

COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSWES194 - (PAN-355688)</b>
<b>DA Number</b>	<b>138/2023(1)</b>
<b>LGA</b>	<b>Griffith City Council</b>
<b>Proposed Development</b>	<b>Ancillary development to an educational establishment - Construction of new multi-purpose hall.</b>
<b>Street Address</b>	3/-/DP 123963 82-86 COOLAH STREET GRIFFITH 2680
	Applicant: Dept of Education C/ Urbis Pty Ltd Owners: Murrumbidgee Regional High School Griffith Campus
<b>Date of DA lodgement</b>	10 August 2023
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	No objections to the development
<b>Recommendation</b>	Approval with conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	<b>SEPP (Planning Systems) 2021 – Schedule 6 Regionally Significant Development</b>  <b>4 Crown development over \$5 million</b>  Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.
<b>List of all relevant s4.15(1)(a) matters</b>	The development proposal doesn't contravene a development standard or any other relevant provision of the Griffith Local Environmental Plan 2014.  The proposal is consistent with the zone objectives.  The proposal doesn't contravene any adopted development control plan provision.
<b>List all documents submitted with this report for the Panel's consideration</b>	Assessment Report Draft Conditions of Consent

<b>Clause 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	N/A
<b>Report prepared by</b>	<b>Leah Smith, Assessment Officer</b>
<b>Report date</b>	

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards Not applicable

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Not applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

# Development Assessment Report

## PART A: GENERAL ADMINISTRATION

<b>DA No:</b>	138/2023(1)
<b>Property Information:</b>	LOT: 3 DP: 123963 82-86 Coolah Street GRIFFITH
<b>Proposed Development:</b>	Construction of new multi-purpose hall (Griffith High School site).
<b>Brief Description of Proposal</b>	The new multi-purpose hall includes the following facilities: <ul style="list-style-type: none"><li>• Multi purpose sports court;</li><li>• Covered outdoor learning space;</li><li>• Kitchenette;</li><li>• Amenities; and</li><li>• Storage area.</li></ul>
<b>Type of Development:</b>	Local
<b>Lodgement Date:</b>	10 August 2023
<b>Statutory Timeframe:</b>	40 days
<b>Value of Development:</b>	\$8,144,400.00
<b>Applicant's Details:</b>	Dept of Education C/- Urbis Pty Ltd Level 28 123 Pitt Street SYDNEY NSW 2000
<b>Land Owner's Details:</b>	Murrumbidgee Regional High School Griffith Campus PO Box 5062 GRIFFITH NSW 2680
<b>Report Author/s:</b>	Leah Smith

## PART B: EXECUTIVE SUMMARY

- The application has been referred to the Western Region Planning Panel on the basis of the development being regionally significant pursuant to the provisions of SEPP State and Regional Development – Crown development with a capital investment value greater than \$5M.
- The proposal consists of the construction of a new multi-purpose hall at the Griffith High School campus. The development will contain a basketball court, covered outdoor learning space, canteen area, amenities and storage area. The proposal will also the removal of one tree and associated landscaping.
- There have been no submissions received to the public notification of this application.
- It is recommended that the application be approved based on the details contained in this assessment report.

## PART C: PROPOSAL

Development consent is sought for the construction of a new multi purpose hall to be used by the existing high school located on the property. The building will be located in the east of the site. The building will have a floor area of 857.3 sqm and have a maximum height of 9.5m. No demolition is proposed.

