



## Development Assessment Report for Western Regional Planning Panel

### PART A: GENERAL ADMINISTRATION

<b>DA No:</b>	185/2021(1)
<b>Property Information:</b>	Lot: 2 DP 1275071, Lots 14-17, 186 & 189 DP 705992 9-17 & 14-16 Snaith Place, 1-8 Thomas Place and 7-11 Heath Crescent, Griffith
<b>Proposed Development:</b>	Subdivision of land
<b>Brief Description of Proposal</b>	38 lot Torrens Title subdivision of land to provide 32 single dwelling lots, three (3) designated multi-dwelling lots, two (2) lots for public open space and one (1) lot for a community centre
<b>Type of Development:</b>	Local
<b>Lodgement Date</b>	27 July 2021
<b>Statutory Timeframe:</b>	40 days
<b>Value of Development:</b>	\$3,100,000.00
<b>Applicant's Details:</b>	Griffith City Council PO Box 485 GRIFFITH NSW 268
<b>Land Owner's Details:</b>	Griffith City Council PO Box 485 GRIFFITH NSW 2680
<b>Report Author/s:</b>	Mr S J Parisotto Contract Town Planner

## PART 1: EXECUTIVE SUMMARY

- 1.1 The application has been referred to the Western Regional Planning Panel on the basis that the land is to be owned by Griffith City Council.
- 1.2 The proposed development involves Torrens Title subdivision of land into 38 lots and provide 32 single dwelling lots, three (3) designated multi-dwelling lots, two (2) lots for public open space and one (1) lot for a community centre. The statement of environmental effects and the plans are set out in Appendix A (TRIM Reference 21/101884).
- 1.3 The proposed development accords with the aims of Griffith Local Environmental Plan 2014 and is permissible within and consistent with the objectives of the R1 General Residential zone. Further the proposed development satisfies the provisions of the relevant state environmental planning policies and is generally consistent with the design guidelines set out in Griffith Residential Development Control Plan 2020.
- 1.4 The application was notified in accordance with Council's Community Participation Plan with no submissions received.
- 1.5 It is recommended that the application be approved based on the details contained in report.

## PART 2: PROPOSAL

- 2.1 The applicant seeks consent for Torrens Title subdivision of land into 38 lots and provide 32 single dwelling lots, three (3) designated multi-dwelling lots, two (2) lots for public open space and one (1) lot for a community centre.

**Figure 2.1: Proposed Subdivision Masterplan**



- 2.2 The proposed development forms part of the Griffin Green Affordable Housing Project (see paragraph 4.3) being part of Stage 1B.
- 2.3 The development includes the partial closure of Thomas Place, construction of a new road commencing at Thomas Place extending through to Heath Crescent and construction of a new road linking to Snaith Place.
- 2.4 The proposal includes the redevelopment of Dave Taylor Park and concept plans include the provision/retention of a full size basketball court and provision of modern play equipment.
- 2.5 The applicant advised the staging sequences have been established to ensure that the public reserve park space is readily available to the community at all times. The sequencing is as follows:
  - (a) Stage 1 – construction of new basketball court and the civil works necessary to subdivide Lots 3 -10;
  - (b) Stage 2 – demolition of existing basketball court and other structures including a barbeque shelter;
  - (c) Stage 3 – construction of Thomas Place road extension and construction of Snaith Place connection;
  - (d) Stage 4 - construction of community park;
  - (e) Stage 5 – civil works necessary to subdivided the remainder of the lot

### PART 3: SITE DESCRIPTION AND LOCALITY

- 3.1 The site may be legally described as Lots 14-17, 186 & 189 DP 705992 and Lot 2 DP 1275071 and has the street address of 9-17 & 14-16 Snaith Place, 1-8 Thomas Place and 7-11 Heath Crescent, Griffith. It has an area of approximately 3.18 hectares.

**Figure 3.1: Locality Plan**

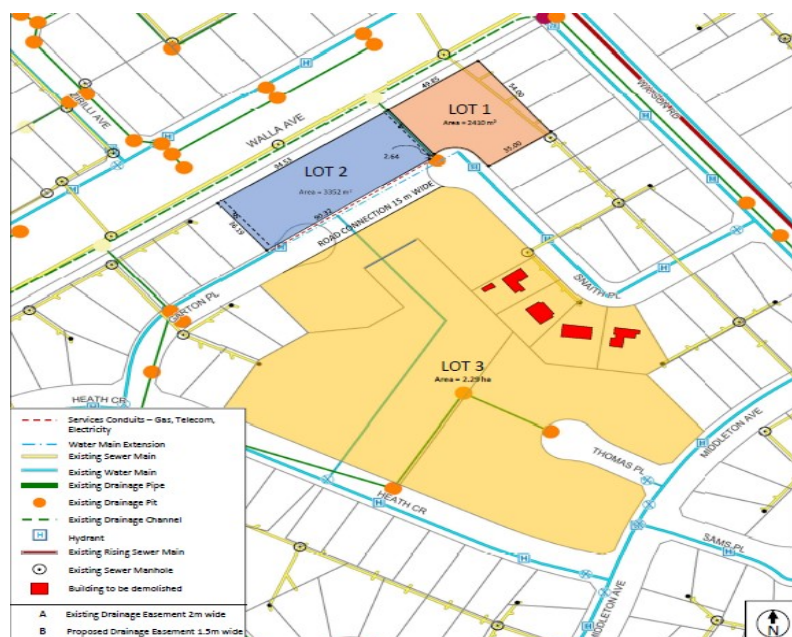


- 3.2 The site is not burdened by any easement or restrictions-as-to-user, however an 80mm potable water main traverses the site.
- 3.3 The subject site is located approximately 1200 metres southwest of the Griffith town centre.
- 3.4 The subject site incorporates Dave Taylor Park and adjoins low density residential development to the south and south-west, north and east.
- 3.5 The site has not affected by inundation, subsidence, slip, mass movement bushfire or flooding.

