



## Development Assessment Report for Western Regional Planning Panel

<b>DA No:</b>	28/2021(1)
<b>Property Information:</b>	Part Lot 187 DP 705992 8-13 Snaith Place GRIFFITH
<b>Proposed Development:</b>	Twenty (20) multi dwelling unit development (affordable housing) & strata title subdivision
<b>Brief Description of Proposal</b>	Multi dwelling affordable housing and strata subdivision
<b>Type of Development:</b>	Local
<b>Lodgement Date:</b>	16 February 2021
<b>Statutory Timeframe:</b>	40 days
<b>Value of Development:</b>	\$5,363,268.00 (incl GST)
<b>Applicant's Details:</b>	Baumgart Clark Architects Pty Ltd Suite 2/Level 4 443 Little Collins Street MELBOURNE VIC 3000
<b>Land Owner's Details:</b>	Dept of Family & Community Services - Housing NSW Locked Bag 7466 LIVERPOOL BC NSW 1871
<b>Report Author/s:</b>	Mr S J Parisotto (Consultant Town Planner)

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## 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. Council is purchasing the land from the Department of Family & Community Services (Housing NSW) in relation to a joint venture affordable housing project.
- 1.2 The proposed development involves the construction of an affordable multi dwelling housing development comprising of twenty (20), two storey dwellings ranging from two to four bedrooms, with associated parking, private open space and landscaping. The statement of environmental effects and the plans are set out in Appendix A and B respectively.
- 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. Where non-compliances have been identified, these are generally deemed to be minor and can be justified
- 1.4 Submissions objecting to the application have been received including a petition which relates to the loss of public open space, removal of asbestos associated with Dave Taylor Park, increased population and traffic generation. These matters have been addressed in the report.
- 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 an affordable multi dwelling housing development comprising of 20 two storey dwellings on part of Lot 187 DP 705992, being 8-13 Snaith Place, Griffith. The development comprises a 15 x two (2) bedroom dwellings, four (4) x three (3) bedroom dwellings and one (1) x four (4) bedroom dwellings, including parking spaces for each of the dwellings (20 in total) and five (5) visitor parking spaces. Each dwelling is provided with private open space ranging in area from 27m<sup>2</sup> to 64m<sup>2</sup> in area.
- 2.2 The complex comprises of five main buildings, two storeys in height with access being via two (2) shared driveways providing access to Snaith Place for all but three (3) of the 20 dwellings. No vehicular access is proposed to Walla Avenue.
- 2.3 The applicant in their statement of environmental effects identifies that *“the exterior of the proposed buildings will be constructed with a variety of durable materials (consisting predominately of brick veneer and clad surfaces) that will be finished in a variety of colours and tones. The plans propose that all buildings will have contemporary and highly-articulated design and varying surfaces.”*
- 2.4 The proposed development will also involve the removal of existing vegetation (four mature trees), and extensive landscaping designed to complement the proposed development and provide good amenity for future users of the site. The applicant states that the landscape planting is provided and includes a variety of low-water use native

species of varied form, size, texture and foliage density to create a balanced softening effect to the built form.

**Figure 2.1: Elevation drawings**



### PART 3: SITE DESCRIPTION AND LOCALITY

- 3.1 The site may be legally described as part of Lot 187 DP 705992, and has the street address of 8 – 13 Snaith Place, Griffith. The lot is irregularly-shaped with a site area of 11,214m<sup>2</sup>.
- 3.2 The site is not burdened by any easement or restrictions-as-to-user.
- 3.3 The part of the site to be developed is in the northern part of the existing allotment bounded by Walla Avenue to the northwest, residential development to the northeast and southwest and a future extension to Snaith Place immediately to the southeast. This area of the site to be developed is 3,420m<sup>2</sup> and is relatively flat, with a slight slope towards Walla Avenue of approximately 1.2 metres.
- 3.4 The subject site is located approximately 800 metres southwest of the Griffith town centre.
- 3.5 The subject site adjoins Dave Taylor Park (to the south-east), low density residential development to the south-west and medium density (aged housing) to the north-east. Walla Avenue bounds the site to the north-west which includes residential development opposite.
- 3.6 The site has not affected by inundation, subsidence, slip, mass movement bushfire or flooding.