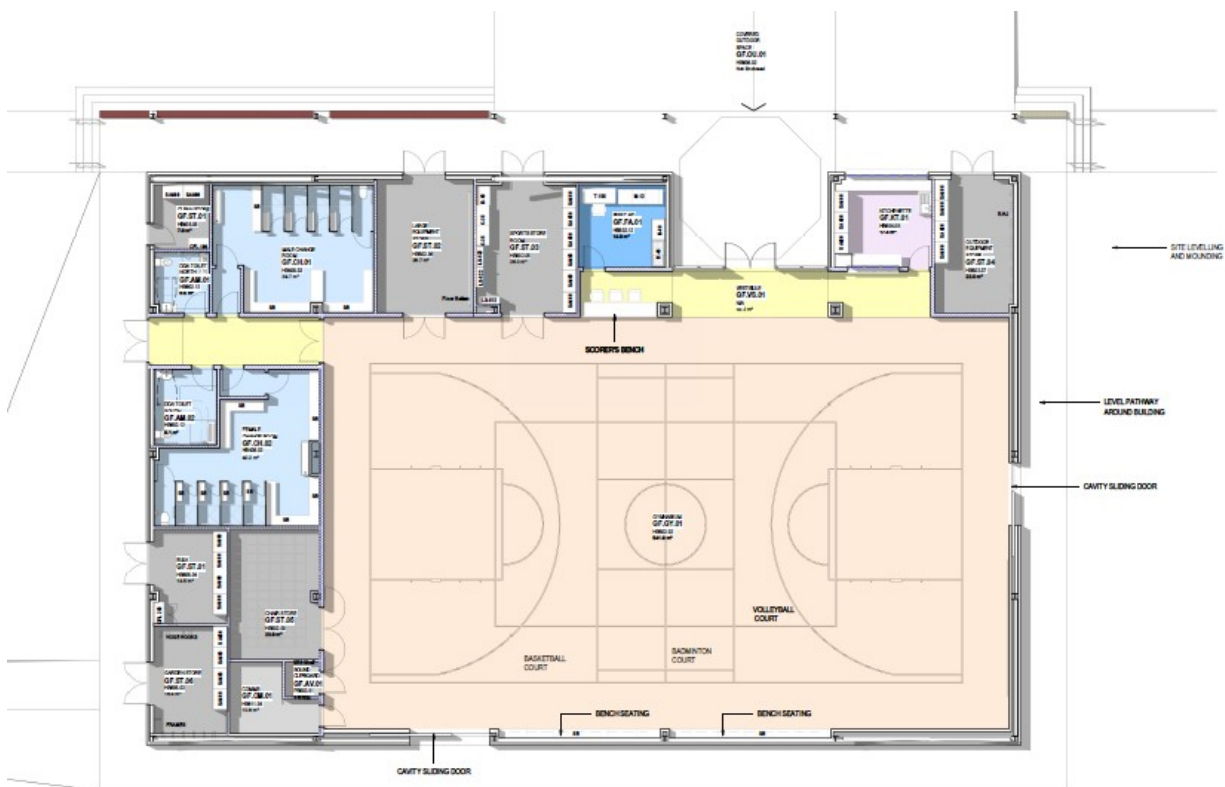


FIGURE 1. Floor plan of proposed building

The proposal includes the removal of one tree to accommodate the building. Landscaping has been proposed around the building and includes landscaping to the site.

The hall will be used during school operation hours, being Monday to Friday 7:00am to 5:00pm. Additionally, the hall will be used for up to 15 events per annum for outside of school hours for school and community events. The following hours are proposed:

Monday to Friday – up to 9:00pm

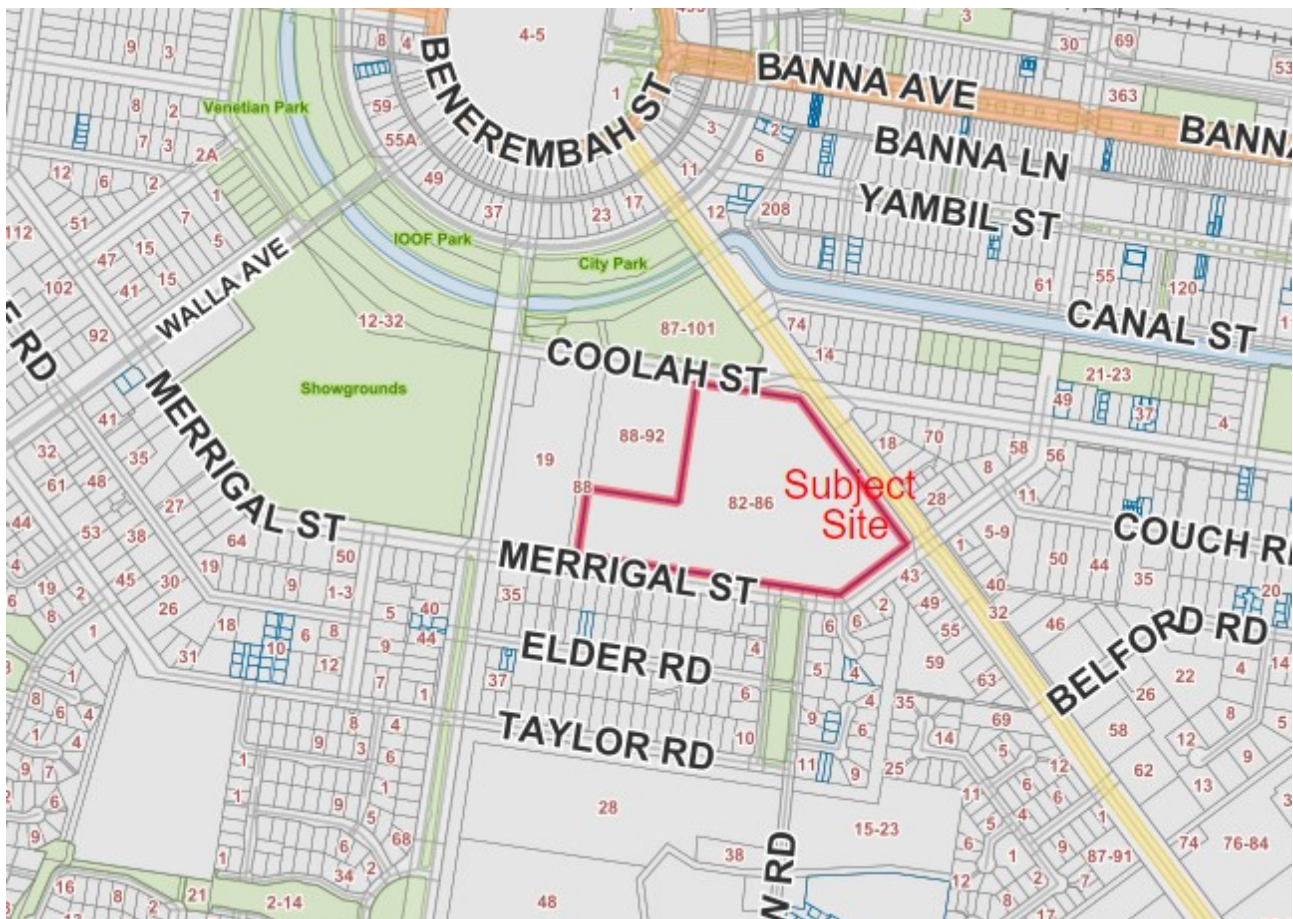
Saturday – 7:00am to 9:00pm

Sunday – 8:00am to 3:00pm

There is no change to the number of staff or students as a result of this development.

## PART D: SITE DESCRIPTION AND LOCALITY

The property description is Lot 3 DP 123963. The land is located to the south of the Griffith CBD, bound by Willandra Avenue, Merrigal Street, Murrumbidgee Avenue and Coolah Street. The site has an area of 8.3ha and contains the high school identified as Murrumbidgee Regional High School – Griffith campus. The site contains an assortment of buildings, sports fields, small agricultural plots and carpark.







The subject site is located within a predominately residential area. It is noted that to the west of the site is a primary school (Griffith Public School).

## **PART E: BACKGROUND INFORMATION AND HISTORY OF THE SITE**

### Pre-Lodgement

Prior to the application being lodged with Griffith City Council, the proponent for the development had pre-lodgement discussions with Council Officers. During the pre-lodgement discussions the following issues were raised:

- Location of structures and potential impact on future carpark expansion options
- Consider residential receptors re noise, lighting and hours of operation
- Address SEPP (Transport and Infrastructure) Chapter 3 Educational Establishments
- Show structures and vegetation to be removed
- Colour schedule and schedule of finishes
- Safety considerations
- The site will require OSD in accordance with Council's Onsite Detention policy
- Site is located on Flood Liable land
- New building is to located over Council sewer main

### Development Assessment Panel

The matter was considered at the Development Assessment Panel meeting on 15 August 2023 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:

- Engineers to provide conditions

- 
- Crown development
  - No CC is required
  - EHO referral required for kitchenette
  - Section 68 for water and sewer and stormwater works
  - Heritage item at the school

#### Development History of Site

The development history of the subject site has been established following research of Council's electronic data management system and research of Council's physical archives. Based on the information available the following can be established:

- DA33/2019 – Demolition, alteration & additions to create a new entrance hub (including lift and new stairs)
- DA2006/521 – Music Room
- DA2005/363 – New Woodwork teaching building
- Hall – 1962
- Original School buildings A & D – approx. 1933