## PART 4: BACKGROUND INFORMATION AND HISTORY OF THE SITE

- 4.1 The matter was considered at the Development Assessment Panel meeting on 29 July 2021 and the following matters were raised during the preliminary assessment of the application which are potential issues or where further information from the applicant is required:
  - (a) The application be referred to the Western Regional Planning Panel for determination under Section 377 of the Local Government Act due to Council's ownership of the land and interest in the application;
  - (b) Neighbour notification as per Community Consultation Plan with a 28 day exhibition period;
  - (c) Referral to Engineering Design and Approvals Manager for comments and conditions;
  - (d) The amendment to Griffith LEP 2014 to rezone the park had not yet been notified; and
  - (e) The contaminated land has been remediated.
- 4.2 Council recently granted consent to a three (3) lot Torrens title of the subject land viz DA 305/2020 shown in figure 4.2 below.

**Figure 4.2 – Approved subdivision layout as part of DA 305/2020**





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- 4.3 The approved development has resulted in the creation of the following:
- Lot 1 – a 2,415m<sup>2</sup> portion of the site that contains the existing seniors housing development to be retained by NSW Land and Housing Corp
  - Lot 2 – a 3,352m<sup>2</sup> portion of the site that will contain the future Stage 2 of the project including 20 affordable rental units to be transferred to Argyle Housing.
  - Lot 3 – the consolidation of part of Lot 187, Lots 14-17, 186 and 189 DP 70599.
- 4.4 Development Application No. 28/2021 was determined by the Western Regional Planning Panel on 2 August 2021 and relates to Lot 2 (the blue lot). Consent was granted to 20 affordable rental units.
- 4.5 The remediation of the site, involving the removal of a capped mound, on part of Lot 3 (orange lot), containing asbestos has been undertaken and a site audit statement issued on 13 July 2021.

## PART 5: STATUTORY REFERRALS

- 5.1 The following statutory referrals were undertaken as part of the assessment of the application:
- (a) Essential Energy (in accordance with clause 45 of SEPP (Infrastructure))
- 5.2 Submissions received in response to the abovementioned referrals are addressed in Part 6: Matters for Consideration, s4.15(1)(d) – any Submissions Made in Accordance with the Act or Regulation.
- 5.3 In summary Council was advised (on 19 August 2021) that “*strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.*” Refer to Appendix B (TRIM Reference 21/83728)

## PART 6: SECTION 4.15 EVALUATION

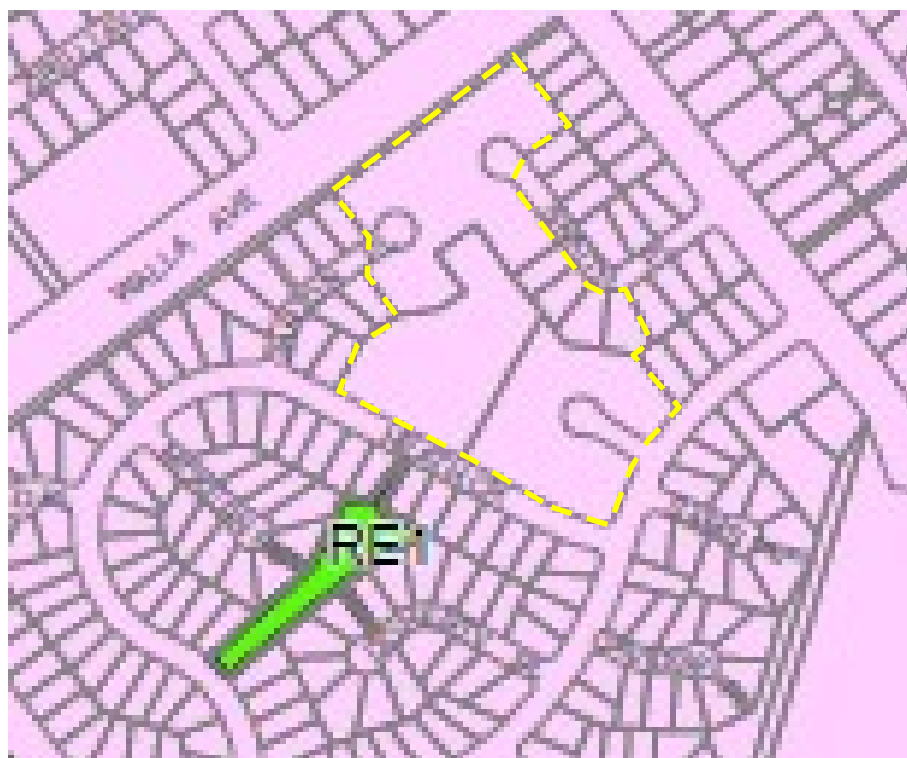
- 6.1 In determining a development application, a consent authority is to take into consideration Section 4.15 of the Environmental Planning and Assessment Act 1979. The following matters as are of relevance to the development the subject of the development application.
- 6.2 **SECTION 4.15(1)(a)(i) any environmental planning instrument.**
- 6.3 ***Griffith Local Environmental Plan 2014***
- 6.4 Permissibility
- 6.5 At the time of lodgement the subject land was zoned part R1 General Residential and part RE1 Public Recreation. Under Part 2, clause 2.6 land too which Griffith Local Environmental Plan 2014 applies may be subdivided but only with development consent. On this basis the proposed development is considered permissible.

