



Ordinary Meeting

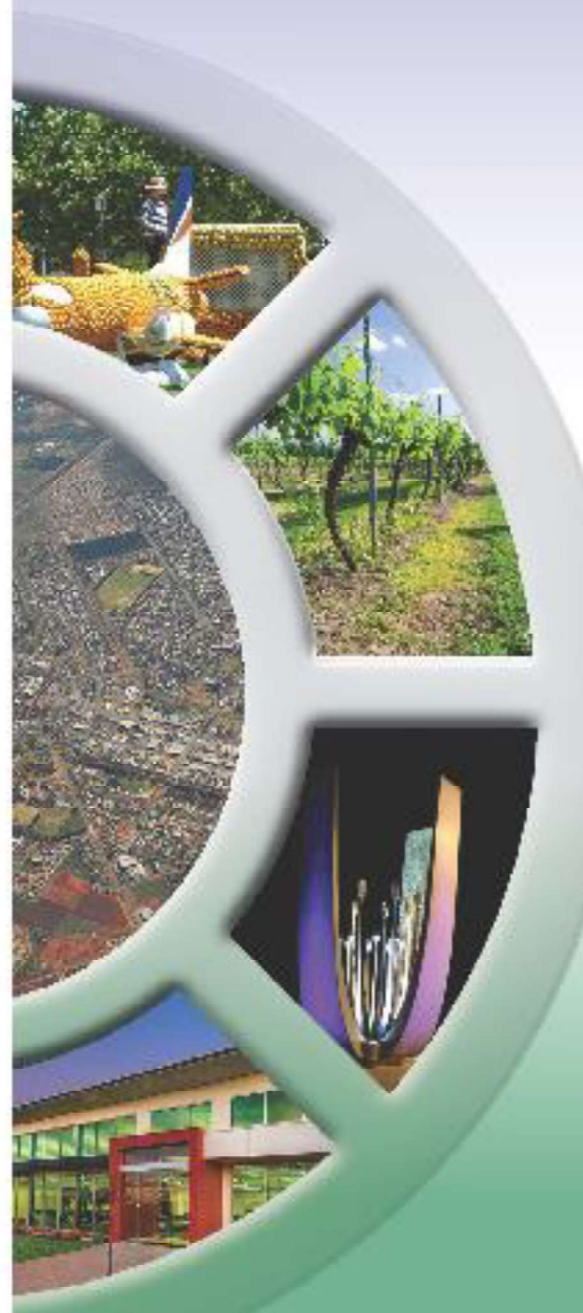
BUSINESS PAPER

Tuesday, 13 July 2021 at 7:00 PM

Griffith City Council Chambers

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CLAUSE	CL01
PROPOSAL	DA 74/2021 - DETACHED DUAL OCCUPANCY DEVELOPMENT - TWO (2) SINGLE STOREY RELOCATABLE DWELLINGS
PROPERTY LOCATION	Lot 27 Section 174 DP 758476 – 46 Lawford Crescent
ZONING	GRIFFITH
APPLICABLE PLANNING INSTRUMENT	R1 General Residential
EXISTING DEVELOPMENT	Griffith Local Environmental Plan, 2014
APPLICANT	Vacant Land
OWNER	Aboriginal Housing Office
DIRECTORS OF COMPANYNA (IF APPLICABLE)	Aboriginal Housing Office
APPLICATION DATE	
REASON FOR REFERRAL	26 March 2021
FROM	Public Submissions
TRIM REF	Ian Dencker, Relief Planner
	21/63779

SUMMARY

At the Council Meeting held Tuesday, 22 June 2021 Council laid DA 74/2021 on the table. A meeting with the applicant was held subsequent to the Council Meeting to discuss the proposal. The applicant advised that they do not intend to amend the application. The item is therefore resubmitted to Council for determination.

Proposal

- The application has been referred to the Ordinary Meeting of Council on the basis of six objections received during neighbour notification of the application.
- The proposal is for a single storey detached dual occupancy development consisting of 2 x 3 bedroom relocatable dwellings.
- The proposal achieves compliance with all relevant planning controls including Griffith Local Environmental Plan 2014 and Griffith Residential Development Control Plan 2020.
- It is recommended that the application be approved based on the details contained in this report.
- This is a Crown Development Application and as such it is governed by S.4.33 of the Environmental Planning and Assessment Act 1979 (EPAA).
- Under Section 4.33 - Determination of Crown development application:
 - (1) A consent authority (other than the Minister) must not—
 - (a) refuse its consent to a Crown development application, except with the approval of the Minister, or

(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

Note: If Council resolves to intend to refuse its consent – it would first need to seek the approval of the Minister for Water, Property and Housing. If Council resolves to impose conditions it would need to seek the approval of either the Minister or the applicant (The Aboriginal Housing Office).

Type of Development

Local

Consultation

Senior Management Team, Director Sustainable Development, Planning & Environment Manager, Acting Development Assessment Coordinator, Engineering Design & Approvals Manager.

Main Issues

Submissions have been received in response to the neighbour notification of this application, objecting to the development.

The Aboriginal Housing Office referred the development application to the Western Regional Planning Panel on Friday, 2 July 2021.

Council was advised on Tuesday, 6 July 2021 by the applicant, the Aboriginal Housing Office, that the development application has been referred to the Western Regional Planning Panel for determination.

