



COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-39
DA Number	244/2020
LGA	Griffith
Proposed Development	Recreation Facility (major) – Sports Precinct Redevelopment – Westend Oval
Street Address	85 – 119 Merrigal Street Griffith NSW
Applicant/Owner	Griffith City Council
Date of DA lodgement	Application Lodged 09 September 2020
Number of Submissions	3 raising concerns – no objections to the development
Recommendation	Approval with conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	<p>20 Declaration of regionally significant development: section 4.5(b) (1) Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act.</p> <p>Schedule 7 3 Council related development over \$5 million (1) 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,</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • 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
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Section 4.15 Assessment report prepared by Council • Development application prepared by applicant • Statement of Environmental Effects prepared by the Applicant consultant • Site & Building plans prepared by Altus Group / Group GSA • Reports – Geotechnical, Traffic Impact, Arboriculture • Submissions from residents
Clause 4.6 requests	<ul style="list-style-type: none"> • There are no development standards relevant to this proposal under the Griffith LEP 2014 or any applicable SEPP.
Summary of key submissions	<ul style="list-style-type: none"> • Support for proposal for the construction of community infrastructure
Report prepared by	Miss Kerry Rourke (Relief Town Planner)
Report date	3 December 2020

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

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? **Not Applicable**

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

PART A: GENERAL ADMINISTRATION

DA No:	244/2020(1)
Property Information:	LOT 1 SEC 71 DP 758476 85-119 Merrigal Street GRIFFITH
Proposed Development:	Multi-purpose Sports Precinct Redevelopment – Westend Oval
Brief Description of Proposal	Westend Sports Precinct redevelopment to construct a new basketball stadium and outdoor recreation facilities including athletics track, hockey fields, netball courts, grandstand, lighting, car parking and landscaping works
Type of Development:	Local
Lodgement Date:	9 September 2020
Statutory Timeframe:	40
Value of Development:	\$22,882,751.00
Applicant's Details:	Altus Group Level 12 1 Market Street SYDNEY NSW 2000

Land Owner's Details:

Griffith City Council
PO Box 485
GRIFFITH NSW 2680

Report Author/s:

Kerry Rourke – Relief Town Planner - Acting Development Assessment Coordinator

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 – Council development with a capital investment value greater than \$5M.
- The proposal consists of the redevelopment of Council's sporting facility known as Westend Oval which currently contains a small basketball stadium, sports fields, cricket pitch and batting practice area, kiosk, toilets, unformed car park and Council's Parks & Gardens Depot and managers dwelling.
- The redevelopment consists of the construction of a new basketball stadium containing five (5) courts, seven (7) all weather netball courts, synthetic athletics track with new lighting, synthetic and a new turf hockey field, a new grandstand, kiosk and formal car park. The existing Parks and Gardens depot will be demolished as a new facility has been approved at Council's existing Works Depot for their occupation.
- There have been three submissions received to the public notification of this application, one of which was received late. The main issues arising from the submissions relate to traffic and the potential for road closures in the immediate vicinity.
- It is recommended that the application be approved based on the details contained in this assessment report.

PART C: PROPOSAL

This proposal is defined under the provisions of the Griffith Local Environmental Plan 2014, as a Recreation Facility (major), as it is proposed to be a regional sporting facility with indoor basketball stadium and other significant infrastructure.

This application illustrates works to be undertaken in two stages for the sports precinct, where Stage 1 is funded through grants and will be the immediate work to proceed and Stage 2 is unfunded and will be undertaken at a future date.

Stage 1 consists of:

- Demolition of the parks and gardens depot, dwelling and site preparation works;
- Construction of a new basketball stadium with five (5) courts (approximately 4562m²), 500 person retractable seating system, associated change rooms, offices, meeting rooms, public amenities and canteen;
- Minor alterations to the existing stadium to connect the buildings;

- Construction of outdoor sporting facilities, including seven (7) all-weather netball courts, all-weather basketball half-court, synthetic all-weather athletics track, a synthetic, and a grass, hockey field, grandstand with amenities and canteen (approximately 465m²), and maintenance and storage areas.
- Construction of a new 52 space car park within the existing site and renovation of existing on street parking spaces within Merrowie Street to create 25 spaces including 2 accessible spaces and a bus zone;
- Stormwater management works;
- Electrical infrastructure including lighting and a new substation.

Stage 2 consists of:

- Enlargement of canteen and kitchen to all for a function room and additional indoor and outdoor eating areas;
- Refurbishment of the existing stadium tiered seating;
- Installation of additional athletics field event infrastructure including discuss, hammer throw and javelin area;
- Construction of a viewing mound;
- Construction of footpaths surrounding the site.

The proposed sport precinct caters for basketball, volleyball, badminton, athletics both track and field, hockey, soccer, futsal, gymnastic and other stadium users.