## **PART F: STATUTORY REFERRALS**

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

AGENCY	LEGISLATION	APPLIES
DPI	Fisheries Management Act 1994 Mines Subsidence Compensation Act 1961 Mining Act 1992 Petroleum (Onshore) Act 1991	No
EE&S	National Parks, & Wildlife Act 1974 Protection of the Environment Operations Act 1997 Water Management Act 2000	No
NSW Heritage	Heritage Act 1977	No
Transport for NSW	Roads Act 1993 SEPP Infrastructure – Division 17 Roads and Traffic	No
RFS	Rural Fires Act 1997	No
Transport NSW	SEPP Infrastructure – Division 15 Railways	No

Submissions received in response to the abovementioned referrals are addressed in Part G: Matters for Consideration, s4.15(1)(d) – any Submissions Made in Accordance with the Act or Regulation.

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## PART G: SECTION 4.15 EVALUATION

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

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

#### **Griffith Local Environmental Plan 2014**

##### (a) Permissibility

The proposed development is for construction of a new multi-purpose hall and this falls under the definition of educational establishment in the Dictionary of Griffith Local Environmental Plan 2014, which is defined as:

*educational establishment means a building or place used for education (including teaching), being—*

*(a) a school, or*

*(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

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

##### (b) *Aims and Objectives*

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

- (a) to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,*
- (b) to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,*
- (c) to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,*
- (d) to manage and protect areas of environmental significance,*
- (e) to recognise the historical development of the area and to preserve heritage items associated with it.*

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

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



The proposed development is considered to provide additional and improved facilities to the existing school. This in turn supports the zone objectives by providing community infrastructure to meet the needs of current and future residents.

The proposed development is considered to be consistent with the objectives of the zone.

*(b) Principal Development Standards & other LEP Provisions*

Clause	Clause Requirement & Assessment Comment
1.9A Suspension of covenants	<i>Not applicable.</i>
2.4 Unzoned land	<i>Not applicable.</i>
2.6 Subdivision	<i>Not applicable.</i>
2.7 Demolition requires consent	The proposed development does not include the removal of structures. It is noted that the proposed development includes the removal of some vegetation and fencing.
2.8 Temporary use of land	<i>Not applicable.</i>
Part 4 Principal development standards	<i>Not applicable.</i>
5.3 Development near zone boundaries	<i>Not applicable.</i>
5.4 Permissible miscellaneous uses: B&B, Home business etc, farm stay accommodation, secondary dwellings etc.	<i>Not applicable.</i>
5.8 Conversion of fire alarms	<i>Not applicable.</i>
5.10 Heritage Conservation	<p>The land is identified as containing an item of environmental heritage (Schedule 5 listed – Griffith High School Local item I13)</p> <p>The subject site is also listed on the S170 Heritage and Conservation Register for the Department of Education.</p> <p>A Heritage Impact Statement has been prepared by Urbis Heritage and has identified the heritage significant of the original c.1933 school building. The statement has addressed that the proposed new multipurpose hall will be visually recessed and setback from both the streetscape and the original c.1933 school building.</p> <p>The proposed building will have a contemporary minimalist design that will not conflict with the identified heritage item.</p> <p>The visibility of the proposed new multipurpose hall</p>

Clause	Clause Requirement & Assessment Comment
	will be limited and not considered to interrupt the prominence or approach of the c.1933 school building from the street view.
5.12 Infrastructure development & use of existing Crown buildings	<p>(1) <i>This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2.</i></p> <p>(2) <i>This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.</i></p> <p>An application has been received.</p>
5.13 Eco Tourist facilities	<i>Not applicable.</i>
5.16 Subdivision / dwellings on certain rural, residential & environmental protection land	<i>Not applicable.</i>
5.17 Artificial water bodies in environmentally sensitive locations	<i>Not applicable.</i>
5.18 Intensive livestock agriculture	<i>Not applicable.</i>
5.19 pond based aquaculture	<i>Not applicable.</i>
5.21 Flood Planning	<i>Not applicable.</i>
Part 6 Urban Release Areas	<i>Not applicable.</i>
7.1 Earthworks	The earth works are ancillary to the overall redevelopment of the land. The amount of cut or fill will not result in the need for external retaining walls.
7.3 Terrestrial Biodiversity	<i>Not applicable.</i>
7.4 Groundwater vulnerability	<i>Not applicable.</i>
7.5 Riparian Lands and water courses	<i>Not applicable.</i>
7.6 Wetlands	<i>Not applicable.</i>
7.7 Salinity	<i>Not applicable.</i>
7.8 Air Space Operations	The subject land is located within the 177 OLS contour, and the highest point of the building is 9.5m. The existing ground levels are approximately 128 – 130m, thus the building will be well below the Obstacle height limit.
7.9 Aircraft Noise	<i>Not applicable.</i>
7.10 Essential Services	<p>Council's water and sewer infrastructure is available and connected to the subject site.</p> <p>This is the same for electricity.</p>