The Western Regional Planning Panel has advised Council that it will determine the development application.

RECOMMENDATION

(a) The matter be raised from the table.

(b) Council note that DA 74/2021 – Detached Dual Occupancy Development – Two (2) single storey relocatable dwellings has been referred to the Western Regional Planning Panel for determination.

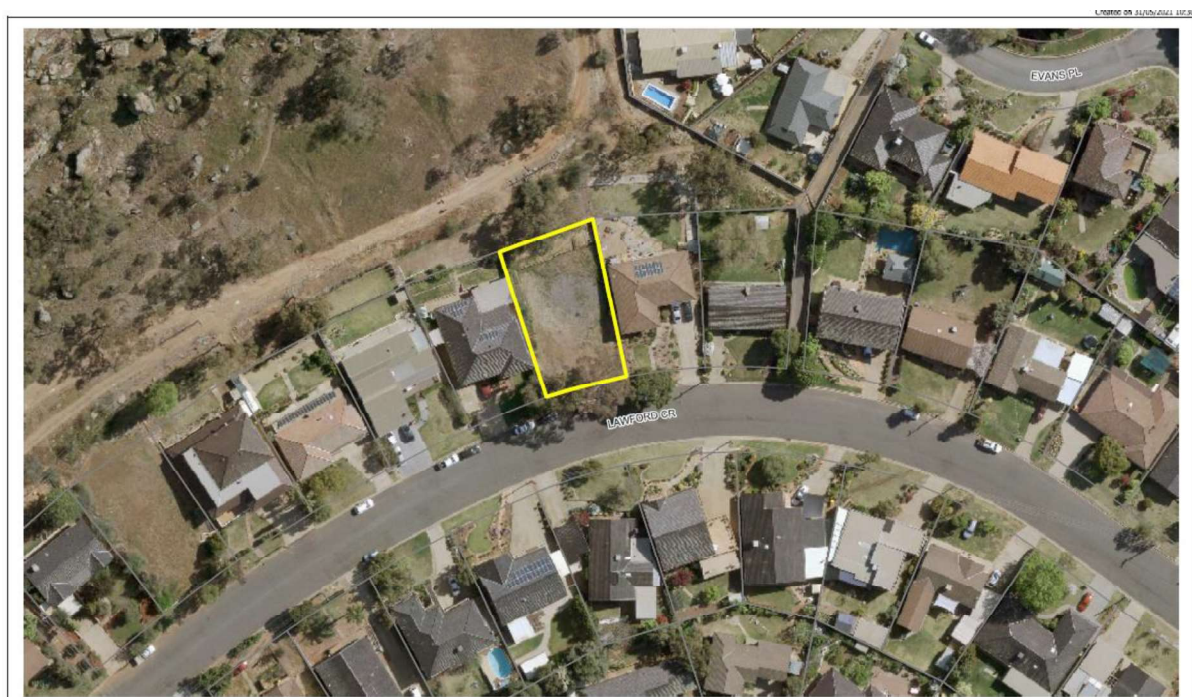
In accordance with the Local Government Act (section 375A - Recording of voting on planning matters) Council must record the Councillors' votes in relation to this matter.

SITE DESCRIPTION

The subject land is located on the northern side of Lawford Crescent, north-west of the Graham Street/Lawford Crescent intersection. It is currently a vacant allotment of land, which formerly had a single storey dwelling house located upon it, where a generally flat building pad and retaining walls remain.

The land has an area of approximately 778m². The land slopes down from the rear boundary to the street with a fall of approximately six metres. The site is adjoined by Scenic Hill Reserve to the north with single/double storey residential development to the south, east and west of the subject property.

LOCATION MAP



 <p>Griffith City Council PO Box 544 Griffith NSW 2870 Telephone 1300 130 137 Email: info@griffith.nsw.gov.au</p>	<p>Disclaimer: This map is intended for general information purposes only. Griffith City Council does not guarantee its accuracy, completeness or suitability for any particular purpose. Users must exercise their own skill and care in using this map and carefully evaluate the accuracy, currency, completeness and relevance of the map before relying on it. The map is not a substitute for independent professional advice and, to the extent permitted by law, Griffith City Council is not liable for any loss or damages arising out of any inaccuracy, error or omission contained in this map.</p>		<p>Projection: GDA94 / MGA zone 55 Date: 31/05/2021 Drawn By: kemyo</p>	<p>DA 74/2021 - Site Location 46 Lawford Crescent Griffith Map Scale: 1:1000 at A4</p>
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Street View of 46 Lawford Crescent Looking North West

BACKGROUND

Site History

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

- DA 274/2018 - 10 December 2018, approval was granted to demolish the fire damaged existing dwelling.

PROPOSAL IN DETAIL

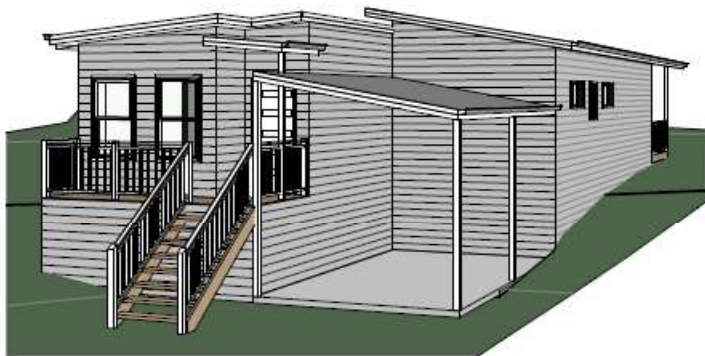
The proposed development is classified as a “detached dual occupancy” development consisting of 2 x 3 bedroom single storey relocatable dwellings. It is permissible under the provisions of the Griffith Local Environmental Plan 2014 and Griffith Residential Development Control Plan 2020 with the consent of Council. Attachment ‘E’ provides the application documentation.