**Figure 3.1: Locality Plan**



**Figure 3.2: Site plan (looking south-west)**

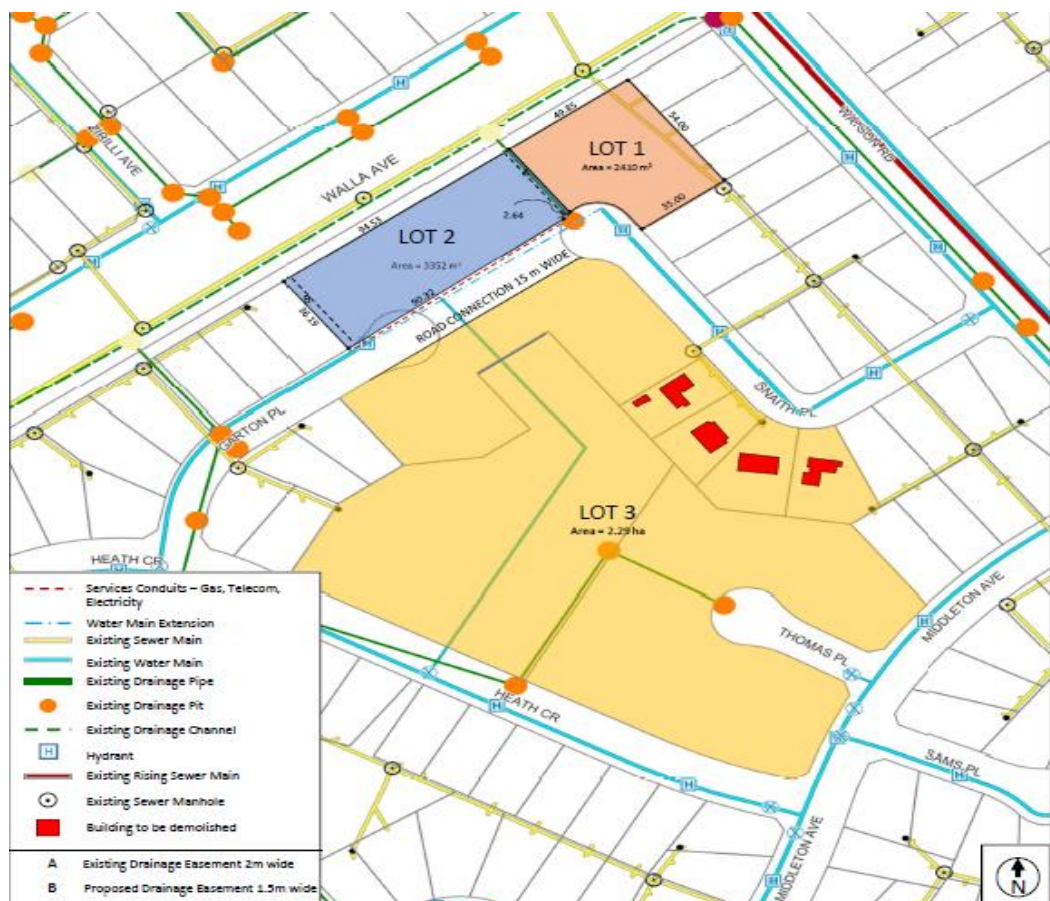




## PART 4: BACKGROUND INFORMATION AND HISTORY OF THE SITE

- 4.1 The matter was considered at the Development Assessment Panel meeting on 18 February 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:
- The application be referred to Essential Energy in accordance with clause 45 of State Environmental Planning Policy (Infrastructure).
  - Neighbour notification as per Community Consultation Plan plus letter drop.
  - Referral to Engineering Design and Approvals Manager
  - Civil works related to extension of Garton Place to be done under DA 305/2020
- 4.2 Council recently granted consent to a three (3) lot Torrens title of the subject land viz DA 305/2020 shown in figure 4.1 below

**Figure 4.1 – Approved subdivision layout as part of DA 305/2020**



- 4.3 The approved development will upon completion of subdivision works, result in 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.

- A road extension between the existing cul-de-sac in Snaith Place to the existing cul-de-sac in Garton Place.
- Extension of Council's water, sewer and drainage infrastructure would be required as well as extension of telecommunication, electrical and gas infrastructure in conduits within the new road reserve.
- Demolition of four dwellings located over 14-17 Snaith Place which form part of the project site.

4.4 Development Application No. 28/2021 relates to Lot 2 (the blue lot) of the proposed subdivision and relies on the road extension between Snaith Place and Garton Place.

4.5 The remediation of the site, involving the capped mound, on part of Lot 3, containing asbestos is being undertaken separately and it is understood that for the purposes of State Environmental Planning Policy No. 55: Remediation of Land is development that can be carried out as category 2 remediation which does not require consent.

## 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 has been advised that *“strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.”* (see Appendix C for full response)

## 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 The subject land is zoned R1 General Residential and under Part 2 Land Use Table of Griffith Local Environmental Plan 2014 indicates that a multi dwelling residential development permitted with the consent of Council. Affordable housing, which is defined in the Environmental Planning and Assessment Act, 1979 as *housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument* is an innominate use that is not prohibited within the zone. On this basis the proposed development is considered permissible.

**Figure 6.1 – Extract from Griffith LEP 2014 zoning map – Dave Taylor Park RE1**



**6.6 Aims of Griffith Local Environmental Plan 2014**

**6.7** 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.*

**6.8** It is the view of Council that the proposed residential developments accords with the broad aims of Griffith Local Environmental Plan 2014, particularly in terms of clause 1.2(2)(a) and (c).