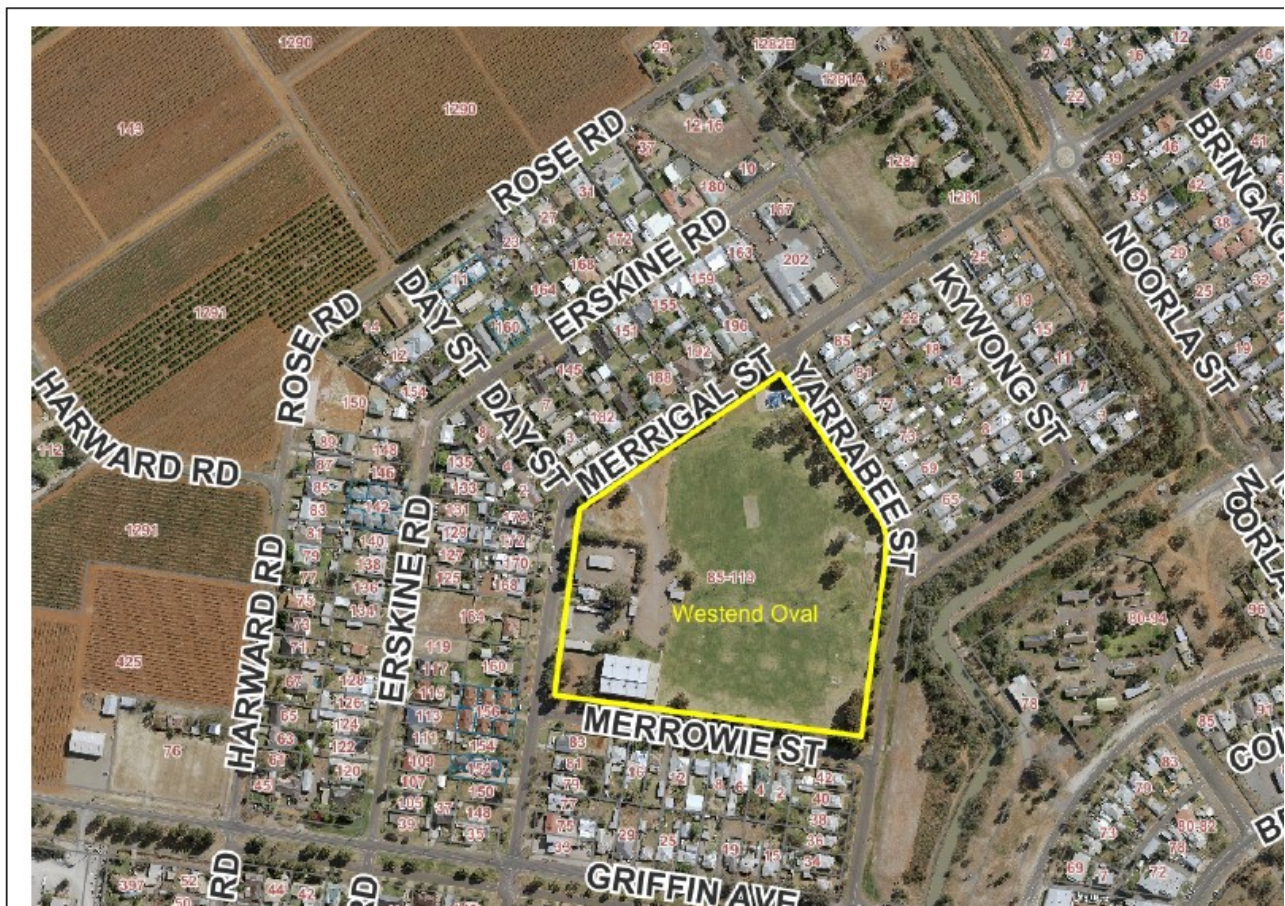
PART D: SITE DESCRIPTION AND LOCALITY

An inspection of the site and the locality was undertaken on 3 November, see photos annexed to this report.

The property description is Lot 1 Section 71 DP 758476. The land is located to the west of the Griffith CBD, bound by Merrigal, Yarrabee and Merrowie Streets, where it has an area of 6.43ha and contains existing sporting facilities, parks and gardens depot and caretaker's residence, and playground equipment. The existing floor area of the stadium is 1,529m².

The property is a Crown Public Reserve (No 66750) notified in Government Gazette dated 28-5-1937 as Public Reserve, where Council is the trustee. It is classified as Community Land and is zoned RE1 Public Reserve.

The land has an overall width of approximately 280m from Merrigal St to Yarrabee St with the deepest part of the land being approximately 305m from Merrowie St to the Merrigal / Yarrabee street intersection. The existing buildings are located adjacent to the western boundary on Merrigal Street.



