



## Development Assessment Report

### PART ONE: GENERAL ADMINISTRATION

<b>DA No:</b>	74/2021(1)
<b>Property description:</b>	LOT: 27 SEC: 174 DP: 758476 46 Lawford Crescent GRIFFITH
<b>Description of proposed development:</b>	Detached Dual Occupancy
<b>Type of development:</b>	Local
<b>Applicant's details:</b>	Aboriginal Housing Office C/- Department of Housing Locked Bag 7466 LIVERPOOL BC 1871
<b>Landowner's details:</b>	Aboriginal Housing Office C/- Department of Housing Locked Bag 7466 LIVERPOOL BC 1871
<b>Landowner's consent:</b>	All landowners have provided consent
<b>Cost of works:</b>	\$555,546.00

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## PART B: EXECUTIVE SUMMARY

- 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).

## PART C: PROPOSAL

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.

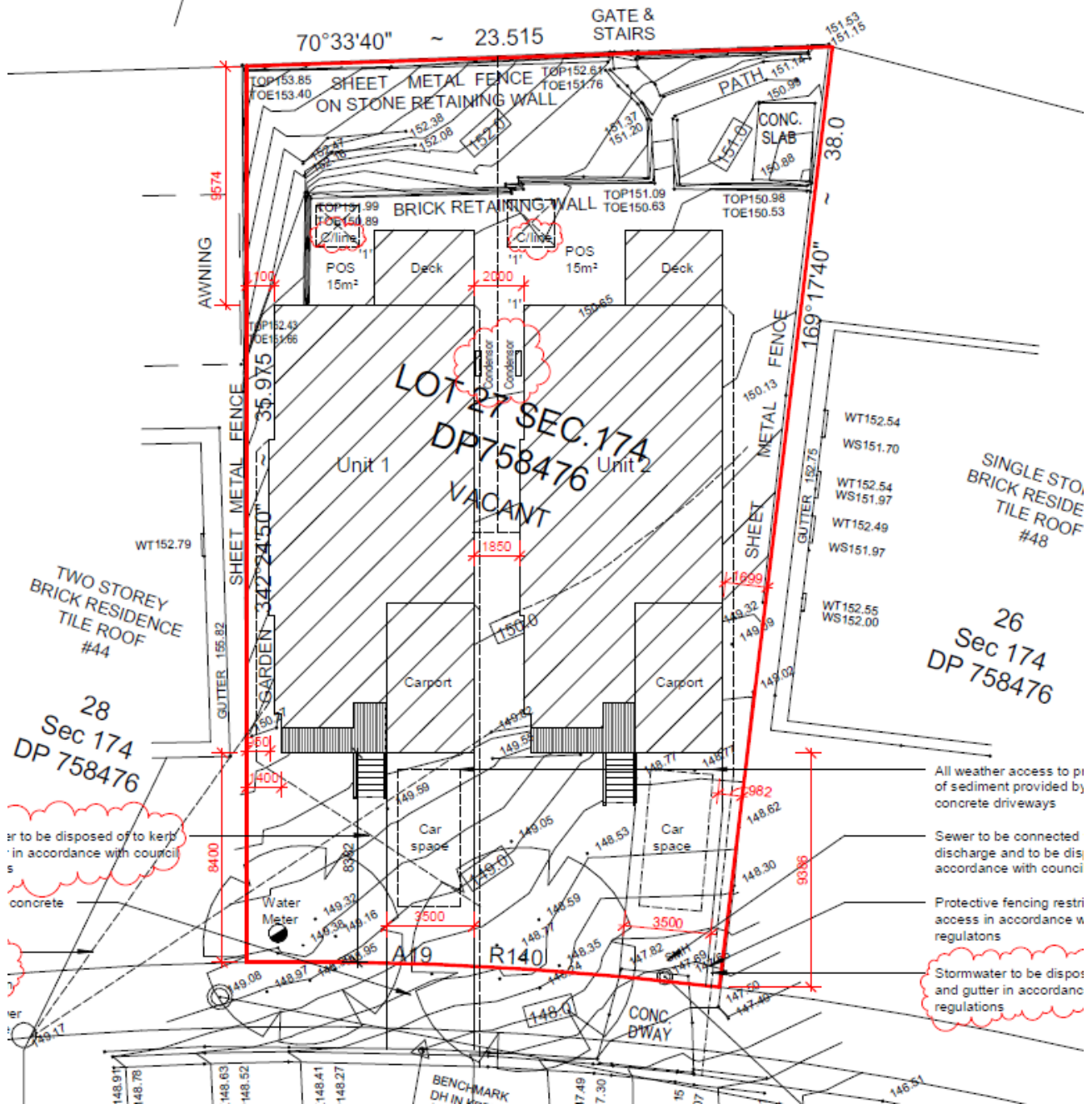
Parkwood Modular Buildings have provided the following information regarding the development:

The proposed manufactured dwellings will be constructed by Parkwood Modular Buildings. The dwellings will be built in a factory, 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 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.*



## PART D: SITE DESCRIPTION AND LOCALITY

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. The land has an area of approximately 778m<sup>2</sup>. The land slopes down from the rear boundary to the street with a fall of approximately 6 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 Burley Street.



Street View of 46 Lawford Crescent Looking North West

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

### Development Assessment Panel

The matter was considered at the Development Assessment Panel (DAP) meeting on 1 April 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:

- Bushfire Assessment Report Required

The applicant has since submitted a bushfire report prepared by Bush Fire and Environmental Management Consultancy (BEMC) which has concluded that the development can go ahead subject to conditions. All issues raised at the DAP meeting have now been satisfactorily addressed by the applicant, as part of the assessment process, and through recommended conditions of consent.

### Development History of Site

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

- On 10 December 2018, approval to "Demolition of existing dwelling" was granted (DA274/218)

## PART F: STATUTORY REFERRALS

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

AGENCY	LEGISLATION	APPLIES
DPI	Fisheries Management Act 1994 Mines Subsidence Compensation Act 1961 Mining Act 1992 Petroleum (Onshore) Act 1991	No
OEH	National Parks, & Wildlife Act 1974 Protection of the Environment Operations Act 1997 Water Management Act 2000	No
NSW Heritage	Heritage Act 1977	No
RMS	Roads Act 1993 SEPP Infrastructure – Division 17 Roads and Traffic	No
RFS	Rural Fires Act 1997	No
Railcorp	SEPP Infrastructure – Division 15 Railways	No
Essential Energy	SEPP Infrastructure – Section 45	No

## PART G: SECTION 4.15 EVALUATION

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

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

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

##### (a) Permissibility

The proposed development is for 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 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note—**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

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 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 (and compliant) detached dual occupancy - which will service the housing needs of the Griffith aboriginal community - meets all the objectives of the R1 General Residential Zone.

(b) *LEP relevant provisions including development standards*

Clause	Clause Requirement & Assessment Comment
1.9A Suspension of covenants	<i>Not Applicable</i>
2.4 Unzoned land	<i>Not Applicable</i>
2.6 Subdivision	<i>Not Applicable</i>
2.7 Demolition requires consent	<i>Not Applicable</i>
2.8 Temporary use of land	<i>Not Applicable</i>
4.1 Minimum Lot Size	<i>Not Applicable</i>
4.1AA Minimum lot size Community Title	<i>Not Applicable</i>
4.1A Exceptions to minimum lot size for certain residential development	<i>Not Applicable</i>
4.1B Lot Averaging Subdivision	<i>Not Applicable</i>
4.2 Rural Subdivision	<i>Not Applicable</i>
4.2A Strata subdivision in rural & environmental protection zones	<i>Not Applicable</i>