**6.9 Objectives of Zone**

**6.10** 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.*

6.11 Council is of the view that the proposed townhouse development is consistent with the objectives of the zone and concurs with the applicant's assessment in that:

- The proposal will provide for the housing needs of the community, particularly those from lower-income and/or disadvantaged backgrounds, within a form of housing that is consistent with the surrounding residential environment.
- The proposal provides a range of housing sizes comprising of two, three and four bedroom dwellings.
- The development will not affect the ability of surrounding sites to provide services and/or facilities that would serve the daily needs of local residents.
- The proposal will facilitate social infrastructure in the form of affordable housing. There is a need for affordable housing within the Griffith LGA, particularly for homes that cater for smaller family groups. The proposal will therefore provide for the needs of lower-income residents by providing modern and well-located housing in close proximity to public transport and the Griffith town centre.
- The layouts of the proposed dwellings include substantial internal living areas and relatively large private open space areas that would enable future residents to undertake a variety of activities within their homes.
- The design and layout of the dwellings is such that they will not adversely affect the living environments of surrounding allotments, though impacts such as overshadowing or overlooking.

6.12 *Principal Development Standards*

6.13 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.

6.14 Part 4 of Griffith Local Environmental Plan 2014 identifies the principal development standards that apply. In this instance there are no development standards applicable to the proposed development.

6.15 *Miscellaneous Provisions*

6.16 Part 5 of Griffith Local Environmental Plan addresses numerous miscellaneous provisions with those clauses relevant to the proposed development including:

6.17 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.



- 6.18 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.
- 6.19 *Part 6 Urban Release Areas*
- 6.20 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.
- 6.21 *Additional Local Provisions*
- 6.22 Part 7 of Griffith Local Environmental Plan addresses numerous additional local provisions including those listed below.
- 6.23 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.*
- 6.24 The prevailing topography is flat with earthworks relatively limited largely to excavation for footings and construction of the underground OSD tanks. 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 the remediation and other 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.
- 6.25 The subject site is mapped as being above the flood planning level, and as such the provisions of clause 7.2 do not apply.
- 6.26 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

- 6.27 The subject site is not within any aircraft obstacle limitation surface area and as such the provisions of Clause 7.8 do not apply.
- 6.28 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.
- 6.29 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.
- 6.30 Council's Engineers have undertaken a full assessment of the proposed development addressing the provisions of clause 7.10. Their assessment is set out in Appendix D of this report.
- 6.31 Clause 7.11 relates to the location of sex services premises and therefore does not apply to the development.
- 6.32 **State Environmental Planning Policies**
- 6.33 The following State Environmental Planning Policies that apply to the Griffith City Council area have been taken into consideration in the evaluation of DA 28/2021:
- 6.34 *State Environmental Planning Policy (State and Regional Development) 2011*
- 6.35 The proposed development has a capital investment value of \$4,875, 699 (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 currently being crown land and Griffith City Council having a vested interest in the matter.
- 6.36 *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- 6.37 Part 2, Division 1 (In-fill affordable housing) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('ARH SEPP') does not apply, as the site is not located within an 'accessible area', as defined by the ARH SEPP. Although not strictly applicable, the provisions of clause 38 of the SEPP requires that for a period of 10 years from the date of the issue of an occupation certificate at least 50% of the accommodation to which the application relates is to be used for the purpose of affordable housing and that any housing used as affordable housing is to be managed by a registered community housing provider. For reasons outlined later in the report in respect to the social impacts of the development and justification for the variances to the development controls, it is recommended that a condition of consent be imposed to this effect (see condition 62).

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- 6.38 *State Environmental Planning Policy (Infrastructure) 2007*
- 6.39 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.
- 6.40 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).
- 6.41 *State Environmental Planning Policy No. 55 - Remediation of Land*
- 6.42 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. The subject development site and surrounding sites are located within a well-established residential area that has been both zoned and used as such for an extended period of time. With regard to existing and previous development both on the subject development site and surrounding site, there is no information to suggest that the subject site has become contaminated. Further, the site was never previously zoned for purposes identified in Table 1 of the contaminated land-planning guide in SEPP 55, in particular, industrial, agricultural or defence uses.
- 6.43 Notwithstanding, it is known that the land adjoining the subject site which forms part of Dave Taylor Park, being the mound, contains asbestos. It is recommended that preliminary testing be conducted of the subject site and if need be remediated. The mound is being remediated as a separate matter to this application, in April 2021.
- 6.44 *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- 6.45 *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* operates in conjunction with the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in New South Wales.
- 6.46 Pursuant to Clause 6(1) of the SEPP, the SEPP applies to 'BASIX affected development' (as defined by the Regulations). In accordance with the regulations, a BASIX certificate was lodged with the development application, along with NatHERS certificates for each of the dwellings which demonstrates that the proposal is able to achieve all targets relating to water, thermal comfort and energy.
- 6.47 **SECTION 4.15(1)(a)(ii) any draft environmental planning instrument.**
- 6.48 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.
- 6.49 **SECTION 4.15(1)(a)(iii) any development control plan.**
- 6.50 *Griffith Residential Development Control Plan 2020*
- 6.51 Griffith Residential Development Control Plan (GRDCP) came into effect on 17 August 2020 and sets out the following aims and objectives:
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- 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.