Parkwood Modular Buildings have provided the following information regarding the development:

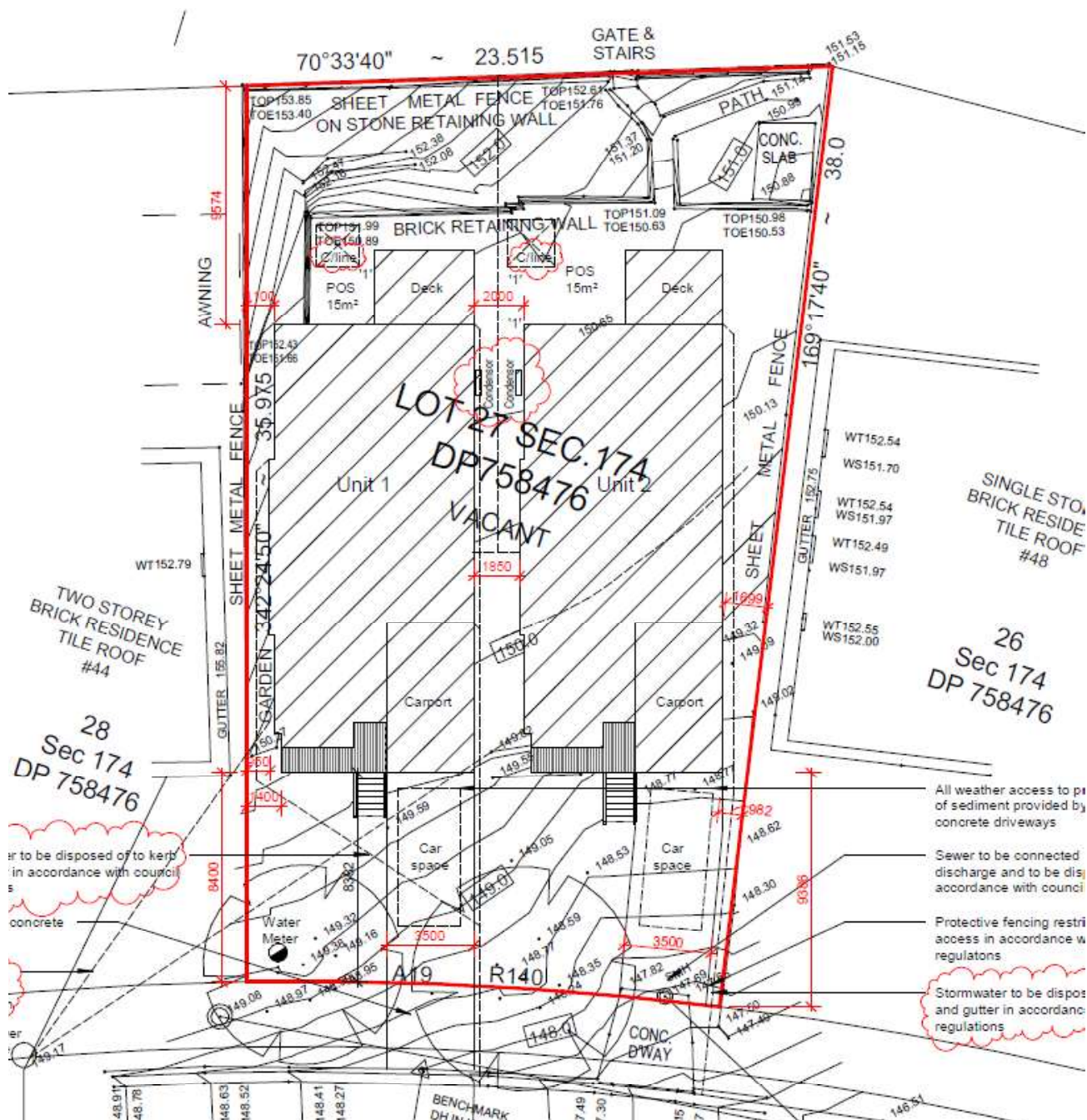
The proposed manufactured dwellings will be constructed by Parkwood Modular Buildings. The dwellings will be built in a factory and installed on site in one day with very limited trades to be completed after delivery.

Parkwood use treated timber in the manufacture of our homes which allows for flexibility in designs, incorporating steel spans and all built on a structural steel chassis. Parkwood homes generally have timber floor joists, as well as having to be 400mm clear of the ground level which provides and inspection points for termites.

The proposed buildings will be installed to a stage where it is fully clad, insulated, and lined internally with bathrooms and kitchens fully finished ready for occupation. The plastering and painting are finished off and the carpets and curtains supplied after the home is installed.