**Figure 6.5 Zoning at lodgement of DA**



6.6 As part of the Griffin Green Affordable Housing Masterplan, Council prepared a planning proposal that sought to rezone part of the site, being Lot 189 DP 705992, zoned to R1 General Residential from RE1 Public Recreation.

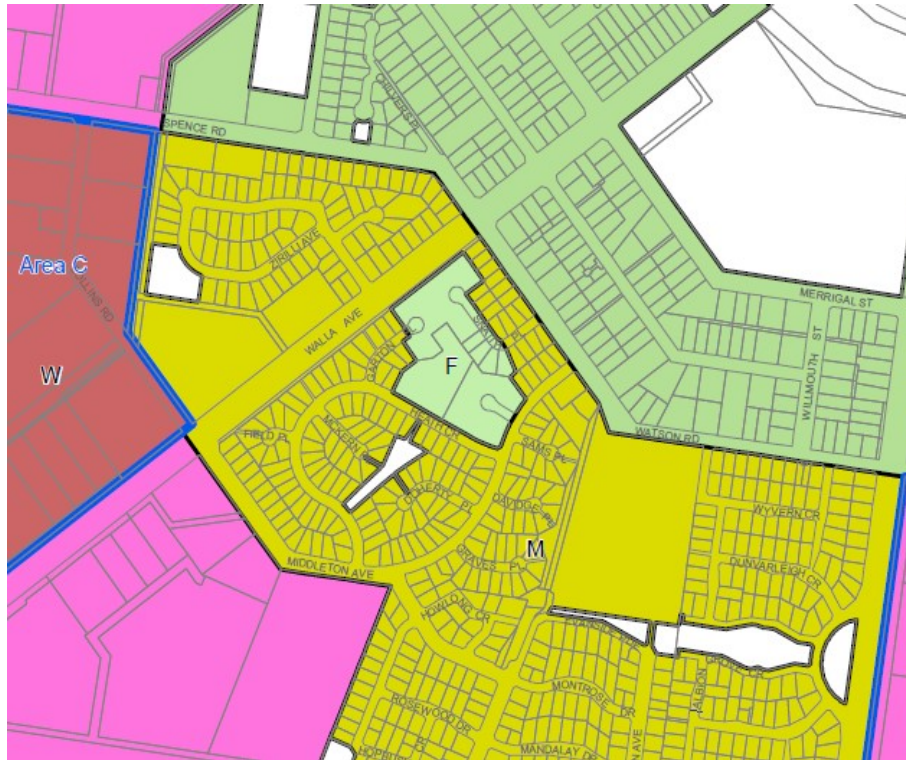
**Figure 6.6 Zoning of land as of 6 August 2021**



- 6.7 The amendments, which came into force on 6 August 2021 do not alter the permissibility of the development, which is for the subdivision of the land.
- 6.8 Also under the same planning proposal, the minimum lot size, for all lots subject to this application, was reduced from 600m<sup>2</sup> to 400m<sup>2</sup> (see Figure 6.18).
- 6.9 *Aims of Griffith Local Environmental Plan 2014*
- 6.10 The proposed development has been considered with regard to the aims of Griffith Local Environmental Plan 2014 as set down in Part 1, clause 1.2(2) which states:
- (a) *to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,*
  - (b) *to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,*
  - (c) *to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,*
  - (d) *to manage and protect areas of environmental significance,*
  - (e) *to recognise the historical development of the area and to preserve heritage items associated with it.*
- 6.11 It is the view of Council that the proposed subdivision of land accords with the broad aims of Griffith Local Environmental Plan 2014, particularly in terms of clause 1.2(2)(a) and (c).
- 6.12 *Objectives of Zone*
- 6.13 The objectives for the R1 General Residential zone set down in the Land Use Table are as follows:
- *To provide for the housing needs of the community.*
  - *To provide for a variety of housing types and densities.*
  - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
  - *To facilitate development of social and community infrastructure to meet the needs of future residents.*
  - *To allow people to carry out a reasonable range of activities from their homes, if such activities do not adversely affect the living environment of neighbours.*
- 6.14 Council is of the view that the proposed subdivision is consistent with the objectives of the zone inasmuch the proposal will provide opportunities for the housing needs of the community that would be commensurate with the surrounding residential environment and it provides opportunities for the provisions of community facilities
- 6.15 It should be noted that as part of the review of Griffith LEP 2021 it will seek to rezone Lot 2 (green path) and Lot 28 (park) back to RE1 Public Recreation.
- 6.16 *Principal Development Standards*
- 6.17 Section 4 of the Environmental Planning and Assessment Act 1979 defines a development standard as being a provision of an environmental planning instrument in relation to the carrying out of a development, being provisions by or under which requirements are specified or standards are fixed in respect to any aspect of the development.

- 6.18 Part 4 of Griffith Local Environmental Plan 2014 identifies the principal development standards that apply to the local government area. Clause 4.1(3) stating that the size of any lot relating to the subdivision of land to which this clause applies is not to be less than the minimum lot size shown on the Lot Size Map in relation to that land. The lot size map indicates that the site is “F” which sets down a minimum lot size of 400m<sup>2</sup>.