6.52 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 multi housing development is consistent with the projected future character of the area, in that it provides for an isolated multi dwelling housing development within an undeveloped part of the precinct for the purpose of providing affordable housing for local residents.

6.53 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 G1: Table of Compliance**

Control Type	Clause	Control	Proposal	Compliance
<b>Precinct Statement</b>	3.0	Clause 3.9 sets down controls for the South Griffith Precinct	-	-
<b>Floor Space Ratio</b>	3.4 & 5.3.1	0.5:1 (3240m <sup>2</sup> ) = 1620m <sup>2</sup>	0.63:1 (3240m <sup>2</sup> )	<b>No – see variation comments following</b>
<b>Maximum Height</b>	3.4	9m	6.6m	Complies
<b>Parking</b>	3.4 & 5.6.2(c)	1 x undercover space per dwelling as per clause 5.6.2(c)	20 spaces	Complies
<b>Streetscape</b>	4.3(a)	If the dwelling is on a corner block, does it address both street frontages?	N/A	-
	4.3(b)	Does the dwelling's primary street façade incorporate design features?	Yes	Satisfactory
	4.3 (c)	Does the proposal fit in with the scale or character of surrounding development? Or, does the development achieve the future development	Consistent with the character of the surrounding buildings.	Satisfactory

Control Type	Clause	Control	Proposal	Compliance
		goals of the precinct as described in the Precinct Statement?		
	4.3(d) & 5.6.1(n)	Is combined width of the garages less than 14m?	Only three (3) garages are located within the street frontage, the openings of which account for significantly less than 50% of the building elevation addressing the Snaith Place frontage.	Complies
	4.3 (e)	Does a window to a habitable room face the street?	Yes	Satisfactory
<b>Building Design</b>	4.4(a)	Is the design generally in accordance with the precinct statement?	Yes	Satisfactory
	4.4(b)	Are blank front walls spanning 5 m without a physical change avoided?	Yes	Complies
	4.4(c)	Do the side walls visible from the street not have a length of 10 m without a physical change?	Yes	Complies
	4.4(d)	Are windows facing the street provided in a balanced manner?	Yes	Satisfactory
	4.4(e)	Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?	Brick and Colorbond® metal.	Satisfactory
	4.4(f)	Will the proposal overshadow adjacent private open spaces or habitable rooms?	Loss of solar access to private open space and habitable rooms of neighbours at 9.00am at winter solstice  No loss from midday onwards	Satisfactory
	4.4(g) & 5.6.1(o)	Are the new dwellings a minimum of 75 to 90m <sup>2</sup> – in area?	Yes	Complies
	4.4(h) & 5.6.1(p)	Are the proposed bedrooms a minimum of 8 m <sup>2</sup> ?	Yes	Complies

Control Type	Clause	Control	Proposal	Compliance
	4.4(i) & 5.6.1 (q)	Combined living and dining room area should be – 1 and 2 bedrooms – 24 m <sup>2</sup> or 3 bedroom – 28 m <sup>2</sup>	Yes	Complies
	5.6.1(q)	Has 8m <sup>3</sup> of storage space been provided?	Yes	Complies
<b>Sustainability</b>	4.5(a)	Has a BASIX certificate been submitted?	Yes	Complies
	4.5(b)	Does the dwelling adopt general sustainable building practices?	Yes, however orientation of site has limitations.	Satisfactory
<b>Height</b>	4.6(a)	Is the dwelling height less than 9 m?	7.95m	Complies
	4.6(b)	Does the height of the dwelling suit the streetscape?	Yes	Satisfactory
	4.6(c)	If the dwelling is two storeys the elevation plans should show RL's	Reduced Levels provided on plan	Complies
	4.6(d)	Are the proposed tree heights consistent with dwelling scale?	Yes	Satisfactory
<b>Solar Access and Energy Efficiency</b>	4.7(a-c)	Has solar access been considered in the design of the dwelling?	Orientation of site limits north-south orientation and as such a minimum of 3 hours of solar access to all living areas of habitable rooms cannot be achieved.	Satisfactory
	4.7(d)	Has the location of outdoor clothes drying areas been provided with access to sunlight? Or is there a suitable location for such facilities?	Yes	Complies
	4.7(e)	If the dwelling is two storeys, shadow diagrams or a solar study should be provided.	Yes	Satisfactory
<b>Setbacks</b>	4.8.1(a-b)	<b>Front Setbacks</b> – 4.5 m or average of two nearest dwellings (whichever is greater)	2.19 to 3.5m	<b>No – see variation comments following</b>
	4.8.1(d)	<b>Front Setbacks</b> – Corner Lots – Primary (narrowest frontage): dwelling – 4 m and garages 5.5m,	N/A	-



