apartments. Also the zero setback of the two retail premises provides a clear indication of where the public footpath ends and the private commercial spaces begins at the two pedestrian and vehicular access points.

#### *Space Management*

As part of the ongoing requirements of the development, the proprietors of the retail spaces and the serviced apartments will be required to ensure the site is maintained in a clean and tidy manner, landscaping is well established and maintained and any graffiti is repaired immediately. The brick wall would have provided a target for graffiti, however it has not be recommended for approval. The eastern and western walls of the retail premises facing the two adjoining lots could be considered to be potential targets for vandalism. The applicant should ensure that CCTV is provided in these areas to negate this potential.

#### Social Impact

The use and beautification of an underutilized site is considered to have a positive social benefit to the Griffith CBD.

### Economic Impact

The proposed development is expected to have a positive economic impact on the Griffith CBD. Approximately 18 employment positions will be created as part of the operation of the serviced apartments and the retail premises, based on the size of the space, could potentially create employment for upwards of 40 additional employees. The increase in short term residents in the locality will benefit other businesses in the CBD as guests can easily walk to restaurants, shops and services on Banna Avenue.

### Site Design and Internal Design

The applicant has proposed a three (3) lot Torrens Title subdivision of subject allotment. Each lot will have its own parking areas, however, right of carriageways will need to be created over the accessways and parking areas to ensure movements between lots is not restricted. A right of carriageway has also been proposed over the adjacent lot to the east and a portion of the lot to the west for the purposes of deliveries and heavy vehicle movements through the site. The entire development will have the appearance of a single lot with a coordinated retail and accommodation development but in actuality will be three separate entities. The portion of the lot covered by the buildings is considered low for a commercial area. The applicant has provided 39 additional parking spaces not required by DCP No. 20. This will allow for more demanding retail uses to occupy the two tenancies and these spaces could infrequently be used by patrons and workers of other establishments in the CBD. As parking facilities in the CBD are sometimes saturated, the provision of additional spaces for the proposed development is appropriate. The design of the buildings are considered modern and will add visual interest to Railway Street, however, the applicant will be required to provide additional landscaping throughout the site where possible, as a condition of consent should the application be approved.

The construction of the serviced apartments is likely to comply with the Building Code of Australia, but the assessment of the likely compliance of the retail premises will have to be determined as part of additional development approvals for the internal fit-out of these buildings. Access and facilities for the disabled will be required to meet the Access to Premises Standards.

### **SECTION 79C(1)(c) the suitability of the site for the development**

The subject site is considered suitable for the proposed development as there are no constraints posed by adjacent developments, the proposed development is compatible with the existing land uses in the area, utilities and services are available and can be accommodated for the development and the site attributes are conducive to the development. Also, the zoning of the land and the permissibility of the development is a broad indication that the site is suitable for the proposed development.

### **SECTION 79C (1) (d) any submissions made in accordance with this Act or the regulations.**

#### Public Submissions

The development application was publicly notified in accordance with Councils notification policy (Development Control Plan No. 25 – Public Notification of Development Applications) in the following manner:

- Adjoining and adjacent landowners were provided with written notification;

- An advertisement was placed in the Area News on two (2) occasions; and
- The public exhibition period was for a period of 21 days.

At the close of the public notification period, there were no submissions made in regards to development application 190/2013.

#### Submissions from public authorities

##### *New South Wales Roads and Maritime Services (RMS)*

The NSW RMS were notified of the development on 27 November 2012 in accordance with SEPP (Infrastructure) 2007 as the application was considered a “traffic generating development”. After an initial review of the application by Council staff, the applicant was asked to provide additional information in the form of a new site plan which adequately catered for the turning movements of semi-trailers on site. As the information was directly related to the potential concerns of the RMS, a response to the development was not provided until after the development was re-designed. The NSW RMS provided this response on 21 May 2013 (refer to Attachment ‘F’). The RMS raised no objection to the development subject to the Consent Authority considering adding sixteen (16) conditions of consent. Council’s Development Engineers have reviewed the proposed conditions and have included them in the draft conditions of consent where appropriate (refer to Attachment ‘E’).