**Figure 6.18 Lots Size Map**



- 6.19 Each of the proposed lots meet the development standard and are 400m<sup>2</sup> or greater in area.
- 6.20 *Miscellaneous Provisions*
- 6.21 Part 5 of Griffith Local Environmental Plan addresses numerous miscellaneous provisions with those clauses relevant to the proposed development including:
- 6.22 The proposed development does not involve land that is classified as public land or requires the reclassification of public land and therefore Clause 5.2 does not apply.
- 6.23 Clause 5.10 of Griffith Local Environmental Plan 2014 sets down objectives in respect to the conservation of environmental heritage within the Griffith local government area. Specifically it applies to the protection of heritage items and heritage conservation areas; development affecting places or sites of known or potential Aboriginal heritage significance; development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance; development in the vicinity of a heritage item; provision of conservation incentives; and development in heritage conservation areas. In this regard it is to be noted that the subject site is not located within a heritage conservation area, nor does it contain nor within the vicinity of a heritage item listed in Schedule 5 of Griffith LEP 2014.



- 6.24 On 14 July 2021 the provisions of clause 5.21 Flooding Planning was introduced to Griffith LEP 2014 in lieu of clause 7.2 which was a local provision. The wording and provisions of the new clause and the repealed clause had the same effect, requiring Council to consider certain matters for development within a flood planning area. The subject site as not been mapped as being flood prone, nor is it mapped as being below a flood planning level and as such the provisions of clause 5.21 do not apply.
- 6.25 In accordance with Council's Flood Management Policy, the floor level of any future habitable room will need to be a minimum of 410mm above the existing natural ground levels.
- 6.26 *Part 6 Urban Release Areas*
- 6.27 The subject site is not located within an urban release area, therefore the provisions of part 6 of Griffith Local Environmental Plan 2014 do not apply.
- 6.28 *Additional Local Provisions*
- 6.29 Part 7 of Griffith Local Environmental Plan addresses numerous additional local provisions including those listed below.
- 6.30 The objective of clause 7.1(2) is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. In considering the extent of earthworks proposed, Council has considered the following:
- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.*
  - (b) *the effect of the development on the likely future use or redevelopment of the land;*
  - (c) *the quality of the fill or the soil to be excavated, or both,*
  - (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
  - (e) *the source of any fill material and the destination of any excavated material,*
  - (f) *the likelihood of disturbing relics,*
  - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- 6.31 The prevailing topography is flat with earthworks including to excavation for services and road building. Such works will therefore not adversely affect surrounding sites or adjoining public land. Further it is unlikely that Aboriginal relics or items be discovered during works associated with civil works associated with the subdivision of the land. If however relics are discovered, it is expected that these works will cease and the protocol followed for the reporting and management of such findings be implemented. A condition of consent has been imposed to this effect.
- 6.32 The subject site has not been identified on any of the relevant maps as having environmental significance in terms of terrestrial biodiversity, groundwater vulnerability, riparian land, water courses or wetlands or salinity. As such the provisions of clauses 7.3, 7.4, 7.5, 7.6 to 7.7 inclusive are not relevant
- 6.33 The subject site is not within any aircraft obstacle limitation surface area and as such the provisions of Clause 7.8 do not apply.

- 6.34 The objectives of clause 7.9 are to prevent certain noise sensitive developments from being located near the Griffith Airport and its flight paths, and to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings. The proposed development is not located on land near the Griffith Airport and is not on land in an ANEF contour of 20 or greater.
- 6.35 Clause 7.10 states that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:
- (a) *the supply of water,*
  - (b) *the supply of electricity,*
  - (c) *the disposal and management of sewage,*
  - (d) *stormwater drainage or on-site conservation,*
  - (e) *suitable vehicular access.*
- 6.36 Council's Engineers have undertaken an assessment of the proposed development addressing the provisions of clause 7.10 by way of the imposition of conditions. Their assessment is set out in Appendix C of this report.
- 6.37 Clause 7.11 relates to the location of sex services premises and therefore does not apply to the development.
- 6.38 ***State Environmental Planning Policies***
- 6.39 The following State Environmental Planning Policies that apply to the Griffith City Council area have been taken into consideration in the evaluation of DA 185/2021:
- 6.40 ***State Environmental Planning Policy (State and Regional Development) 2011***
- 6.41 The proposed development has a capital investment value of \$3,100,000 (ex-GST) which is less than the \$5 million threshold for referral to the Western Regional Planning Panel. Notwithstanding the CIV the application has been referred to the Western Regional Planning Panel under the provisions of section 4.33 of the Environmental Planning and Assessment Act, due to the land being owned by Griffith City Council.
- 6.42 ***State Environmental Planning Policy (Infrastructure) 2007***
- 6.43 The provisions of *State Environmental Planning Policy (infrastructure) 2007* ('ISEPP') are not applicable to this application. While the site is not burdened by any easements for services, it is burdened by electricity transmission infrastructure to which Division 5 (Electricity transmission or distribute) of the SEPP applies.
- 6.44 The site also does not adjoin any classified road corridors. Further, the development is not of a size that is identified by Schedule 3 of the SEPP as 'traffic generating development'. Council is therefore not required to make a referral to Roads and Maritime Services (RMS).
- 6.45 ***State Environmental Planning Policy No. 55 - Remediation of Land***
- 6.46 The *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) applies to the proposed development. Clause 7 requires a consent authority to consider

the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

6.47 The subject site has been remediated as a separate matter to this application, in April 2021 with a site audit statement being issued on 13 July 2021 indicating the land is suitable for residential purposes.