Control Type	Clause	Control	Proposal	Compliance
		Secondary: dwelling 2.5 m and garages 3.5 m		
	4.8.2	Building articulation permitted in front setbacks	N/A	N/A
	4.8.3	<b>Side Setbacks</b> – two storey = 1.5 m with an eaves setback of 900mm	2.0 to 3.8m	Complies
	4.8.4	<b>Rear Setbacks</b> – ground level = 2m and upper storeys = 3 m	0.53 to 1.0m	<b>No – see variation comments following</b>
<b>Visual and Acoustic Privacy</b>	4.9(a-b)	Has the development considered the location of windows, and private open space of adjacent dwellings? Has overlooking been considered?	Proposed window openings private living areas (internal and that open) of neighbours.	Satisfactory
	4.9(c)	Are noise generating plant and equipment shown on the plans and located and screened away from bedrooms on adjacent properties?	N/A	N/A
	4.9(d)	Does the dwelling include a balcony, if so has overlooking been considered?	N/A	N/A
<b>Private Open Space</b>	4.10(a)	Has a minimum of 15 m <sup>2</sup> of PPOS been provided in a location that will receive a good amount of sunlight?	27m <sup>2</sup> -63m <sup>2</sup>	Complies
	4.10(b)	Is the PPOS within a 4 m or greater setback area?	Yes	Complies
	4.10(c)	Is the PPOS visible from neighbouring sites, if so has it been screened?	No screening needed	Complies
<b>Landscape Area Controls</b>	4.11(a) & 5.6.1(s)	20% (648m <sup>2</sup> )	1098m <sup>2</sup> of which only 640m <sup>2</sup> (19.75%) exceeds a width of 1.5 metres)	Complies, departure numerically insignificant
	5.6.1(m)	25% of the area forward of the building is to be landscaped	>50%	Complies
	4.11(b-c)	Can the landscaping areas generally be planted and maintained in accordance with 4.11(b-c)?	Yes	Complies
<b>Street Trees</b>	4.12(a-f)	For new dwellings, has a street tree been proposed in accordance with 4.12	Can be conditioned.	Complies

Control Type	Clause	Control	Proposal	Compliance
		(a-f)? If not, can one be conditioned?		
Vehicle access and parking	4.13(a) & 5.6.2(e)	Has at least one undercover parking space been provided in a carport or a garage?	Yes	Complies
	4.13(b-d)	Refer to the precinct statement for parking rates and Appendix 1 and Council's <i>Engineering Standards: Subdivision and Development</i> (as amended) for design requirements.	Noted	Complies
	4.13(e) & 5.6.1.(e)	Are the internal driveways a minimum of 3.5 m wide?	Yes	Complies
Site Facilities	4.14(a-c)	Is there a suitable location to store waste and recycling bins, install an open air clothes drying facility and a mailbox?	Yes	Complies
Rainwater Tanks	4.15 (a-f)	Are rainwater tanks proposed, if so, do they meet the requirements of 4.15(a-f)? Are all BASIX requirements for rainwater tanks shown on the plans?	Rainwater tank shown.	Complies
Fencing	4.16 (a-b)	<b>FRONT FENCES</b> Has a front fence been proposed? If so, review front fence requirements and ensure suitable plans including elevations have been provided.	Proposal includes powder coated, open picket style fencing with landscaping.	Satisfactory
	4.16(c)	<b>SIDE AND REAR FENCES</b> <ul style="list-style-type: none"> <li>New dwellings should show the location and height of side and rear fences on the plans if they are not existing already.</li> <li>Fences should generally be a maximum of 1.8 m tall with a 300 lattice above if proposed, unless adjacent to a park, reserve, laneway and channels then a height of 2.2 m is permitted.</li> </ul>	Site fenced on three sides.	Satisfactory