Clause	Clause Requirement & Assessment Comment
	<p>Stormwater drainage is to directed to the street system.</p> <p>Any extension of the above service services as a result of the proposed development can be accommodated.</p> <p>Suitable vehicle access can be achieved via the existing carpark on site.</p>
7.11 Sex Services Premises	<i>Not applicable.</i>

### **State Environmental Planning Policies**

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

#### **SEPP TITLE**

Design Quality of Residential Apartment Developments  
 Exempt and Complying Codes 2008  
 Biodiversity and Conservation 2021  
 Housing 2021  
 Industry and Employment 2021  
 Planning Systems 2021  
 Primary Production  
 Resilience and Hazards 2021  
 Transport and Infrastructure 2021  
 Resources and Energy 2021

#### **APPLIES**

Not applicable  
 Not applicable  
 Not applicable  
 Not applicable  
 Not applicable  
 Yes  
 Not applicable  
 Yes  
 Yes  
 Not applicable

### **State Environmental Planning Policy (Planning Systems) 2021**

Under the provisions of Schedule 6, the development is regionally significant development as it is a Crown works project with a capital investment value greater than \$5M.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

As part of the application, the applicant has submitted a Preliminary Site Investigation. The report identified that there are no onsite or off-site land use or activities that would represent an unacceptable contamination risk to the site. The site is not likely to require remediation prior to its intended use.

### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

#### *Clause 3.36 Schools – development permitted with consent*

The applicant has identified that although some works (not specified) may have been considered to be exempt or complying development under the policy. As such development consent has been sought due to the correlation of the works.

Further consideration of the Design Quality Principles under Schedule 8 is required:

Principle	Assessment	Complies
Principle 1 – context, built form and landscape	<p>The proposed multipurpose hall has been designed to be sympathetic to the surrounding built form in the immediate locality. The building will be suitably setback to allow for landscaping to contribute to streetscape.</p> <p>It is noted that the site is not identified as being scenic protection areas.</p>	Yes
Principle 2 – sustainable, efficient and durable	<p>The proposed multipurpose hall has been designed to accommodate the future populations requirements of the school. It will also be able to accommodate some community uses (e.g. voting hubs, community performances, etc).</p> <p>The proposed materials are considered to be durable and low maintenance, therefore reducing future waste.</p>	Yes
Principle 3 – accessible and inclusive	<p>It can be considered that the footpaths to and around the proposed hall are designed to be compliant with the BCA.</p> <p>Under the requirements of the BCA, the new hall have accessible connection to another accessible building connected by a pedestrian link. Some buildings on the site are not connected by compliant accessible links, but the BC requirement is not intended to trigger a site-wide upgrade of unrelated buildings.</p>	Yes
Principle 4 – health and safety	The proposed multipurpose hall encourages and supports the physical and cultural health of the school and community.	Yes
Principle 5 – amenity	The flexible use of the multipurpose building will allow for various indoor and outdoor uses. The amenity will be of high value.	Yes
Principle 6 – whole of life, flexible and adaptive	The proposed building will deliver a high environmental performance, ease of adaption and maximise multi-use facilities for future uses of the site.	Yes
Principle 7 – aesthetics	The design of the building is sympathetic to the heritage character of the locality. The colour and material harmonise the local area.	Yes

### *Clause 3.58 Traffic-generating development*

Given that the proposed development is development for the purposes of an educational establishment that will accommodate 50 additional or more students and is a new building that is on a site that has direct vehicular and pedestrian access to a road, written notice is required to Transport for NSW (TfNSW).