The NSW Police and the State Rail Authority were notified in writing of the proposed development. No response was received from these authorities.

#### **SECTION 79C (1) (e) the public interest**

There have not been any issues raised by the public in regards to this application and it is not anticipated that the health and safety of the public will be affected by the proposed development. Also, the proposed development is not expected to adversely impact on the environment or the character and amenity of the area.

It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments (EPI), Development Control Plans (DCP), Council policy and ensuring that any adverse effects on the surrounding area and environment are avoided. On the basis that the proposal is considered consistent with the aims and objectives of GLEP 2002 and other EPI’s, DCP’s and council policies it is therefore unlikely for the application to raise issues that are contrary to the public interest.

## **CONTRIBUTIONS**

### **Section 64**

To estimate the water usage and sewer demand for the proposed development the Water Directorate “Determination of Equivalent Tenement Guidelines” were used; however the guidelines do not include an ET rate for serviced apartments but instead it is suggested that the rate for multi-unit residential be applied. If the ET rate for multi-unit is applied to the proposed development, the following contributions are required:

	Water ET Rate	Sewer ET Rate	Values	TOTAL
<b>Serviced Apartments</b>	2 Bedroom = 0.5	2 Bedroom = 0.75	2 Bedrooms = 36	Water = 20.68 ET
	3 Bedroom = 0.67	3 Bedroom = 1.0	3 Bedrooms = 4	Sewer = 31 ET
<b>Retail A</b>	0.002 / sq. m.	0.003 / sq. m.	1230 sq. m.	Water = 2.46 ET

				Sewer = 3.69 ET
Retail B	0.002 / sq. m.	0.003 / sq. m.	1190 sq. m.	Water = 2.38 ET Sewer = 3.57 ET
TOTAL				Water = 25.52 Sewer = 38.26

Water Section 64 Contribution = \$3659\* x 25.52 = \$93,377.68  
 Sewer Section 64 Contribution = \$2112\* x 38.26 = \$80,805.12  
**TOTAL = \$174,182.80**

\*figures are current with Council's current revenue policy

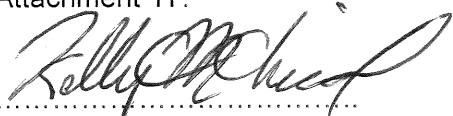
Considering the potential vacancy rate of the serviced apartments and the likelihood that the units will only be occupied by a single individual on several occasions, the estimated demand for water and sewer seems high. The applicant will be required to provide a detailed Water and Sewer Consumption Report utilising usage figures from similar developments and provide Council with an appropriate contribution as the Water Authority for the purposes of Section 64 of the Local Government Act 1993 prior to the use of the development.

### Section 94A

Council adopted a Section 94A Contributions Plan on 1 July 2010. Under Part 4, Division 1B "Development Consent Contributions" of the *Environmental Planning and Assessment Regulation 2000*, Council is able to impose a levy under section 94A of the Act of 1% if the proposed cost of carrying out the development is more than \$200,000. As such, council will require the payment of a \$154,133.36 prior to the issue of an Occupation Certificate should the development be approved.

## RECOMMENDATION

The application has been assessed in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation and it is recommended that consent may be granted subject to conditions detailed in Attachment 'H'.



Responsible Officer

Kelly McNicol

**Coordinator**

**Land Use Planning and Compliance**

11/06/13

Date

### ATTACHMENTS

- A – Statement of Environmental Effects
  - A(a) – Architectural Plans
  - A(b) – Traffic Report
  - A(c) – Phase 2 Environmental Assessment
  - A(d) – Compliance Tables
  - A(e) – Subdivision Plan
  - A(f) – Stormwater Management Plan and Erosion and Sediment Control Plan
  - A(g) – Statement of Heritage Impact
  - A(h) – Plan of Management
  - A(i) – Landscape Concept Plan
  - A(j) – Survey Plan
  - A(k) – Acoustic Advice

- B – Revised Architectural Plans
- C – Site Photos
- D – Council Heritage Assessment
- E – Council Engineering Assessment
- F – RMS Referral
- G – Habitat Planning Peer Review
- H – Draft Conditions of Consent