Control Type	Clause	Control	Proposal	Compliance
		<ul style="list-style-type: none"> <li>Fencing on corner lots should be in accordance with Figure 22.</li> </ul>		
<b>Outbuildings, garages and carports</b>	4.17	Refer to separate checklist	N/A	N/A
<b>Stormwater</b>	4.18	<ul style="list-style-type: none"> <li>Is onsite detention required in accordance with Council's Onsite Detention Policy (CS-CP-404)? Has the detention system been shown on the plans, if not can this be conditioned?</li> <li>Has the stormwater lines discharging to the legal point of discharge been provided on the plans?</li> </ul>	Assessed by Engineers and satisfied by condition.	Complies
<b>Swimming Pools</b>	4.19	Refer to separate checklist	N/A	N/A
<b>Essential Services</b>	4.20(a)	Is there Electrical Infrastructure located in proximity to the site? If so, has this been considered in the development application?	Yes	Satisfactory
	4.20(b)	Are underground electrical lines proposed to the dwelling?	No	Noted
	4.20(c)(i)	Have connections to Council's water and sewer infrastructure been shown on plans?	No	Noted
	4.20(c)(ii)	If the lot cannot be connected to Council's reticulated sewer service has a land capability assessment been provided? Is the effluent disposal area located on the site plans including an area of at least 200 m <sup>2</sup> ?	N/A	N/A
<b>Terrace Housing</b>	5.6.1(b)	Minimum lot size 600m <sup>2</sup> Min frontage 18m	3240m <sup>2</sup> >18m	Complies
	5.6.1(c)	Minimum width of terrace dwelling 4.5m if garage fronts primary road	>4.5m	Complies
	5.6.1(h)	Driveways must be designed to allow vehicles to enter and exit in a	Snaith Place not deemed to be a busy road	Satisfactory



Control Type	Clause	Control	Proposal	Compliance
		forward direction on a busy road		
	5.6.1(m)	25% of the area forward of the building is to be landscaped	>50%	Complies

6.54 *Clause 1.5 Variation to control*

6.55 The provisions of clause 1.5 of the Griffith Residential DCP acknowledged that in some instances strict adherence to the controls set down in the development control plan cannot be achieved and provides a mechanism which Council may consider a variation that requires the applicant to make a formal request for a variation, much in the same way Council deals with clause 4.6 variations to a development standard in its environmental planning instrument. In the variation the applicant must address:

- The control being varied;*
- The extent of the proposed variation and the unique circumstances as to why the variation is requested;*
- Why compliance with the control/standard is unreasonable or unnecessary in this particular case;*
- How the objectives of the control are met and an acceptable solution achieved with the proposed variations; and*
- That the development will not have additional adverse impacts as a result of the variation.*

6.56 It is further stated that the fact that an existing development may not comply with one or more of the development controls, does not necessarily mean that the development control is unreasonable or unnecessary when applied to future development.

6.57 The applicant has addressed the variations to the controls in their table of compliance which **satisfies** the requirements of clause 1.5 of the DCP.

6.58 While the applicant has made a submission that satisfies the provisions of clause 1.5, Council still has to satisfy itself that the variation can be justified and in this regard to following evaluation of the variation is made:

6.59 The applicant seeks a floor space ratio of in excess of the provisions set down in clause **3.9 of the DCP**. At 0.63:1 the departure represents a 26% variation to the DCP requirement of 0.5:1.

6.60 While the departure is greater than 10%, which traditionally has been used as a benchmark for describing a minor variation, the proposed variation is not considered significant given the merits of the application, given the intention of the project is to provide affordable housing. **Given the intent of the application it therefore is important to bind the developer to provision of affordable rental accommodation by way of condition which requires the future dwellings to be managed by a community housing provider. In this regard the provisions of clause 38 of the ARH SEPP provide guidance for an appropriate condition (see condition 62) that ensures that the proposed development will be used for its intended purpose.**

6.61 In this instance, Council concurs with the applicant's intent which seeks to maximise the number of dwellings on this allotment to augment the number of affordable housing dwellings (particularly smaller two-bedroom dwellings). Further the proposed design will

provide sufficient space to incorporate internalised parking facilities, sufficiently-sized bedrooms and suitable internal and external living spaces that will enable both privacy and high levels of amenity for residents and would not have adverse nor unreasonable impacts on the amenity of surrounding sites, in terms of visual privacy and overshadowing.

- 6.62 The proposed development has a varied front setback, with setback distances of 2.19-3.5 metres, which too results in more than a minor variation to **Clause 4.8.1 (a) & (b)**.
- 6.63 Again Council concurs with the applicant's view that the variation is reasonable as the front setback includes high levels of building articulation and variable heights, with building massing to be broken up/separated by internal driveways, visitor parking and private open space areas. It is noted that, with the exception of the driveways, the front setback area will be entirely landscaped, with deep soil areas and associated tree planting to further soften and screen the proposed development.
- 6.64 The applicant also seeks a variation to the rear setbacks, **Clause 4.8.4**. Numerical the variation to the rear setback is significant, seeking a variation equal or greater than 50% of the standard.
- 6.65 While numerically significant, it is noted that rear boundary is to Walla Avenue, and has a boundary adjoining Council's nature reserve which includes a 6.08-metre-wide stormwater drainage channel. Given that the reserve is not likely to be developed, the visual appearance of the development from the road corridor is such that it will appear to have a compliant rear setback. Further it would not have a detrimental impact on neighbouring properties.
- 6.66 The applicant's submission demonstrates how the objectives of the standard are achieved and that Council is of the view that the submitted design is a high standard and sympathetic to the streetscape.
- 6.67 The variations to the controls set down in the DCP may be supported.
- 6.68 **SECTION 4.15(1)(a)(iiia) any planning agreement.**
- 6.69 There are no planning agreements in force.
- 6.70 **SECTION 4.15(1)(a)(iv) regulations**
- 6.71 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.