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 verbally:

- SEE to address certain matters such as SEPP Infrastructure in relation to electricity;
- The all-weather netball and half basketball courts, hockey fields and other outdoor recreation facilities could be development without consent under the provisions of SEPP Infrastructure.

Development Assessment Panel

The matter was considered at the Development Assessment Panel meeting on 10 September 2020 and the following matters were raised during the preliminary assessment of the application which are potential issues or where further information from the applicant was required:

Other Issues

- check sewer location * OSD post & p
- essential energy referral
- western region planning panel notification - wait til revised SEE sub
- water and sewer contributions S64
- traffic impact statement & parking - does it require referral to TfNSW
- colours and materials of construction

STOP-THE-CLOCK ADDITIONAL INFORMATION LETTER

Does Council require any additional information to enable assessment

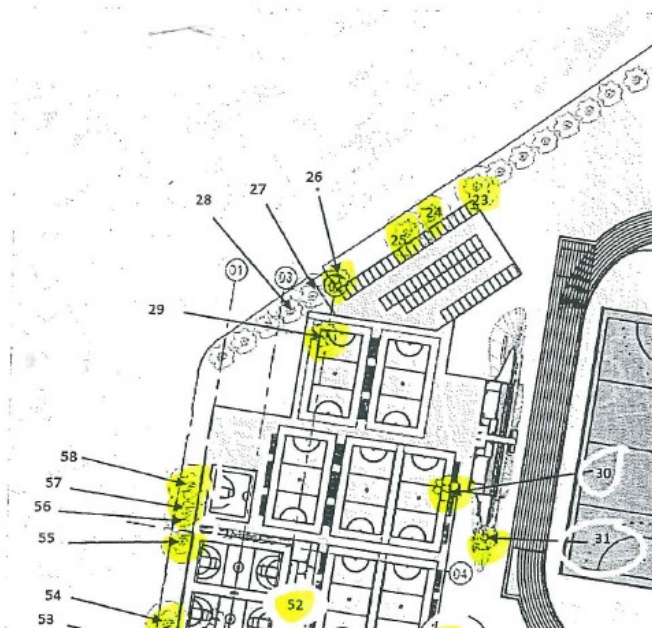
The revised SEE was received on 7 October and was placed on notification with the other DA documents.

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 recent approvals can be established:

- DA 45/87 – lighting on the oval & car parking
- BA 102/88 – parks & gardens depot – new building – workshop, store, lunchroom, garage
- BA 192/1990 – amenities block / kiosk
- DA 368/1999 – erection of 4 light poles
- DA 344/2001 – transportable office
- DA 88/2014 – car port over existing slab/washbay (within depot)
- DA 131/2020 - Demolition of two bedroom house
- Document No 20/83589 – tree removal request to remove 30 trees from Westend oval and 39 specimens from within the parks & gardens depot. Of the 30 trees, several are *Pinus* species within the Merrigal Street road reserve, particularly on the south western corner near

the Merrowie St intersection. Many of the trees are within the footprint of the proposed development.



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
OEH	National Parks, & Wildlife Act 1974 Protection of the Environment Operations Act 1997 Water Management Act 2000	No
NSW Heritage	Heritage Act 1977	No
RMS	Roads Act 1993 SEPP Infrastructure – Division 17 Roads and Traffic	No
RFS	Rural Fires Act 1997	No
Railcorp	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.

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 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 Sport Precinct Redevelopment - Westend Oval and this falls under the definition of *recreation facility (major)* in the Dictionary of Griffith Local Environmental Plan 2014, which is defined as:

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

The subject land is zoned RE1 Public Recreation and under Part 2 Land Use Table of Griffith Local Environmental Plan 2014 a *recreation facility (major)* is development that can only be permitted with the consent of Council. On this basis the proposed development is considered permissible.

Tree removal has already been approved for up to 30 trees and a similar number of planted *Melaleuca* specimens, largely the pines along the boundaries and other trees, via a tree preservation order application, prior to the submission of this DA.

(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 RE1 Public Recreation set down in the Land Use Table are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To encourage the development of public open spaces in a way that addresses the community's diverse recreation needs.*
- *To offer opportunities for tourism development.*

The proposal is for the redevelopment of the existing sports precinct enabling use for a broader range of sports and allowing for larger, regional competitions to be held on site which cannot

currently be undertaken in the Griffith LGA as there are no facilities of sufficient size to enable such to occur.

The proposal is achieves all objectives of the zone, including the opportunity for tourism development, through its use for regional sporting events.