The plans submitted with the application provide the following details:



The Aboriginal Housing Office (AHO) has also provided the following additional information:

Under the Griffith Local Environmental Plan 2014 (LEP), the site is zoned R1 – General Residential which permits use as dual occupancy, attached dwellings or similar multi dwelling housing. Where possible, the AHO seeks to make better use of existing properties to deliver more and improved housing for Aboriginal people.

When taking forward development plans, the AHO does, of course, strive to be a good neighbour. We therefore work closely with Local Government Authorities to shape plans that integrate positively into the streetscape, are within the permissible quantum of development, and align with the guidance set out in the relevant Development Control Plan.

ASSESSMENT UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

The proposed development is for Detached Dual Occupancy and this falls under the definition of ***dual occupancy (detached)*** in the Dictionary of Griffith Local Environmental Plan 2014, which is defined as:

‘dual occupancy (detached) means two detached dwellings on one lot of land, but does not include a secondary dwelling’.

‘secondary dwelling means a self-contained dwelling that -

- (a) is established in conjunction with another dwelling (the principle dwelling), and
- (b) is on the same lot of land as the principle dwelling, and
- (c) is located within, or is attached to, or is separate from, the principle dwelling’.

The subject land is zoned R1 General Residential and under Part 2 Land Use Table of Griffith Local Environmental Plan 2014 a ***dual occupancy (detached)*** is development that can only be permitted with the consent of Council. On this basis the proposed development is considered permissible.

(b) *Aims and Objectives*

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

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

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

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

The proposed single storey detached dual occupancy - which will service the housing needs of the Griffith aboriginal community - meets all the objectives of the R1 General Residential Zone.

SECTION 4.15 (1)(a)(iii) any development control plan

The Griffith Residential Development Control Plan 2020 applies to this development and the following assessment has been made:

Control Type /Clause	Control	Proposal Compliance
Floor Space Ratio	Has an FSR calculation been provided for the site in accordance with section 5.3? Does the FSR meet the maximum allowed in the precinct statement?	Yes Maximum FSR - 0.5:1 Proposed FSR - 0.3 :1 Complies
Maximum Height	Are the structures below the maximum height level for the precinct? Has this been shown on the plans in accordance with clause 4.6?	Yes – Shown on plans Maximum height - 9m (2 storeys) Proposed height - 1 storey (5.2m to ridge) Complies
Parking	Has parking been provided in accordance with the rates in the precinct statement?	Yes Required Parking - 4 (with 2 under cover) Provided – 4 (with 2 under cover) Complies
Precinct Statement	Has the Applicant provided justification the development achieves the outcomes in the Precinct Statement, if applicable?	<p>The precinct statement provides the following in regard to future character of the Old Collina precinct:</p> <p><i>The projected future character of the Precinct is to remain as a low-density neighbourhood. Where appropriate secondary dwellings on lots could be supported.</i></p> <p>The character statement is provided in the DCP as a guideline, and it is considered that dual occupancy development forms part of preserving low density character in any residential area, as it normally only forms a small percentage of the housing stock of the low density precincts.</p> <p>The applicant has provided a detailed written response dated 5 May 2021, provided in Attachment 'G' which addresses the precinct statement.</p> <p>It should also be noted that the proposed detached dual occupancy is consistent with the overall principles of Council's Housing Strategy.</p> <p>Complies</p>
Site analysis plan		
4.2	Has a Site Analysis Plan been submitted with the DA?	Yes – Drawing Nos AO8 and AO9 dated 20 March 2021 Complies
Streetscape		

Control Type /Clause	Control	Proposal Compliance
	<i>Objective: To create streetscapes which are visually appealing and avoid building elements which lack articulation.</i>	<p>The DCP provides that: <i>Streetscapes encompass buildings, street and landscape design and includes all adjacent buildings, landscaping and fencing, traffic treatments, paths, driveways and street surfaces.</i></p> <p>This building elements incorporated into the design illustrates sufficient articulation to satisfy this objective requirements under the streetscape controls for the DCP.</p> <p>In general the streetscape character of the immediate locality is not compromised by the design of this development.</p> <p>The locality is characterised by a range of cladding materials, building heights and designs. Given the bulk, scale and building materials proposed in the design of the development, it is considered that the proposed buildings will not be out of character with the precinct and not detrimental to the streetscape.</p> <p>The proposal satisfies the objective.</p>
4.3(b)	Does the front dwelling's primary street façade incorporate design features?	<p>Yes</p> <ul style="list-style-type: none"> • Mixture of building materials • Matching windows of appropriate size and shape • Staircase and elevated landing • Sloping roofs with intersecting angles • Variable building setbacks <p>Complies</p>
4.3 (c)	Does the proposal fit in with the scale or character of surrounding development? Or, does the development achieve the future development goals of the precinct as described in the Precinct Statement?	<p>Yes – the applicant has provided a detailed written response dated 5 May 2021, see attachment 'G'</p> <p>Complies</p>
4.3(d)	Are the garages a maximum of 50% of the buildings front elevation?	N/A – no garages are proposed
4.3(e)	Does a window to a habitable room face the street?	<p>Yes – Both Units 1 and 2 have windows to a habitable room face Lawford Crescent</p> <p>Complies</p>
5.5(f)	If on a corner lot, does the proposal	N/A – this is not a corner lot