<p><i>Clause 92(b) Additional matters for consideration</i></p>	<p>Clause 92(1)(b) of the Environmental Planning &amp; Assessment Regulation 2000 requires the consent authority to consider the provisions of Australian Standard AS 2601-1991: The demolition of Structures. In this instance no demolition is proposed.</p>
<p><i>Clause 93 fire safety and other considerations</i></p>	<p>The development is not for a change of building use for an existing building.</p>
<p><i>Clause 94 consent authority may require buildings to be upgraded</i></p>	<p>The development does involve the rebuilding, alteration,</p>

<p><i>Clause 94A fire safety and other considerations – temporary structures</i></p>	<p>enlargement or extension of an existing building.</p> <p>The development is not for a temporary structure.</p>
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**6.72 SECTION 4.15(1)(b) the likely impacts of the development.**

6.73 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>	<p>The proposed development is generally in keeping with the nature of the surrounding land.</p> <p>The scenic quality and features of the landscape are not negatively impacted upon by the construction of the works proposed.</p> <p>The development will not result in any loss of views or vistas, will not impact on anyone's visual or acoustic privacy and will not adversely overshadow any other property.</p>
<i>Access, transport and traffic</i>	The proposed development will generate additional traffic, however the capacity of the local road network 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 any impact upon groundwater or any riparian corridor or waterways can be satisfactorily mitigated through proper ongoing management of the site.
<i>Soils</i>	It is considered that any impact upon local and off-site soil conditions can be satisfactorily mitigated through proper ongoing management of the site.
<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>	The applicant has provided BASIX Certificates and identified energy commitments on the submitted plans.
<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 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>	<p>The proposed development has a positive economic impact and would be to the benefit to the local community. Further the proposed development provides further affordable housing choices in the Council area. As referenced in paragraph 6.60 in order to provide proper social benefit through affordable rental accommodation a condition of consent requires the future dwellings to be managed by a community housing provider for a period of time. In this regard the following condition is recommended:</p> <p>62. A restriction shall be registered, prior to the issue of the occupation certificate, against the title of the land in accordance with section 88E of the Conveyancing Act, 1919 that will ensure that for 10 years from the date of the issued of the occupation certificate that:</p> <p>(a) At least 50% of the accommodation to which DA 28/2021 relates will be used for the purposes of affordable housing, and</p> <p>(b) All the accommodation used for affordable housing will be managed by a registered community housing provider.</p>
<i>Site design and internal design</i>	The proposed site and internal design are considered satisfactory.
<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.
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**6.74 SECTION 4.15(1) (c) the suitability of the site.**

6.75 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, 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 is unlikely to be contaminated, however testing is recommended given the sensitive nature of the development.</p>

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

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

6.78 The provisions of the Environmental Planning and Assessment Act 1979 the Environmental Planning and Assessment Regulation 2000 and Council's Community Consultation 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.

6.79 In addition to the statutory referral process identified in Part F 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.

6.80 As a result of the public participation process, Council received three (3) of submissions, including a petition, in response to the notification and referral of the development application. The details of the submissions, which Council has taken into consideration in accordance with section 4.15(1)(d) are set out in Appendix E.

6.81 Concerns have been raised that the proposed development will see an increase in traffic, both in terms of volume of traffic generated by the development and associated vehicular noise, and it will have a detrimental effect for residents that live near the intersection of Watson Road and Snaith Place. Concerns specifically identify that some residents in the local area who are elderly, find it difficult to navigate onto Watson Road, due to the

number of vehicles already using the road. Residents near the intersection have to monitor traffic in 3 directions.