(c) *Principal 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	<p>The provisions of Clause 2.7 states that the demolition of a building or work may be carried out only with consent. On this basis the proposal to demolish the depot buildings is permissible.</p> <p>The caretaker's cottage already has approval for 'demolition', it is proposed to be sold on and removed to the site.</p>
2.8 Temporary use of land	<i>Not applicable</i>
4.1 Minimum Lot Size	<i>Not applicable</i>
4.1AA Minimum lot size Community Title	<i>Not applicable</i>
4.1A Exceptions to minimum lot size for certain residential development	<i>Not applicable</i>
4.1B Lot Averaging Subdivision	<i>Not applicable</i>
4.2 Rural Subdivision	<i>Not applicable</i>
4.2A Strata subdivision in rural & environmental protection zones	<i>Not applicable</i>
4.2B exceptions to lot size for certain rural subdivision	<i>Not applicable</i>
4.2C Dwellings & Dual Occupancies in rural & environmental protection zones	<i>Not applicable</i>
4.2D Rural Workers Dwellings in RU1, RU2, RU4 & RU6 zones	<i>Not applicable</i>
4.2E Subdivision for intensive livestock & plant agriculture	<i>Not applicable</i>
4.2F Dwelling houses associated with rural use other than agriculture	<i>Not applicable</i>
4.2G Boundary adjustments in rural & environmental protection zones	<i>Not applicable</i>
4.6 Exceptions to development standards	<i>Not applicable</i>

Clause	Clause Requirement & Assessment Comment
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	<i>Not applicable</i>
5.12 Infrastructure development & use of existing Crown buildings	<p><i>Applicable</i></p> <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 (Infrastructure) 2007.</i></p> <p>Assessment Comment: While the outdoor component of the application meets the development without consent requirements of SEPP Infrastructure, the proponent, for the purpose of clarity, lodged the application for whole development.</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>
Part 6 Urban Release Areas	<i>Not applicable</i>
7.1 Earthworks	<p><i>Not applicable</i></p> <p>Assessment Comment: The earth works proposed are not standalone and are ancillary to the overall redevelopment of the land for the regional sporting complex. The extend of cut or fill will not result in the need for external retaining walls.</p>
7.2 Flood Planning	<i>Not applicable</i>
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>

Clause	Clause Requirement & Assessment Comment
7.7 Salinity	<i>Not applicable</i>
7.8 Air Space Operations	<p><i>Applicable</i></p> <p><i>Objectives of Clause</i></p> <p><i>(a) to provide for the effective and ongoing operation of the Griffith Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,</i></p> <p><i>(b) to protect the community from undue risk from that operation.</i></p> <p>Assessment Comment: The subject land is located within the 177OLS contour, and the highest building is 12.9m to the ridge (new stadium). The existing ground levels are approximately 123 – 124m, thus the building will be well below the Obstacle height limit.</p>
7.9 Aircraft Noise	<i>Not applicable</i>
7.10 Essential Services	<p><i>Applicable</i></p> <p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p><i>(a) the supply of water,</i></p> <p><i>(b) the supply of electricity,</i></p> <p><i>(c) the disposal and management of sewage,</i></p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p><i>(e) suitable vehicular access.</i></p> <p>Assessment Comment: The site is already connected to utilities and they will be made available to the grounds and new building as necessary. The existing car park entry will be maintained in generally the same location but it will be widened to 6.5m and formalised for two way movement.</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 No.	SEPP TITLE	APPLIES
SEPP No. 21	Caravan Parks	No
SEPP No. 33	Hazardous & Offensive Development	No
SEPP No. 36	Manufactured Home Estates	No
SEPP No. 50	Canal Estates	No
SEPP No. 55	Remediation of Land	Yes

SEPP No. 64	Advertising and Signage	No
SEPP No. 65	Design Quality of Residential Flat Development	No
SEPP	Housing for Seniors of People with a Disability 2004	No
SEPP	Building Sustainability Index (BASIX) 2004	No
SEPP	Mining, Petroleum Production and Extractive Industries 2007	No
SEPP	Miscellaneous Consent Provisions 2007	No
SEPP	Infrastructure 2007	Yes
SEPP	Exempt and Complying Development Code 2008	No
SEPP	Affordable Rental Housing 2009	No
SEPP	State and Regional Development 2011	Yes
SEPP	Education Establishments & Childcare Facilities 2017	No
SEPP	Vegetation in Non-Rural Areas 2017	Yes
SEPP	Concurrences 2018	No
SEPP	Aboriginal Land 2019	No
SEPP	Primary Production & Rural Lands 2019	No

SEPP 55 – Remediation of Land

The proponent has provided a preliminary investigation of the site in the statement of environmental effects, particularly as part of the development site has been used for many years as Council's Parks & Gardens depot where fuel and horticultural chemicals were stored. The horticultural chemical storage was a designated bunded shed and is still on site, but the self-bunded above ground diesel fuel storage unit has been removed from site.

The submitted Geotechnical report also addresses contamination analysis, where soil test results indicate that potential contaminant levels are low and the site is not likely to require remediation before use for the recreation facility expansion.

SEPP Infrastructure

Clause 45 – Electricity – the application was referred to Essential Energy for their comment and they provided advice to be in any consent issued.