Control Type /Clause	Control	Proposal Compliance
	have one dwelling facing each street?	
5.5(g)	Have the dual occupancies been separated by 1.8 m?	Yes Separation between Units 1 and 2 is 1.85m which satisfies the BCA minimum requirement for fire separation distances between buildings Complies
5.5(h)	Are garages setback 5.5 m from the front boundary and 3.5 m from a secondary street?	N/A – no garages are proposed
Building Design / Design Criteria		
4.4(a)	Is the design generally in accordance with the precinct statement?	Yes - the applicant has provided a detailed written response dated 5 May 2021 see Attachment 'G' Complies
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 have a length of 10 m without a physical change?	No – articulation has been included in the design to reduce straight wall length. Complies
4.4(d)	Are windows facing the street provided in a balanced manner?	Yes - bedroom 1 windows to both Units 1 & 2 are identical both in appearance and setting Complies
4.4(e)	Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?	Yes – recommended conditions 17 and 19 requires prior to the issue of the Section 68 Activity Approval, detailed design documentation is to be submitted to Council staff for approval, detailing dwarf brick walls to both Units 1 and 2. The dwarf brick wall shall be constructed around the footings underneath each unit. Complies
4.4(f)	Will the proposal overshadow adjacent private open spaces or habitable rooms? (development applications for two storey dwellings should include shadow diagrams or solar study)	Because the proposed development is single storey, with compliant side setbacks, with a north-south orientation, any overshadowing to adjoining properties will be minimal. Complies
5.5(j)	Does each dwelling meet the minimum floor area: 1 bedroom – 55 m ² , 2 bedroom - 75 m ² , 3 bedroom - 90 m ²	Yes – Both Units 1 and 2 have a floor area > 90m ² Complies
5.5(k)	Are the proposed bedrooms a minimum of 8 m ² ?	Yes – All proposed bedrooms of both Units 1 and 2 have a size > 8m ² Complies
5.5(l)	Combined living and dining room area should be – 1 and 2 bedrooms – 24 m ² or 3 bedroom – 28 m ²	Yes – The combined living and dining room area of both Units 1 and 2 > 28m ² Complies

Control Type /Clause	Control	Proposal Compliance
5.5(m)	Has adequate storage space been provided in areas other than a kitchen or a bedroom: 1 bedroom – 6m ³ storage space, 2 bedroom – 8m ³ storage space, 3 bedroom – 10 m storage space ³	Yes – adequate storage space been provided in areas other than a kitchen or a bedroom > 10m ³ Complies
Sustainability		
4.5(a)	Has a BASIX certificate been submitted for both dwellings?	N/A – the provisions of SEPP BASIX do not apply to moveable dwellings
4.5(b)	Does the dwelling adopt general sustainable building practices?	Yes – the applicant has advised that a sustainable home design has been adopted with responsibly sourced materials used in construction Complies
Height		
4.6(a)	Is the height of the dual occupancy less than 9 m?	Yes – 5.2m to ridge (single storey) Complies
4.6(b)	Does the height of the dual occupancy suit the streetscape?	Yes – being single storey, the height suits the Lawford Crescent streetscape Complies
4.6(c)	If the dual occupancy is two storeys the elevation plans should show RL's	N/A - proposed development is single storey
4.6(d)	Are the proposed tree heights consistent with dwelling scale?	Yes – the landscape concept plan prepared by Simpla is appropriate for the locality Complies
Solar Access and Energy Efficiency		
4.7(a-c)	Has solar access been considered in the design of the dwelling?	Yes - adequate window openings have been provided to all elevations and the main living areas face north Complies
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.	N/A – proposed development is single storey
Setbacks		
4.8.1(a-b)	Front Setbacks – 4.5 m or average of two nearest dwellings (whichever is greater)	8.4 – 9.386 m front setback proposed Complies
4.8.1(d)	Front Setbacks – Corner Lots – Primary (narrowest frontage): dwelling – 4 m and garages 5.5, Secondary: dwelling 2.5 m and garages 3.5 m	N/A – this is not a corner lot
4.8.2	Building articulation permitted in front setbacks	N/A – buildings (whilst articulated) will not encroach into front setback zone
4.8.3	Side Setbacks – single storey = 0.9 m with an eaves setback of 450mm Side Setbacks – two storey = 1.5 m with an eaves setback of 900mm	Yes 0.95 m western and 0.982 m eastern side setbacks proposed (eaves setback 450mm)