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

6.49 At the time of preparing this report there are no draft environmental planning instrument that applies to the development or to land within the Griffith local government area.

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

6.51 *Griffith Residential Development Control Plan 2020*

6.52 Griffith Residential Development Control Plan (GRDCP) came into effect on 17 August 2020 and sets out the following aims and objectives:

- a) *To provide appropriate development control principles for the development of Griffith.*
- b) *To encourage, facilitate and promote affordable housing in accordance with the Griffith Housing Strategy 2019.*
- c) *Ensure high standards of residential development within Griffith.*
- d) *Provide for a diversity of housing opportunities and residential lifestyle choices.*
- e) *Encourage new residential development that is sympathetic to the existing streetscape and neighbourhood character of a particular locality. It is considered that the proposed alterations and additions to the existing residential development upon the land, generally accords with the aims and objectives of the GRDCP.*

6.53 The subject site is within the South Griffith Precinct (clause 3.9 GRDCP) and the intended future character of the area is predominantly low-density single dwellings with some dual occupancy and multi dwelling housing within undeveloped lots to promote affordable rental housing. It is considered that the proposed the subdivision is consistent with the projected future character of the area.

6.54 The following Table of Compliance compares the proposed development with the provisions of the DCP. Where the DCP provides a numerical control, compliance is noted as “*complies*” and where the DCP provides a subjective guideline compliance is noted “*satisfactory*”.

**Table 6.54: Table of Compliance: Griffith Residential DCP (Residential Subdivision)**

#### **GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN – RESIDENTIAL SUBDIVISION**

<b>Control Type Clause</b>	<b>Control</b>	<b>Proposal / Compliance?</b>
<b>Lot Size and Layout</b>		
3.2(a)	The size of any lot subdivided must be in accordance with the relevant clauses in the GLEP.	Complies. Each lot in the proposed subdivision exceeds 400m <sup>2</sup> .
3.2(b)	Proposed lots must be of a size and have a shape and dimensions to enable the siting of a dwelling and ancillary structures that:	Satisfactory. The plans indicate a conceptual building envelope for a dwelling upon the land which would satisfy setback controls for

Control Type Clause	Control	Proposal / Compliance?																					
	i. minimise impacts on adjoining properties including access to sunlight, privacy and views; ii. provide usable principal private open space; iii. provide vehicle access; and iv. protect or replace significant trees.	a typical three bedroom dwelling.  It must be noted that the concept plans are not being approved as part of this development and the erection of a dwelling on any of the lots would be subject to either a separated development application or applications or through the complying development process should they satisfy the provisions of the relevant SEPP																					
3.2(c)	Lot design should maintain a minimum lot width that is compatible with the subdivision pattern, measured at the building line adjacent to the primary frontage as detailed in the following: <table border="1" data-bbox="359 741 919 969"> <thead> <tr> <th>GLEP Area</th><th>Min. Lot Size</th><th>Min. Width</th></tr> </thead> <tbody> <tr> <td>D</td><td>300m<sup>2</sup></td><td>10m</td></tr> <tr> <td>G</td><td>450m<sup>2</sup></td><td>12m</td></tr> <tr> <td>I</td><td>500m<sup>2</sup></td><td>15m</td></tr> <tr> <td>M</td><td>600m<sup>2</sup></td><td>16m</td></tr> <tr> <td>Q</td><td>700m<sup>2</sup></td><td>18m</td></tr> <tr> <td>U</td><td>1000m<sup>2</sup></td><td>20m</td></tr> </tbody> </table>	GLEP Area	Min. Lot Size	Min. Width	D	300m <sup>2</sup>	10m	G	450m <sup>2</sup>	12m	I	500m <sup>2</sup>	15m	M	600m <sup>2</sup>	16m	Q	700m <sup>2</sup>	18m	U	1000m <sup>2</sup>	20m	The subject land is within Area F, which is not identified in the adjoining table. Given that the minimum lot size for Area F it is reasonable to infer that the minimum lot width should be between 10-12m. The lot widths proposed range from 10m to 12m and therefore is deemed satisfactory.
GLEP Area	Min. Lot Size	Min. Width																					
D	300m <sup>2</sup>	10m																					
G	450m <sup>2</sup>	12m																					
I	500m <sup>2</sup>	15m																					
M	600m <sup>2</sup>	16m																					
Q	700m <sup>2</sup>	18m																					
U	1000m <sup>2</sup>	20m																					
3.2(d)	Larger lots should be provided in response to hazards such as flooding.	Not applicable as hazards have not been identified.																					
3.2(e)	Higher densities, where provided, should be located in areas closer to commercial uses, open space, parks, community facilities and public transport routes.	Satisfactory.																					
3.2(f)	Lot layout should enable dwelling fronts to face other dwelling fronts across a public street and backyards to face backyards	Satisfactory.																					
3.2(g)	Lots should be orientated and configured to maximise opportunities for solar access.	Northerly aspects have been provided where orientation permits.																					
3.2(h)	Corner lots should be designed to enable the construction of a dwelling that can comply with the prevailing setback requirements along both street frontages (dual occupancy lot).	Satisfactory. The building envelopes indicate compliance with setback controls could be achieved.																					
3.2(i)	The subdivision design should avoid the creation of battle-axe or highly irregular shaped lots.	Complies. No battle axe lots included in the design.																					
3.2(j)	Consideration must be given to how garbage and recycling will be removed from the frontage of all lots by providing manoeuvring space to enable trucks to access bin collection areas.	Complies. Road layout allows waste collection vehicles to circulate through the development.																					
<b>Connectivity and Movement</b>																							
3.3(a)	Where staging is to occur, each individual stage should be integrated with one another over the course of the development to ensure multi-modal connectivity.	Satisfactory. Staging sequences provided for logical and efficient development of the land.																					
3.3(b)	Good pedestrian, cycling and vehicular connections to existing and proposed open space, community facilities and commercial	Satisfactory. New pedestrian network provides linkages to public open space.																					