Clause 65 – Public Reserves – the outdoor recreation facilities would meet the provisions for development without consent.

SEPP State & Regional Development

Under the provisions of Schedule 7, the development is regionally significant as it is a Council works project with a capital investment value greater than \$5M.

SEPP 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 tree removal referred to in the SEE and on the application plans, has already been approved under a Council issued permit, prior to the lodgement of the application for assessment. While there are native species involved – the *Melaleuca* species predominantly, these were planted after the depot was established as a screen to the adjacent dwellings and the sports field.

The area of these and two other native trees to be removed under that permit, do not breach the clearing offset threshold under the Biodiversity Conservation Act. In the case of land where there is no minimum lot size for subdivision, such as the RE1 zone, as the offset threshold is an area equivalent to the footprint of the development, which in this instance is over 4500m² of building and over several hectares of the outdoor area.

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.

DCP No.	DCP TITLE	APPLIES
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
DCP No. 20	Off Street Parking Policy	Yes
DCP 2020	Residential Development	No

DCP 20 Off-street Parking

The proposal includes the formalisation of 52 parking spaces within the site and 25 spaces will be redefined along Merrowie Street (there are currently 39 spaces off Merrowie St). A new bus zone will be constructed also in Merrowie St for drop off and pick up during events or general sporting use (e.g. school groups, regional teams and the like).

The application proposes that there are approximately 186 parking spaces within the surrounding road reserves (parallel) that exist and can be used for visitor parking during sporting engagements in the precinct, bringing the total spaces to 263 available in the immediate vicinity of the sports field.

Recreation

a) Recreation area	a) Comp
b) Recreation facility (indoor)	b)
(i) Billiard room	(i)
(ii) Bowling alley	(ii)
(iii) Dance studio	(ii)
(iv) Gymnasium	(i)
(v) Indoor cricket	(v)
(vi) Skating rinks	(v)
(vii) Squash courts	(v)
(viii) Swimming pools	(v)
c) Recreation facility (outdoor)	c)
(i) Bowling green	(i)

A traffic impact assessment was undertaken for this proposal providing traffic data and crash statistics in this locality.

A review of the RTA Guide to Traffic Generating Development indicates that Council's above car parking rates are based upon that guideline. The guide states:

Off-street car parking must be provided to accommodate peak demand periods at the facility. Analysis ideally should be based on a predicted 85th percentile usage. In the case of large recreation developments, development applications must be supported by a traffic impact statement which incorporates a survey of similar developments.

Research by the RTA has failed to find a conclusive relationship between parking demand and the size and nature of the recreation facilities surveyed, indicating that the number of parking spaces required is best determined by the nature of the proposed development. Comparisons may be drawn from surveys conducted by the RTA on particular recreation facilities and other similar facilities.

The following parking provisions have been found to be adequate in several local government areas:

- *squash courts: 3 spaces per court.*
- *tennis courts: 3 spaces per court.*
- *bowling alleys: 3 spaces per alley.*
- *bowling greens: 30 spaces for first green and 15 spaces for each additional green.*

No analysis has been provided in the guide for basketball stadiums, netball courts, hockey fields and the like.

It would be unlikely that a regional basketball and regional netball competition would be scheduled at the same time, similarly it would be unlikely that major athletics or hockey events would be on at the same time, or at the same time as netball or basketball. It is noted that Indoor Cricket has a high rate of parking – 12 spaces per pitch. By comparison cricket teams have more players than basketball or netball, and the 14 courts at 12 spaces per court, would be a requirement of 168 spaces.

It would also be expected that regional competitions would lead to more bus use than individual's in vehicles, and car pooling would also take place for transport from out of LGA teams.

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 92-94 of the Environmental Planning and Assessment Regulation 2000.

Clause 92(1)(b) of the Environmental Planning & Assessment Regulation 2000 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 93 and 94 of the Environmental Planning and Assessment Regulation 2000 require that Council take into consideration fire safety provisions. The proposal does not include a change of use of an existing building that would require upgrade in this regard.

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:

- Changes to the built environment include the construction of the new stadium on Merrigal Street frontage, which is a 12m high structure, and will have a considerable impact on the streetscape due to its bulk and size. The use of the land is for a sports precinct and it would be expected by residents that structures of this nature could be constructed. The design is functional but contemporary and it should not detract from the streetscape in anyway.
- The new stadium building will be constructed to the road reserve boundary of both Merrigal and Merrowie Streets, with the western elevation, Merrigal Street being approximately 99.4m long, 12m high and approximately 37.5m on Merrowie Street. The nature of the building does not result in windows or personal access doors addressing these street frontages.
- The current turfed areas of the site will become bitumen netball courts or a synthetic athletics track and hockey field. This may have some impact on the micro climate of the subject land in summer time particularly, but is unlikely to impact upon neighbouring properties.
- The existing streetscape will also be altered by the removal of the existing parks and gardens depot and the dwelling (separate approval already issued to remove that structure). This will make way for the new stadium building.
- The new car park will be located with essentially the same access point but will be to the north of the current position and will be sealed in accordance with Council's Sealing & Manoeuvring policy – likely concrete to be conditioned.