A referral was sent to TfNSW on the 16 August 2023 and a response was received on 30 August 2023. TfNSW has reviewed the information and has no objections to the proposed development.

The proposed development is not considered to impact negatively on the efficiency of people and goods to the site or maximise the need for travel by car. It can be considered that the proposed development will not have a detrimental impact on the traffic safety or increase road congestion or parking implications.

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

### *Chapter 2 Vegetation in non-rural areas*

The aims of this Policy are—

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The applicant has identified that one tree will be removed to allow for the construction of the proposed building. The proposed clearing does not exceed the Biodiversity Offsets Schema threshold (2500sqm). The impacts of the removal of the vegetation are not considered to be significant.

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

At the time of preparing this report there are no draft environmental planning instrument that applies to the development.

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

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

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

### **Development Control Plan No. 20 – Off-street Parking**

The proposed development does not include the construction of any carparking spaces. It has been identified that the site currently accommodates 40 parking spaces. These spaces are shared by staff, visitors and students.

The DCP specifies that for an educational establishment, 2.4 spaces per class room is required.

Given that the proposed development will not be increasing the number of classrooms or the number of students or staff at the school, it can be considered that onsite parking is sufficient for the intent of the proposed development.

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## **Residential Development Control Plan**

The proposed development is not identified within a precinct or as a specified non-residential development under this plan.

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

There are no planning agreements in relation to this property.

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

Section 4.15(1)(a)(iv) requires Council to take into consideration the provisions of clauses 61-63 of the Environmental Planning and Assessment Regulation 2021.

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

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

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

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

#### **a) Impact on Built Environment**

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

##### ***Built form***

The proposed building is considered to be sizable in regards to bulk and size given that it is 857.3 sqm with a maximum height of 9.5m. However, the design of the multipurpose hall is considered to be well integrated with the existing school by using complimentary materials of predominately red and beige colourbond metal sheeting and brick. The applicant has identified that it reflects the existing character of the school buildings and local character.

It is also noted that the building will be visible from the street network, in particular from Willandra Avenue. The building is sufficiently setback from the road reserve that will minimise any bulk and scale impacts to the surrounding properties. It is also noted that it will not result in overshadowing or privacy impacts on the surrounding properties. Additionally, landscaping will aid in minimise any visual impact of the building.

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### *Traffic and Parking*

The subject site currently provides 40 parking spaces to be used by staff, visitors and students. The proposed development does not include any alteration or additions to the existing arrangements for onsite carparking.

It can be considered that no additional carparking would be required, as there is no increase in staff or student numbers as a result of this development. It is also noted that there would be sufficient parking for after-school hour community use of the multipurpose hall.

In regards to traffic generation, it can be considered that that use of the hall in conjunction with school activities will not increase vehicle access to the site. The existing travel movements associated with the site will not be overly altered. It can be considered that may be additional traffic movement with the after-school hour use of the hall, however, the impact would be minimal.

### *Heritage*

The main administration building is heritage listed. It can be considered that the placement and design choice of the multipurpose hall respects the overall heritage significance of the school. The works associated with the development would have minimal effect on the heritage significance of the building

#### b) Impact on Natural Environment

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

#### *Landscaping*

To allow for the placement of the proposed building, one tree will be removed. The submitted Arboricultural Impact Assessment identified the tree as a Desert Ash tree and was assess as having no to low significance. The report did recommend that tree protection measures for the existing trees should be used during construction.

Landscaping will provide some screening and will improve visual amenity. There are no adverse biodiversity impacts as a result of this development.

#### *Stormwater Management*

The subject site is not identified as being flood prone for an event up to and including the 1% AEP under the CBD Overland Flow Flood Study 2012.

The proposed development will utilise an onsite detention tank and propose a new kerb inlet to the street.

Sedimentation and erosion control measures will be put in place during construction (via condition) to ensure that there is no offsite migration of sediment in a heavy rainfall event, which could otherwise impact upon natural or artificial waterways in the locality.

#### c) Social Impact in the Locality

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

The proposal provides a benefit to the school which passes to the community by providing significant improvement to the range of facilities available

d) Economic Impact in the Locality

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

There are no adverse impacts on the local economy. There will be benefits generated through construction works and positive local economic benefits to the community.

e) Cumulative Effects

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

There are no adverse or on-going cumulative impacts.