Control Type Clause	Control	Proposal / Compliance?
	areas should be prioritised.	
3.3(c)	Road networks (street length, intersection type, stagger and spacing) should be designed to control traffic speeds to appropriate limits.	Council's Engineers have assessed the application and considered the proposed road network satisfactory.
3.3(d)	<p>Design of roads should provide appropriate carriageway widths, street trees, lighting and adequate footpaths and cycleways.</p> <p>i. Footpaths and cycleways must be provided in accordance with the <i>Griffith Pedestrian and Bicycle Strategy – 2018</i>.</p> <p>ii. Roads must be designed in accordance with Council's <i>Engineering Standards: Subdivision and Development (as amended)</i>.</p>	<p>Council's Engineers have assessed the application and considered the proposed road network satisfactory.</p> <p>Concrete paths a shown on all road frontages, which provides connectivity throughout the subdivision. The 'green link' between Garton Place and the extension of Thomas Place does not include a footpath.</p> <p>Given that this provides a direct path between the approved affordable housing (see DA 28/2021) and the new park, it is recommended that a concrete path be provided. A condition of consent has been recommended to this effect (see conditions 12(i), 18 and 59)</p>
3.3(e)	<p>Development Applications for greenfield residential subdivisions must:</p> <p>i. Include an overall transport movement hierarchy showing major circulation routes and connections to achieve simple and safe movement systems for private vehicles, public transport, pedestrians and cyclists; and</p> <p>ii. Include cross sections of each type of road proposed in the hierarchy including</p>	Council's Engineers have assessed the application and consider that road hierarchy satisfactory.
<b>Essential Services</b>		
3.4(a)	The design and installation of sewerage, water and stormwater must be provided in accordance with Council's <i>Engineering Standards: Subdivision and Development (as amended)</i> .	Council's Engineers have assessed the application and consider the infrastructure satisfactory.
3.4(b)	<p>Where there is no reticulated sewerage system in reasonable proximity to the site the development application must demonstrate that:</p> <p>i. All lots are capable of supporting an approved on-site sewerage management system supported by a Land Capability Assessment prepared by a suitably qualified Geotechnical Engineer.</p> <p>ii. Compliance with Council's On-site Sewage Management Plan is possible.</p> <p>iii. Sewerage collection and disposal areas address the following:</p> <ul style="list-style-type: none"> <li>• They are above the Flood Planning Level;</li> <li>• Effluent disposal areas are a minimum of 200m<sup>2</sup>;</li> <li>• They adequately treat sewerage to appropriate standards; and</li> </ul>	Not applicable

Control Type Clause	Control	Proposal / Compliance?
	<ul style="list-style-type: none"> <li>The groundwater table is at least 1.2m below the disposal area</li> </ul>	
3.4(c)	Council's reticulated water supply system must be connected to the subdivision and provided to each lot through Council mains or privately owned connections.	Council's Engineers have assessed the application and consider extension to the reticulated water supply system satisfactory.
3.4(d)	The design of the subdivision must meet the requirements of Fire and Rescue NSW's <i>'Fire Safety Guideline – Fire Hydrants for Minor Residential Development'</i> .	<p>Existing hydrants will be retained within Snaith Place and Heath Crescent.</p> <p>New hydrants will be provided within the street network to meet <i>Fire and Rescue NSW's Fire Safety Guidelines</i>.</p>
3.4(e)	The design and installation of electricity, street lighting, telecommunications (including NBN) and gas services must be in accordance with the requirements of the relevant servicing authorities.	This can be conditioned.
3.4(f)	Electricity and telecommunications infrastructure should be provided as underground services.	This can be conditioned.
3.4(g)	Compatible public utility services should be coordinated in common trenching to minimise construction costs for underground services and reduce restrictions on landscaping within road reserves.	May not be achievable as it will be subject to service providers' requirements.
3.4(h)	Where the connection of reticulated water and sewer infrastructure is not immediately available to the subdivision, or requires upgrading, the developer should make all necessary arrangements for the extension of these services to service each lot in the subdivision, with all costs associated with the extension of services borne by the developer.	Not applicable.
3.4(i)	Development Applications for greenfield residential subdivisions must include draft servicing plans showing the location of all required utilities and demonstrating compliance with this section.	Satisfied. See Appendix 5 of applicant's Statement of Environmental Effects.
<b>Stormwater</b>		
3.5(a)	Post-development runoff rates should be equal to or less than pre-development runoff rates for the full range of design storm events. Drainage from the proposed lots should not significantly alter pre-development stormwater patterns and flow regime.	The stormwater network has been designed to discharge stormwater into Council's Walla Avenue drainage channel. Post development run-off will be catered for in Council's existing stormwater network downstream through potential detention basin and channel widening.
3.5(b)	<p>Water Sensitive Urban Design (WSUD) elements should be provided in the design of the subdivision.</p> <ul style="list-style-type: none"> <li>i. Long term maintenance requirements must be identified for WSUD elements; and</li> <li>ii. WSUD must be designed to suit the climate of Griffith</li> </ul>	Onsite detention is not proposed however Council could cater for the detention requirements of the proposal in the widening and deepening of the downstream conveyance and detention systems.
3.5(c)	Stormwater must discharge to the street gutter or interallotment drainage system.	This has been assessed by Council's Engineers and is deemed satisfactory.