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:

- 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.
- While trees and shrubs are being removed to facilitate construction, that was approved under a separate process prior to the lodgement of this development application. Some native but non-endemic species are being removed, these were planted to landscape and screen the depot. The other trees are non-native – pines.
- There are no adverse biodiversity impacts, the vegetation approved to be removed is not the sole feeding resource of any threatened or endangered species that may be found within 10km of the site.

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 has beneficial social impacts on the region particularly due to the significant improvement in the range of sporting facilities to be located on site which appeals to a broader range of the local and regional community.
- This proposal is consistent with Council's long term strategic aims for this precinct.

d) Economic Impact in the Locality

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

- The proposal will result in a boost in sports tourism in the region through increased regional sporting events, which will likely have positive local economic benefits for the City.

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 reasonably anticipated adverse cumulative impacts as a result of supporting this proposal.

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

The subject site is zoned RE1 Public Recreation 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.

- The site has been designed for sporting use and is Council's preferred regional sports precinct. While there are residential premises surrounding the site, the neighbours were notified and the wider community invited to comment on the application, and there were no objections received to the application, though three (3) submissions raising concerns were received, which will be discussed further in this report.
- The site is relatively flat and open, reducing extensive cut and fill to facilitate development and there is good active and passive surveillance available to deter vandalism.
- There are no significant or adverse impacts on the natural environment as a result of this proposal.
- There will be improved accessibility into the existing basketball stadium and throughout the precinct with the proposed design, enabling inclusivity equitable access.

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

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 2000 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	Yes	11 Sept – 16 Oct
Letters to Neighbours	Yes	11 Sept – 16 Oct
External Referrals	Date Sent	Date Received
Murrumbidgee CMA	N/A	
Murrumbidgee Irrigation	N/A	
NSW Police (LAC)	N/A	

As a result of the public participation process, Council received three (3) submissions in response to the notification of the development application – two (2) were received prior to closure and the other was received after the closure of the notification period. The details of the submissions, which Council has taken into consideration in accordance with section 4.15(1)(d) are as follows:

Issue / Response / Assessment
<p>Issue: Concern relating to the visibility of the existing Merrigal Street car park access point</p> <p>Response: The car park entry has been relocated</p> <p>Assessment: The traffic impact assessment recommended that the car park access be relocated to a position further from the intersection of Day street to improve safe intersection sight distance. This would reposition the access to the northern end of the proposed car park, approximately 100m from the intersection with Day Street, which will improve sight distance.</p>
<p>Issue: An additional 2 – 3m of roadway from Day St to Yarrabee St be formed and bitumen sealed</p> <p>Assessment: The engineering assessment of this development identified the dynamics relating to traffic volumes and existing road geometry. However as the proposed facility will only have intermittent high volume traffic generation during large sporting events (similar to Ted Scobie oval and the Solar Mad Oval), the nexus for improved permanent road widening cannot be justified and is better served through monitoring of the use of the site during peak events and the implementation of traffic calming and traffic management solutions. The submitters concerns are valid and have been considered as part of the assessment of this development relating to the estimated traffic generation as a result of the development and the current road geometry of Merrigal St.</p> <p>As part of the ongoing assessment of the operation of the site (when developed) additional traffic calming measures can be applied such as reduced speed limits in heavy pedestrian/congested areas (similar to Olympic St) or the installation of traffic calming devices. Council will eventually have to look at formalising the 90 degree parking area surrounding the oval which will improve the overall amenity of the area and compensate the narrow width of Merrigal St between Day St and Yarrabee St.</p>

Issue: Period of traffic count not likely representative of normal years in relation to access to the sporting fields.

Assessment: The basis of the traffic count was to establish average daily traffic movements through the existing road network rather than specifically capture traffic accessing the sporting fields. While it is acknowledged that COVID-19 could have had some impact on general traffic movement, given the region has fared relatively well during the pandemic, workers have not been restricted to home or stayed away from the CBD since May, and it could be considered that the traffic counts are representative of 90% normal behaviour.

Issue: Removal and replacement of trees

Assessment: Tree removal was approved via a separate process to this application, however, a landscape plan has been provided with the development application plan suite that illustrates planting both within and outside the site is to be augmented.

Issue: Closing of roads in the vicinity of the site

Assessment: There is no provision in this application for the closing of any road in the vicinity of the site to provide additional parking for this development as part of Stage 1. Previous community consultation in relation to other plan iterations (several years ago) mooted the possibility of closing the Yarrabee Street – Merrowie Street intersection and creating a cul-de-sac. There is no plan to do that as part of this application, for either stage 1 or stage 2.