Control Type /Clause	Control	Proposal Compliance
		Complies
4.8.4	Rear Setbacks – ground level = 2m and upper storeys = 3 m	Yes - 9.574m+ rear setback proposed Complies
Visual and Acoustic Privacy		
4.9(a-b)	Has the development considered the location of windows, and private open space of adjacent dwellings? Has overlooking been considered?	Yes – This assessment concludes that overlooking has been considered with the location of bedrooms and utilities facing neighbouring properties whilst living areas are orientated towards Scenic Hill Reserve to the rear Complies
4.9(c)	Are noise generating plant and equipment shown on the plans and located and screened away from bedrooms on adjacent properties?	Yes – air conditioning units are located away from adjacent properties between Units 1 and 2 Complies
4.9(d)	Does the dwelling include a balcony, if so has overlooking been considered?	N/A – no balconies are proposed
Private Open Space		
5.5(n)(o)	Has a minimum of 15 m ² of POS been provided in a location that will receive a good amount of sunlight for each dwelling? Note: balconies can be used.	Yes – each unit has private open space 15m ² + located to the north Complies
4.10(b)	Is the POS within a 4 m or greater setback area?	Yes
4.10(c)	Is the POS visible from neighbouring sites, if so has it been screened?	Yes Deck to Unit 2 - condition 46 stipulates a 1.8m high privacy screen facing the neighbouring property Compliant
Landscape Area Controls		
5.5(p)	Do the plans show that 20% of the site can be landscaped in accordance with figure 18?	Yes – see landscaping plan prepared by Simpla for detail. Complies
4.11(b-c)	Can the landscaping areas generally be planted and maintained in accordance with 4.11(b-c)?	Yes Complies
5.5(q)	Has a preliminary landscape plan been provided in accordance with the clause?	Yes Complies
Street Trees		
4.12(a-f)	For new dwellings, has a street tree been proposed in accordance with 4.12 (a-f)? If not, can one be conditioned?	Yes - see landscaping concept plan prepared by Simpla for detail and which retains existing vegetation Because the site is in an established area with existing vegetation, no new street tree is required. Complies
Vehicle access and parking		
5.5(b)	Has at least one undercover parking space been provided in a carport or a	Yes - each unit has been provided with a carport

Control Type /Clause	Control	Proposal Compliance
	garage for each dwelling?	Complies
5.5(c)	Are internal driveways a minimum of 3.5 m wide.	Yes - each proposed driveway is 3.5m wide Complies
5.5(d)	Shared driveways must be prioritised for non-corner lot dual occupancies.	NA – there are no shared driveways
5.5(e)	If the driveway is greater than 30 m long or on a busy road, a turning bay or area should be provided to ensure a vehicle can exit in a forward direction.	N/A – driveways are less than 30m long and not located on an arterial or main road
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.	Each unit requires 2 parking spaces 1 of which should be undercover. Car parking spaces – condition 41 requires parking spaces comply with engineering design requirements. 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 - as indicated on Site Plan 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?	N/A – SEPP BASIX does not apply to moveable dwellings
Fencing		
4.16 (a-b)	FRONT FENCES Has a front fence been proposed? If so, review front fence requirements and ensure suitable plans including elevations have been provided.	N/A
4.16(c)	SIDE AND REAR FENCES <ul style="list-style-type: none"> New dwellings should show the location and height of side and rear fences on the plans if they are not existing already. 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. Fencing on corner lots should be in accordance with Figure 22. 	Condition 45 recommends for new side and rear 1.8 m tall fencing incorporating 300mm lattice on top (2.1m overall height). Complies
Outbuildings, garages and carports		
4.17	Refer to separate checklist	N/A
Stormwater		
4.18	<ul style="list-style-type: none"> Is onsite detention required in accordance with Council's Onsite 	Yes – Conditions 13 and 14 Complies

Control Type /Clause	Control	Proposal Compliance
	Detention Policy (CS-CP-404)? Has the detention system been shown on the plans, if not can this be conditioned? <ul style="list-style-type: none"> Has the stormwater lines discharging to the legal point of discharge been provided on the plans? 	
Swimming Pools		
4.19	Refer to separate checklist	N/A – no pool is proposed
Essential Services		
4.20(a)	Is there Electrical Infrastructure located in proximity to the site? If so, has this been considered in the development application?	Yes – located in the Lawford Crescent Street Reserve –there has previously been a dwelling on subject site Complies
4.20(b)	Are underground electrical lines proposed to the dwelling?	Yes Complies
4.20(c)(i)	Have connections to Council's water and sewer infrastructure been shown on plans?	Yes – Condition 43 Complies
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 ² ?	N/A
Bushfire Risk		
4.21	Check if the site is considered bushfire prone land.	Yes – Bushfire Assessment Report provided – conditions 11, 20, 44 and 50 imposed Complies
Frost Control Fans		
4.22	Check if any frost control fans within 1000 m of the site.	N/A

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:

- The proposed development is single storey and compliant with all key development controls including FSR, height and parking.

b) Impact on Natural Environment

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

- Landscaping has been proposed and will be conditioned accordingly.

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 proposed development will be provide additional housing stock for the local aboriginal community.

d) Economic Impact in the Locality

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

- No negative economic impacts have been identified as a result of this proposal.

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.

- The Aboriginal Housing Office has previously advised Council that the proposed development is part of a new pilot program whereby relocatable quality housing can be provided to the local aboriginal community in suitable urban locations.

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

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

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

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

The application was neighbour notified from 7 April to 23 April 2021. As a result of the public participation process, Council received six (6) of submissions in response to the notification and referral of the development application (see Attachment 'F'). The applicant provided a response to the matters raised in the submissions, and that is provided in Attachment 'G'.

The following is a summary of the objections raised in the submissions, which Council has taken into consideration in accordance with section 4.15(1)(d) are as follows:

Issue / Applicant Response / Council Assessment
<p><u>Issue 1:</u> Proposal doesn't fit character of Lawford Crescent.</p> <p><u>Applicant Response:</u></p> <p><i>In consideration to Council's design criteria including building articulation, housing footprint, open space, setbacks, driveways and parking; these are in accord with the medium density design requirements under Councils' DCP. The development proposes to utilise fibre cement cladding for the exterior, where the building facades will incorporate traditional features</i></p>

including double hung windows and heritage style balustrade. Utility meters are to be located on the side of each dwelling.