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

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

Based on the assessment under this and other sections within this report it is considered that the site is suitable for the proposed development as it supports the existing function of the school with no adverse impacts on the built and natural environment.

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

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

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

Notification Description	Required	Submission Period
Publication in Council Catchup and on Facebook	Yes	18 August – 1 September 2023
Letters to Neighbours	Yes	18 August – 1 September 2023

Following the closure of the notification period, Council had not received any submissions and the public participation process has been completed.

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

The provisions of section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 provides an overarching requirement to take into account the public interest. It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments,



development control plan, Council policy, and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided.

#### *Engineering Guidelines- Subdivisions and Development Standards*

This policy has been taken into consideration when assessing this application and conditions of consent have been included.

#### *Onsite Development Policy (CS-CP-404)*

This policy has been taken into consideration when assessing this application and conditions of consent have been included.

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

## **PART H: MONETARY CONTRIBUTIONS**

### **Section 7.12 Contributions (Environmental Planning & Assessment Act 1979)**

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

Based on the value of works, a contribution of \$81,444.00 is payable (1% of value of development).

**Note: Subsequent to applicants response to draft conditions this contribution can not be charged**

### **Section 64 Contributions (Local Government Act, 1993)**

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

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

In calculating an amount for the purposes of subsection (2)(a) Council has adopted Development Servicing Plans (DSP). The proposed development involves amenities within the building and is within the plan. On this basis the following DSPs adopted by Griffith City Council apply.

Under the Water Directorate, Education- School (primary & secondary) suggests the ET values as per person. It noted that the proposed development is not considered to increase staff/student numbers but it is considered with likely increasing population and improved facilities at the school, there is some expected increase.

An alternative measure would be the number of toilets to be provided. Each WC is equivalent to 0.4ET for water and 0.63ET for sewer. These figures are equivalent to growth of approx. 13 persons (under the directorate). Using that growth assumption and the provision of 4 new toilets, the rate proposed will accommodate a growth of the school of about 52 persons. This is considered to be reasonable for the improved facility to be provided.

Water

$\$8,695.00 \times (0.4\text{ET} \times 4 \text{ WCs}) = \$13,912.00$

Sewer

$\$6,093.00 \times (0.63\text{ET} \times 4 \text{ WCs}) = \$15,354.36$

## PART I: INTERNAL REFERRALS

As part of the assessment process, the following internal referrals were also undertaken.

DISCIPLINE	ADVICE, COMMENTS & CONDITIONS	DATE
Building	Internal comments provided	17 August 2023
Engineering	Internal comments provided	15 August 2023
Environment	No comments	
Health	Internal comments provided	8 December 2023
Heritage	No comments	
Urban Design	No comments	
Street/Rural No	No comments	

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

**Note: Changes to the conditions of consent in relation the construction of the kitchenette have been made following applicants comments.**

## PART J: CONCLUSION AND RECOMMENDATION

### Conclusion

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

- The proposed development is permissible within the zone under GLEP 2014 and is consistent with the aims, objectives and special provisions of that environmental planning instrument.
- The proposed development is consistent with the provision the relevant SEPP that apply.
- The proposed development is considered satisfactory with regard to the objectives and controls set down in the relevant development control plans.
- That where non-compliance with a development control has been identified, the proposed variation can be supported in the circumstances of the case, or has been addressed by way of a condition of consent.
- The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The subject site is suitable for the proposed development

- Where submissions were received they have been taken into consideration and where appropriate have been addressed by way of amended plans or conditions of consent.
- The proposed development does not raise any matter contrary to the public interest.

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

### Recommendation

- a) That Griffith City Council as the consent authority pursuant to section 4.16 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: 138/2023(1) for a multi-purpose hall at Lot 3 DP 123963 82-86 Coolah Street GRIFFITH subject to conditions set out in Attachment 'B'.

#### ASSESSING / DELEGATED OFFICER

Date

**Name:** Leah Smith  
**Position:** Assessment Officer  
**Signature:**

12 January 2024



#### REVIEWING / DELEGATED OFFICER

**Name:** Kerry Rourke  
**Position:** Acting Development Assessment Coordinator  
**Signature:**

24 January 2024



Note: Draft conditions were reviewed by the applicant and their comments received on the 8 February 2023. These changes have been updated in the set of conditions generated on 8 February 2023.