The traffic assessment does indicate a potential for bus parking in Yarrabee Street on part of a crown reserve but that has not been formalised in this application and would be subject to a separate process.

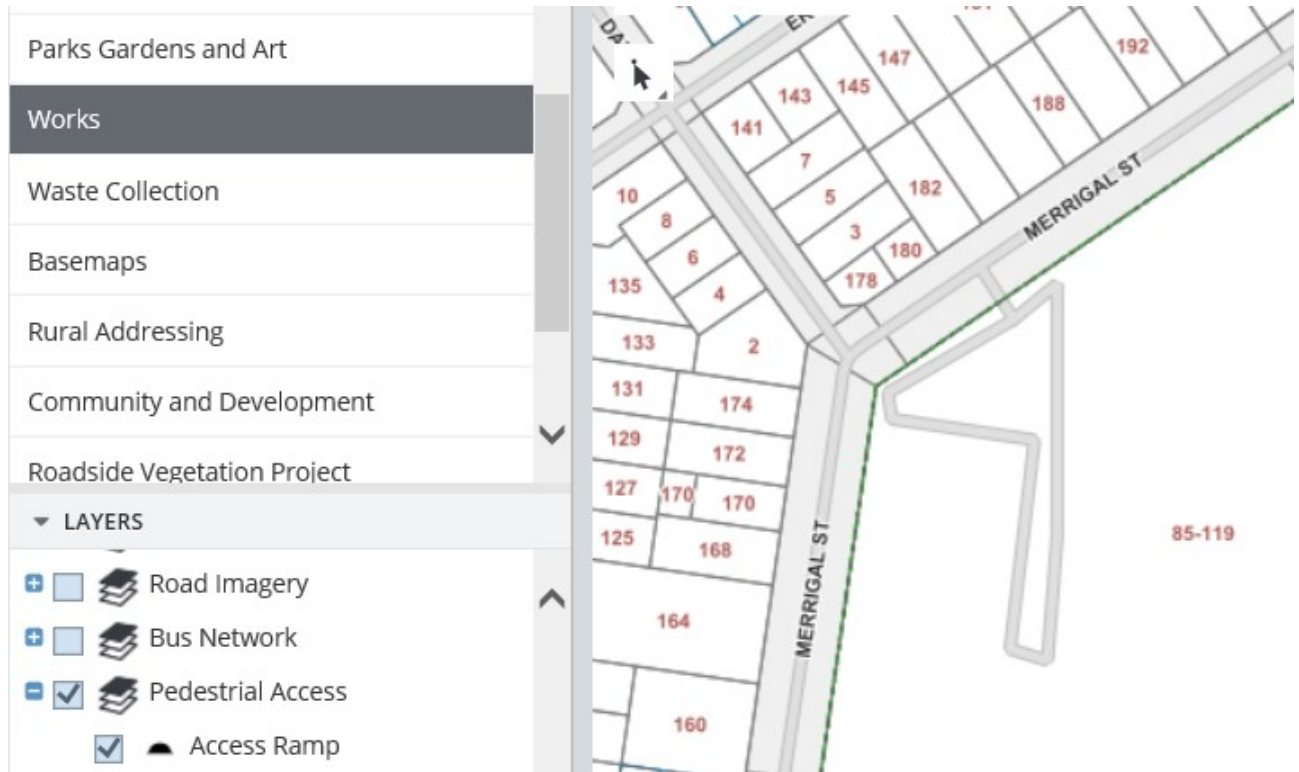
In conclusion, the amended car parking plan and engineering conditions of consent can mitigate impacts arising from the provision of car parking on site, with regard to improving safe intersection sight distance, reducing potential or existing traffic conflict due to the location of the existing car park access.

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.

- Community Participation Plan: notification of the application was undertaken in accordance with Council's adopted Community Participation Plan. The submission period of four (4) weeks was provided with two submissions being received during that time period and a third after the closing date.
- Contaminated Land Management Policy (EH-CP-203): A preliminary investigation of the site has been undertaken particularly in regard to the use of the part of the site for the Parks and gardens Depot and the chemicals and fuel stored on site.

- Engineering Guidelines – Subdivisions and Development Standards: This policy has been taken into consideration when assessing this application and conditions of consent have been included.
- On-site Detention Policy (CS-CP-404): This policy has been taken into consideration when assessing this application and conditions of consent have been included.
- Griffith Pedestrian and Bicycle Strategy: The strategy provides for a 1.2m footpath on the northern side of Merrowie Street between Merrigal and Yarrabee Streets. This pathway, along with a shared pathway along Merrigal Street are works proposed to be undertaken by Council aside from this development.