Control Type Clause	Control	Proposal / Compliance?
3.5(d)	Easements to drain stormwater must be provided over all pipeline, inter-allotment drainage and any overland flow paths.	This has been assessed by Council's Engineers and is can be conditioned.
3.5(e)	Where the stormwater drainage system in the locality requires upgrading, the developer should make all necessary arrangements for the extension of the drainage system to service each allotment in the subdivision, with all costs associated with the extension of the drainage system borne by the developer.	This has been assessed by Council's Engineers and is can be conditioned.
3.5(f)	Development applications for greenfield subdivisions must include: i. a preliminary Stormwater Management Plan prepared in accordance with Engineering Standards: Subdivision and Development (as amended) and Council's On-Site Detention Policy (CS-CP-404) demonstrating how the development can comply with this section.	Satisfied. See Appendix 5 of applicant's Statement of Environmental Effects.
<b>Safety</b>		
3.6	Development applications for greenfield subdivisions should demonstrate how the lot, access, street and street lighting arrangements will promote the principles of Crime Prevention Through Environmental Design (CPTED), including but not limited to: I. Orienting building envelopes and car parking areas to minimise inactive streets; II. Casual surveillance of public spaces, including the street; and III. Appropriate lighting of public spaces and walkways.	Satisfactory. The applicant has indicated that street lighting will be provided throughout the proposed street network. Lots have been oriented toward the park to allow for casual surveillance.
<b>Open Space</b>		
3.7(a)	Public open space should be planned in close consultation with Council and in consideration of Council's Section 94A Contributions Plan 2010 and Council's Playground Strategy 2014.	The concept plan accords with the Playground Strategy 2014 and is therefore satisfactory.  The provision of a new basketball court within the public open space was as a direct consequence of the community consultation undertaken at the time the planning proposal was exhibited. It was identified that before the existing court was demolished, Council would construct the new court. No objections were received in respect to the positioning of the new court.
3.7(b)	The required amount of open space dedicated to Council is calculated on the basis of 1000 m <sup>2</sup> / 20 lots.	Complies. Approximately 5140m <sup>2</sup> of public open space and 750m <sup>2</sup> of community use space for a community centre. In total the Pioneer precinct would contain 1.118ha for the existing 170 and addition 38 lots as part of this proposal.
3.7(c)	At least 90% of dwellings should be located	Complies.

Control Type Clause	Control	Proposal / Compliance?
	within 400 m straight line distance from an existing or proposed public open space.	
3.7(d)	Public open space should be integrated with major drainage networks and water quality facilities where they are compatible.	Not relevant to proposed park.
3.7(e)	Public open space should be provided in a manner that can be economically maintained.	Satisfactory.
3.7(f)	<p>Development applications for greenfield subdivisions which require open space must include a draft design of the open space addressing how the open space will:</p> <ul style="list-style-type: none"> <li>i. Be buffered from main roads and identified hazards for improved safety;</li> <li>ii. Be safely accessible by pedestrian and/or cycleway links;</li> <li>iii. Located to maximise walkable access to the highest number of the population; and</li> <li>iv. Have passive / casual surveillance opportunities for security and safety.</li> </ul>	<p>The applicant has provided details of the proposed park in Appendix 7 of their Statement of Environmental Effects, and this is considered satisfactory.</p> <p>No details have been provided in respect to common fencing facing the public open space. It is considered that to ensure consistency and a more desirable urban design outcome, the fencing needs to be detailed as part of the final design for the park, and that either Council as the developer construct the fence or specify its requirements on a s88B instrument to inform future land owners of their obligations. This approach can be found on s88B instruments for fencing in Farm 8 of the Collina release area.</p> <p>A condition of consent (see 12(j)) has been imposed to require design details to be included as part of the landscaping details, and that the approved fencing be referred to in the s88B instrument (see condition 58).</p>

6.55 **SECTION 4.15(1)(a)(iia) any planning agreement.**

6.56 There are no planning agreements in force.

6.57 **SECTION 4.15(1)(a)(iv) regulations**

6.58 Section 4.15(1)(a)(iv) requires Council to take into consideration the provisions of clauses 92-94 of the Environmental Planning and Assessment Regulation 2000. There is nothing in the regulations relevant to the proposed development.

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

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

<i>Context and setting</i>	The proposed subdivision layout is generally in keeping with the pattern for subdivision within Pioneer.
<i>Access, transport and traffic</i>	The proposed development will generate additional traffic once the land is developed for the intended purposes, however the capacity of the local road network, both existing and proposed,