- 6.82 Council's Engineers have reviewed the traffic impacts associated with the proposed development and hold the view that the proposed development will not generate significant traffic that would be beyond the design off the existing intersection and no works are required as a result of this development.
- 6.83 The proposed development is unlikely to result in an unreasonable detrimental impact on the amenity neighbours in terms of noise, nor is it likely to have an impact on the safety of the existing intersection. In this regard no measures are deemed necessary.
- 6.84 A petition containing over 250 signatures has been received stating that it *"is unreasonable that the proposed development intends to significantly increase the number of homes (with higher density) while significantly reducing the only available public open green space. We believe that this development would never be considered for any park or public open space in other, more affluent, suburbs such as Collina or North Griffith. While there is a genuine need for affordable housing in Griffith, we strongly reject that the current proposal is the right solution."* The petition then goes on to request:
- 6.85 *"that the proposed development at Dave Taylor Park be put on hold immediately, including any planned changes (physical or statutory) to the reserve,*
- 6.86 *that a review of the current proposal is opened with community input to facilitate a more equitable and viable solution that would adequately serve our community; considering not only the need for housing but also the health and wellbeing of residents, especially children and youth who would be most affected by the current proposal"*.
- 6.87 The petition was received prior to the development application being formally lodged and is largely concerned with the larger "Griffin Green" project which looks at the whole of the Lot 187, Lots 14-17, 186 and 189 DP 70599 and as such is not specifically relevant to the development application (noting in particular it does not cite the specifics of the proposed development). Notwithstanding, the following comments are made in response to the points raised.
- 6.88 In terms of the proposed density, the same controls apply to any form of medium density development, whether it is in the South Griffith or Collina Precincts. It is accepted that the applicant is seeking a variation to the development control which controls density (that being the floor space ratio) which for reasons outlined previously in the report have merit and worthy of support. A key difference between "Dave Taylor Park" and non-specified parks in other areas, is that Dave Taylor Park is owned by NSW Housing and is not categorised as public recreation, even though it has historically been used for that purpose. In this regard the current land owner is able to develop the land as they deem fit, provided it is permitted within the zone, which it is. It should be noted that the extent of Dave Taylor Park is identified as RE1 Public Recreation identified in Figure 6.1 of this report.
- 6.89 Council cannot simply defer the determination of a development application once it has been made and it is obligated to make a decision within a reasonable time-frame.
- 6.90 The notification of the development application is in accordance with Council's statutory obligations.
- 6.91 The petitioners have also requested that following points be considered in the review with adequate community input and reasonable satisfaction from residents:

- Safety concerns with asbestos removal
- Impact of increased traffic regarding noise and child safety
- Impact of increased population density on crime and vandalism
- Impact of decreased recreational space on physical activity
- Impact of decreased recreational space on drug use, depression, and suicide
- Impact of major disruption to indigenous community
- Impact of reduced access to community groups
- Issue of vacant blocks in " Pioneer" and surrounding area
- Future viability of the development
- Alternative solutions

- 6.92 The applicant has considered the provisions of SEPP 55 which examines whether land may be contaminated. While it is understood that the existing mound within the central park of Dave Taylor caps asbestos, it is not certain that it is contained elsewhere. Council is of the view that the likelihood is low however is recommended that the applicant undertake soil testing.
- 6.93 Council's Engineers have considered the impact of the development in terms of traffic generation. As outlined previously it is unlikely the additional vehicles will result in an unreasonable impact on neighbours in terms of noise. The layout of the townhouse development including the narrow carriageway width would encourage low speeds and as such not significantly increase the risks to pedestrians, including children walking in the area.
- 6.94 The proposed development seeks to provide affordable housing and address the shortage of rental accommodation that the city currently experiences. The density of the development is unlikely to have any direct correlation with crime and vandalism.
- 6.95 The part of the land being utilised, while being an open area is largely undeveloped and cannot be properly considered open space used for recreational purposes, when compared to that part of the site to the east which has been maintained for recreational purposes. In this regard the proposed development is not likely to have an impact on health and well-being of the community. Given this there is no reasonable correlation between the proposed development and increased drug use or increased suicide.
- 6.96 It is unclear what disruption the proposed development will have on the indigenous community.
- 6.97 The subject site is not categorised as public recreation and as such is not specifically available for any one particular community group.
- 6.98 The issue of existing vacant lots in Pioneer and in the locality is not relevant to the proposed development of this land.
- 6.99 It is unclear what the petitioners are concerned with in terms of the viability of the development as the viability of any development is not a matter for consideration under s4.15 of the Act.
- 6.100 The applicant has not presented any alternate solutions.
- 6.101 The third submission is from the Seventh Day Adventist Church and their submission picks up on the same themes off the petition in respect to the park being a community up, providing opportunities for mental and physical well-being. These matters have been addressed above.



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

- 6.103 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.
- 6.104 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. The proposed development involves works valued in excess of \$100,000, contributions are payable.
- 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 F.

**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 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.
- 8.6 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.
- 8.7 The subject site is suitable for the proposed development
- 8.8 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.
- 8.9 The proposed development does not raise any matter contrary to the public interest.
- 8.10 On this basis it is considered that the proposal has merit and can be supported.

#### 8.11 Recommendation

- a) That the variation to the development controls set down in clauses 3.4, 4.8.1(a) & (b), 4.8.4 and 5.3.1 Residential Development Control Plan 2020 be supported.
- b) 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: 28/2021(1) for affordable housing comprising twenty (20) townhouses and strata subdivision at 8-13 Snaith Place GRIFFITH subject to conditions set out in Appendix G:

#### ASSESSING OFFICER

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

**Date**  
10 April 2021



#### Peer Reviewing Officer

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

19 April 2021