- Sealing of parking and manoeuvring areas (CS-CP-405): This policy has been taken into consideration when assessing this application and conditions of consent have been included.
- Section 94A plan: The plan contains an exemption for the provision of community facilities on behalf of Council.

Section 94A Contributions Plan 2010 (Amendment 2013)

Appe

Council has resolved that the developments s
exempt from the requirement to pay a contrib
period identified in the table.

Type of Development	Date Exemption Commenced	D Exen Cea
Development undertaken by	Commencement	None

- Storm water drainage and disposal (CS-CP-310): This policy has been taken into consideration when assessing this application and conditions of consent have been included.
- Waste – Discharge of Liquid Trade Waste into GCC Sewerage System (WS-CP-302): The proposal includes commercial kitchen and canteen and there may be future catering activities which will require discharge to Council's sewage network.
- Water & Wastewater Developer Contribution Charges (S64)(WS-CP-207): This policy is applicable to development where there are additional demands on Council's water and sewage infrastructure. The contributions would be applicable if this were a private facility but given that this is a public facility, Council's payment of contributions to itself is not logical.

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)

Council's S94A policy provides an exemption for S7.12 contributions for the construction of community infrastructure.

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 this instance it is considered that Council would not pay charges for its own development of community infrastructure of this nature.

PART I: INTERNAL REFERRALS

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

DISCIPLINE	ADVICE, COMMENTS & CONDITIONS	DATE
Building	No comments – conditions reviewed	3/12/2020
Engineering	See attached Engineering assessment	4/11/2020
Environment	No comments	
Health	attached memorandum	12/11/2020
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.

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 Western Region Planning Panel as the consent authority pursuant to section 4.16 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: 244/2020(1) for a Recreation Facility (major) for the redevelopment of the Westend sporting precinct at 85-119 Merrigal Street GRIFFITH subject to conditions set out in Attachment 'A'.

ASSESSING OFFICER

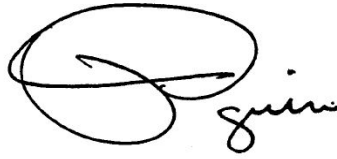
Name:	Kerry Rourke	Date	3 December 2020
Position:	Relief Town Planner – Acting Development Assessment Coordinator		
Signature:			

REVIEWING OFFICER

Name:	Carel Potgieter	Date	3 December 2020
Position:	Planning & Environment Manager		

ASSESSING OFFICER
Signature:

Date



Appendix 1 – Site Photos



Figure 1 - Merrigal Street looking north near existing stadium



Figure 2 - Merrigal St - looking at existing stadium (to east)



Figure 3 - looking east/south east to existing stadium - Merrigal St



Figure 4 - south east - corner of Merrigal & Merrowie Sts



Figure 5 - North on Merrigal St towards existing parks depot



Figure 6 - Merrigal St existing parks depot



Figure 7 - Merrigal St existing residence near depot



Figure 8 - existing residence Merrigal St near depot



Figure 9 - existing residences Merrigal St



Figure 10 - existing parks depot to be demolished



Figure 11 - existing caretaker's cottage to be removed



Figure 12 - existing caretaker's residence & depot shed



Figure 13 - additional parks depot entry



Figure 14 - existing informal car park off Merrigal St north of Day St, looking back at the depot



Figure 15 - vicinity of existing informal carpark looking across sporting fields



Figure 16 - Yarrabee St looking east



Figure 17 - from Yarabee St into oval



Figure 18 - Yarrabee St towards existing play equipment near corner of Merrigal St



Figure 19 - Yarrabee St looking west towards depot and existing stadium



Figure 20 - Yarrabee St looking north west across oval



Figure 21 - Yarrabee St looking west to stadium



Figure 22 - eastern side of Yarrabee St looking south towards Merrowie St, Crown reserve on left



Figure 23 - looking west on Merrowie St to existing stadium



Figure 24 - existing stadium entry off Merrowie St



Figure 25 - existing parking area off Merrowie St looking north across oval

Crown Land Register

WEST END OVAL + SPORTS STADIUM.		RATE ASSESSMENT	235655
+ PARK + GARDENS DEPOT. & DWELLING.		(SPORTS STADIUM) -	2003010
PROPERTY DESCRIPTION		AREA	6.44 Ha.
SUBJECT MERRIGAL, MERROWIE + YARABEE STREETS			
SECTION 71	LOT 1	DL	758470
PARISH JONDARYAN			
CITY COOPER			
LEGAL DOCUMENT REFERENCE		PROP REF:	106334 - OVAL
		PROP REF:	110697 - STADIUM
TITLE PARTICULARS			
ORDER 66750 NOTIFIED	GAZETTE	28-5-37.	"PUBLIC RECREATION"
CONVEYANCE TRUSTEES	"	30-7-37.	
SHE: RE: PUBLIC RECREATION			
'Community land' - Crown Land Management Act 2016			