The AHO would also be open to constructing a brick dwarf wall (in lieu of cladding) around the footings underneath each dwelling, to compliment neighbouring properties and provide consistency within the locality as seen on a previous AHO project:



AHO property with cement clad and brick dwarf wall around footings.

Council Assessment:

The proposed addition of a dwarf brick wall below floor level will provide a variety of textures and finishes resulting in a structure as indicated in the example above, provided by the applicant.

The applicant has also provided a detailed landscape plan which retains the existing mature trees at the front whilst introducing a variety of new plant species which will contribute to the streetscape of Lawford Crescent. It should also be noted that the proposed detached dual occupancy is consistent with the overall principles of Council's Housing Strategy.

In addition, character and streetscape this has been considered through the Development Control Plan assessment of this proposal and is considered to be satisfactory.



Issue 2: Proposed dual occupancy development is not suitable for subject site.

Applicant's response

Notably, the Griffith Residential Development Control Plan 2020 (DCP) highlights that 'good design achieves a mix of dwelling sizes, providing housing choice for different demographics, lifestyles and household budget'. Consideration has also been given to increasing densities on Crown land by NSW government for affordable housing. For these reasons the AHO proposes to redevelop 46 Lawford Crescent into two, high-quality 3 bedroom units.

Council Assessment

The response of the applicant is noted. The proposed detached dual occupancy is a permissible land use under the provisions of the Griffith Local Environmental Plan 2014 and has been assessed in terms of Council's development control plan and housing strategy and this has been found to be suitable development for this site.

Issue 3: Parking inadequate

Applicant's response

The applicant has also advised that a total of 4 (four) car parking spaces - two of which will be covered – are to be provided.

Council Assessment

The Griffith LEP 2014 and Residential DCP 2020 compliance tables earlier in this report indicate a development which is compliant with all relevant development controls including, height, floor space ratio (FSR), setbacks, landscaping and parking.

Issue 4: Privacy/overlooking/overshadowing

Applicant's response

The applicant has advised Council that as with previous developments, the Aboriginal Housing Office is prepared to install new 1.8m high fencing with 300mm lattice on top, to side boundaries.

Council Assessment

In addition to proposed new fencing and lattice, a 1.8m high internal privacy screen to the eastern side of the rear deck of Unit 2 is recommended as a condition of consent to facilitate privacy amelioration.

In relation to overlooking, the applicant has indicated they are prepared to provide lattice privacy screening to side boundary fencing, which has been included as a draft condition of consent, to reduce the likelihood of overlooking.

In terms of overshadowing, the proposed development is single storey and compliant the Council's height and setback controls.

Issue 5: Construction impacts including retaining walls, groundwater, and fire safetyApplicant's response

With regard to the slope constraints of the site, the development proposes excavations and the construction of a retaining wall at the rear, with a grade slope back as shown in the proposed excavation layout and landscaping plan.

The applicant has also supplied a Bushfire Assessment Report which concludes that the proposed development can proceed subject to conditions. See conditions 11, 20, 44 and 50.

Council Assessment

The Griffith LEP 2014 and Residential DCP 2020 compliance tables earlier in this report indicate a development which is compliant with all relevant development controls including, height, floor space ratio (FSR), parking, setbacks and landscaping.

Standard conditions are also recommended which will address construction related issues (including groundwater management) and including Condition 18 - Retaining Walls/Fencing which states as follows:

"Prior to the issue of the Section 68 Activity Approval, detailed design documentation is to be submitted to Council staff for approval, detailing all required retaining walls and associated fencing to neighbouring properties."

It should also be noted that separation between Units 1 and 2 is 1.85m, which satisfies the Building Code of Australia minimum requirement for fire separation distances between buildings.

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 environmental are avoided.

- Community Participation Plan
- Section 7.12 Plan for Development Contributions
- Water & Wastewater Developer Charges
- Engineering Guidelines
- Floor Height Policy

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.

ADDITIONAL INFORMATION

Introduction

Council at its meeting on 22 June 2021 resolved as follows:

- (a) The matter be laid on the table.
- (b) A further report be prepared for Council.

This supplementary report provides additional information in relation to issues raised by both elected members and the community at the meeting as set out below.

Meeting With Aboriginal Housing Office

Following the meeting, Council staff met with officers from the Aboriginal Housing Office (AHO) on 25 June 2021 via Zoom.

Council staff reiterated the concerns raised by the community during the public consultation period (and at the meeting of Council). In particular the type of predominate external cladding material, 2 dwellings on the lot as opposed to one and the external appearance reflects caravan park cabins all of which will not fit the character of Lawford Crescent which is predominantly of brick veneer construction.

The AHO advised that no changes are proposed to the development application. On 25 June 2021 the AHO provided the following response and additional photographs of what the finished development will look like:

“Further to the meeting earlier, attached are some additional photos of the previous AHO project from Parkwood modular homes.

You’ll see from the images that they’re more than just “weekend getaways in a caravan park”, we strive to provide quality whilst maximising value for the taxpayer. Happy for you to share the photos in your supplementary report and I’ll be sure to attend Council’s next meeting in a fortnight.”