	is deemed adequate for the proposed development without the need for any auxiliary road works.
<i>Public domain</i>	The development will not have an adverse impact on public recreation or the amount, location, design, use and management of public spaces.
<i>Utilities</i>	Amplification of services are required. All costs would be at the expense of the entity with the benefit of the consent.
<i>Heritage</i>	<p>The subject site does not contain nor is it within the vicinity of a heritage item listed in Schedule 5 of GLEP 2014.</p> <p>Council may be satisfied that the proposed development will not be a significant impact on heritage.</p>
<i>Other land resources</i>	There is unlikely to be any impact on land resources such as mineral extractive resources or water supply catchments, is expected.
<i>Water</i>	It is considered that the proposed subdivision would not impact upon groundwater or any riparian corridor or waterways.
<i>Soils</i>	It is considered that any impact upon local and off-site soil conditions can be satisfactorily mitigated through proper management of the site during construction.
<i>Air and microclimate</i>	Nil.
<i>Flora and fauna</i>	Council can be satisfied that the proposed development would not have an impact on local native ecological communities, flora or fauna and their habitats.
<i>Waste</i>	No change.
<i>Energy</i>	Nil.
<i>Noise and vibration</i>	Standard conditions have been imposed to mitigate impact from construction noise.
<i>Natural hazards</i>	The subject site is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, and bushfire or flooding.
<i>Technological risks</i>	There are no known technological risks to people, property or the natural environment from the activities.
<i>Safety, security and crime prevention</i>	The proposed development would not pose any risk in terms of criminal activity, safety or security.
<i>Social &amp; economic impact in the locality</i>	The proposed development has a neither a positive or negative economic impact.
<i>Site design and internal design</i>	Not applicable.

<i>Construction</i>	Should the application be approved conditions of consent will be placed on the development to ensure that no nuisance, soil erosion and sedimentation transport occurs, and in relation to hours of construction.
<i>Cumulative impacts</i>	Nil.

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

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

<i>Does the proposal fit the locality</i>	The proposed development is in keeping with the locality and there are no constraints posed by adjacent development that would restrict or otherwise prohibit the development from proceeding.
<i>Are the site attributes conducive to development</i>	<p>The site subject is not prone to natural hazards such as tidal inundation, subsidence, slip, and mass movement bushfire or flooding.</p> <p>The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site.</p> <p>The historic use of the site indicates that the land was contaminated, however it has since been remediated.</p>

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

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

6.65 The provisions of the Environmental Planning and Assessment Act 1979 the Environmental Planning and Assessment Regulation 2000 and Council's Community Participation Plan - set down consultation, concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

6.66 The applications was referred to Essential Energy in accordance with clause 45 of State Environmental Planning Policy (Infrastructure) and in an e-mail dated 19 August 2021 advised:

*Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development. Essential Energy makes the following general comments:*

- 1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
- 2. As part of the subdivision/s, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time*

of registration of the plan/s of subdivision. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).

3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, such as a padmount substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

6.67 In addition to the statutory referral process identified in Part 5 of this report, the notification of the development included notification on Council's website, a notice in the weekly printed and electronic 'Council Catchup', and letters to adjoining and nearby land owners and a letter box drop to tenants.

6.68 No submissions have been received objecting to the development.

6.69 **SECTION 4.15 (1) (e) the public interest**

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

6.71 On the basis that the proposed development is considered to be consistent with the aims and objectives of Griffith Land Use Strategy: Beyond 2030; Griffith Local Environmental Plan 2014 and other relevant environmental planning instruments, development control plans or policies; and Land and Environment Court Planning Principles, it is therefore unlikely to raise any issues that are contrary to the public interest.

## PART 7: MONETARY CONTRIBUTIONS

- 7.1 Section 7.12 of the Environmental Planning and Assessment Act 1979 states that if a consent authority is satisfied that development is likely to require the provision of or increase the demand for public amenities and public services within the area, it may grant the development consent subject to a condition requiring the payment of a monetary contribution in accordance with an approved contributions plan. Council's Director of Sustainable Development has advised that as the subdivision is part of the Griffin Green Affordable Housing Masterplan that contributions can be set aside in accordance with clause C.12 of the contributions plan.
- 7.2 The effect of section 64 of the Local Government Act 1993 is to give the functions of the Water Management Act 2000 to Council in the same way it applies to a water supply authority. Section 306(2) of the Water Management Act 2000 enables a water supply authority to require the applicant to do either or both of the following:
- (a) *to pay a specified amount to the water supply authority by way of contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both,*
  - (b) *to construct water management works to serve the development.*
- 7.3 On the basis the proposed development will result in an increase in equivalent tenements Section 64 contributions for water and sewer (based on the respective developer services plans) are payable.
- 7.4 The amounts payable in respect to this development are set out in Appendix C (TRIM Reference 21/108441).

## PART 8: CONCLUSION AND RECOMMENDATION

- 8.1 The development application has been analysed and evaluated with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment has identified that:
- 8.2 The proposed development is permissible within the zone under GLEP 2014 and is consistent with the aims, objectives and special provisions of that environmental planning instrument.
- 8.3 The proposed development is consistent with the provision the relevant SEPP that apply.
- 8.4 The proposed development is considered satisfactory with regard to the objectives and controls set down in the relevant development control plans.
- 8.5 The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- 8.6 The subject site is suitable for the proposed development
- 8.7 The proposed development does not raise any matter contrary to the public interest.



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

## 8.9 Recommendation

- a) That the Western Regional Planning Panel as the consent authority pursuant to section 4.16 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: 185/2021(1) for the Torrens Title subdivision to provide 32 single dwelling lots, three (3) designated multi-dwelling lots, two (2) lots for public open space and one (1) lot for a community centre as set out in Appendix D (TRIM Reference 21/102324)

### ASSESSING OFFICER

**Name:** Mr S J Parisotto  
**Position:** Consultant Town Planner  
**Signature:**

**Date**  
7 October 2021



### Peer Reviewing Officer

**Name:** Kerry Rourke  
**Position:** Acting DA Coordinator  
**Signature:**

12 October 2021