Process

As previously reported to Council:

- This is a Crown Development Application and as such it is governed by S.4.33 of the Environmental Planning and Assessment Act 1979 (EPAA).

- Under Section 4.33 - Determination of Crown development application:
 - (1) A consent authority (other than the Minister) must not—
 - (a) refuse its consent to a Crown development application, except with the approval of the Minister, or
 - (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

Note 1: If Council resolves to intend to refuse its consent – it would first need to seek the approval of the Minister for Water, Property and Housing. If Council resolves to impose conditions it would need to seek the approval of either the Minister or the applicant (The Aboriginal Housing Office).

Note 2: NSW Department of Planning, Industry and Environment has advised Council on 2 July 2021 as follows:

“Given that this is an AHO DA and therefore a Crown DA, there are two options for moving forward:

S4.33 of the EP&A Act allows for Crown DAs to be referred to the Regional Planning Panel by either:

- The applicant, where council has not determined the DA in the prescribed period (70 days) or
- The council, at any time including before the end of the prescribed period (70 days).

Building Design

The additional information provided by the Aboriginal Housing Office gives a clearer indication of what the proposed development will look like when completed. As conditioned the proposed development will require the construction of a brick wall around the entire foundations which will ensure a mixture of materials consistent with the general locality.

Clause “4.4 - Building Design” of Council’s Residential Development Control Plan states as follows:

Dwelling design in Griffith should respect the dominant design themes of the Precinct and be appropriately scaled to enable differentiation and visual interest between the dwellings when viewed from public streets. Good design achieves a mix of dwelling sizes, providing housing choice for different demographics, lifestyles and household budgets.

The proposal arguably achieves the following:

- appropriately scaled to enable **differentiation and visual interest between the dwellings when viewed from public streets**
- achieves a **mix of dwelling sizes, providing housing choice for different demographics, lifestyles and household budgets.**

Dual Occupancy Development

As previously reported to Council the proposed detached dual occupancy is a permissible land use under the provisions of the Griffith Local Environmental Plan 2014 and has been assessed in terms of Council’s development control plan and housing strategy. Compliance has been achieved for all key development standards as highlighted below:

Control Type /Clause	Control	Proposal Compliance
Floor Space Ratio	Has an FSR calculation been provided for the site in accordance with section 5.3? Does the FSR meet the maximum allowed in the precinct statement?	Yes Maximum FSR - 0.5:1 Proposed FSR - 0.3 :1 Complies
Maximum Height	Are the structures below the maximum height level for the precinct? Has this been shown on the plans in accordance with clause 4.6?	Yes – Shown on plans Maximum height - 9m (2 storeys) Proposed height - 1 storey (5.2m to ridge) Complies
Parking	Has parking been provided in accordance with the rates in the precinct statement?	Yes Required Parking - 4 (with 2 under cover) Provided – 4 (with 2 under cover) Complies

Conclusion

As required by Council's new Residential Development Control Plan, the Aboriginal Housing Office has proposed a development which is permissible in the R1 zone and which achieves full compliance with all key development controls including FSR, height and car parking.

The proposed dual occupancy is predominately constructed of cladding material and the existing dwellings located in Lawford Crescent are predominantly of brick veneer construction. Arguably, as required by the DCP, the design of the detached dual occupancy development provides for an adequate level of "differentiation" when viewed from Lawford Crescent as well as providing for "housing choice for different demographics, lifestyles and household budgets."

OPTIONS

OPTION 1

As per the Recommendation.

OPTION 2

At the Council Meeting held Tuesday, 22 June 2021 Councillors expressed concern with respect to the character of the development being inconsistent with the majority of residences in the locality. Should Councillors view, in this regard, be unchanged then Council could adopt the following option:

Refusal of the application as the development does not meet the character of the locality.

1. Council resolve its intent to refuse DA 74/2021. The reason for refusal is that the development does not meet the character of the locality.
2. Council seek the approval of the Minister for Water, Property and Housing to refuse the application.
3. Council nominate housing constructed recently by the NSW Land and Housing Corporation at 93 Macarthur Street as housing of an acceptable character consistent with the locality.

OPTION 3

Any other resolution of Council.

POLICY IMPLICATIONS

There are no adverse implications relating to existing Council policies.

FINANCIAL IMPLICATIONS

There are no adverse financial implications for Council.

LEGAL/STATUTORY IMPLICATIONS

There are no legal implications for Council.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications for Council.

COMMUNITY IMPLICATIONS

There are no adverse community implications.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 9.1 Encourage considered planning, balanced growth and sustainable design.

CONSULTATION

Senior Management Team, Director Sustainable Development, Planning & Environment Manager, Acting Coordinator Development Assessment, Engineering Design & Approvals Manager, Applicant, Landowner & Objectors.

ATTACHMENTS

- (a) Email from Aboriginal Housing Office (under separate cover) ➡
- (b) Email from Planning, Industry and Environment (1) (under separate cover) ➡
- (c) Email from Planning, Industry and Environment (2) (under separate cover) ➡
- (d) DA 74/2021 - Draft Conditions of Consent (under separate cover) ➡
- (e) DA 74/2021 - Application Plans & Documents (under separate cover) ➡
- (f) DA 74/2021 - Submissions Objecting to Application (under separate cover) ➡
- (g) DA 74/2021 - AHO Response to Submissions (under separate cover) ➡