Clause	Clause Requirement & Assessment Comment
4.2B exceptions to lot size for certain rural subdivision	<i>Not Applicable</i>
4.2C Dwellings & Dual Occupancies in rural & environmental protection zones	<i>Not Applicable</i>
4.2D Rural Workers Dwellings in RU1, RU2, RU4 & RU6 zones	<i>Not Applicable</i>
4.2E Subdivision for intensive livestock & plant agriculture	<i>Not Applicable</i>
4.2F Dwelling houses associated with rural use other than agriculture	<i>Not Applicable</i>
4.2G Boundary adjustments in rural & environmental protection zones	<i>Not Applicable</i>
4.6 Exceptions to development standards	<i>Not Applicable</i>
5.3 Development near zone boundaries	<i>Not Applicable</i>
5.4 Permissible miscellaneous uses: B&B, Home business etc., farm stay accommodation, secondary dwellings etc.	<i>Not Applicable</i>
5.8 Conversion of fire alarms	<i>Not Applicable</i>
5.10 Heritage Conservation	<i>Not Applicable</i>
5.12 Infrastructure development & use of existing Crown buildings	<i>Not Applicable</i>
5.13 Eco Tourist facilities	<i>Not Applicable</i>
5.16 Subdivision / dwellings on certain rural, residential & environmental protection land	<i>Not Applicable</i>
5.17 Artificial water bodies in environmentally sensitive locations	<i>Not Applicable</i>
5.18 Intensive livestock agriculture	<i>Not Applicable</i>
5.19 pond based aquaculture	<i>Not Applicable</i>
Part 6 Urban Release Areas	<i>Not Applicable</i>
7.1 Earthworks	<i>Earthworks are required during construction. Standard conditions are recommended.</i>
7.2 Flood Planning	<i>Not Applicable</i>
7.3 Terrestrial Biodiversity	<i>Not Applicable</i>
7.4 Groundwater vulnerability	<i>Not Applicable</i>
7.5 Riparian Lands and water courses	<i>Not Applicable</i>
7.6 Wetlands	<i>Not Applicable</i>
7.7 Salinity	<i>Not Applicable</i>
7.8 Air Space Operations	<i>Not Applicable</i>
7.9 Aircraft Noise	<i>Not Applicable</i>
7.10 Essential Services	<i>All essential services are available. The subject site previously had a dwelling erected upon it.</i>
7.11 Sex Services Premises	<i>Not Applicable</i>

**State Environmental Planning Policies**

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

SEPP No.	SEPP TITLE	APPLIES
SEPP No. 21	Caravan Parks	No
SEPP No. 33	Hazardous & Offensive Development	No
SEPP No. 36	Manufactured Home Estates	No
SEPP No. 50	Canal Estates	No
SEPP No. 55	Remediation of Land	No
SEPP No. 64	Advertising and Signage	No
SEPP No. 65	Design Quality of Residential Flat Development	No
SEPP	Housing for Seniors of People with a Disability 2004	No
SEPP	Building Sustainability Index (BASIX) 2004	No

SEPP	Mining, Petroleum Production and Extractive Industries 2007	No
SEPP	Miscellaneous Consent Provisions 2007	No
SEPP	Infrastructure 2007	No
SEPP	Exempt and Complying Development Code 2008	No
SEPP	Affordable Rental Housing 2009	No
SEPP	State and Regional Development 2011	No
SEPP	Education Establishments & Childcare Facilities 2017	No
SEPP	Vegetation in Non-Rural Areas 2017	No
SEPP	Concurrences 2018	No
SEPP	Aboriginal Land 2019	No
SEPP	Primary Production & Rural Lands 2019	No

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

At the time of preparing this report there are draft environmental planning instrument that applies to the development or to land within the Griffith local government area.

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

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

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

**GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN 2020 – DUAL OCCUPANCY CONTROLS**

Control Type /Clause	Control	Proposal Compliance - Old Collina Precinct
<b>Floor Space Ratio</b>	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
<b>Maximum Height</b>	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 Maximum height - 9m (2 storeys) Proposed height - 1 storey (5.2m to ridge)
<b>Parking</b>	Has parking been provided in accordance with the rates in the precinct statement?	Yes Required Parking - 4 Provided - 4
<b>Precinct Statement</b>	Has the Applicant provided justification the development achieves the outcomes in the Precinct Statement, if applicable?	Yes
<b>Site analysis plan</b>		
<b>4.2</b>	Has a Site Analysis Plan been submitted with the DA?	Yes
<b>Streetscape</b>		
<b>4.3(b)</b>	Does the front dwelling's primary street façade incorporate design features?	Yes
<b>4.3 (c)</b>	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	Yes



Control Type /Clause	Control	Proposal Compliance - Old Collina Precinct
	as described in the Precinct Statement?	
4.3(d)	Are the garages a maximum of 50% of the buildings front elevation?	NA
4.3(e)	Does a window to a habitable room face the street?	Yes
5.5(f)	If on a corner lot, does the proposal have one dwelling facing each street?	NA
5.5(g)	Have the dual occupancies been separated by 1.8 m?	Yes Separation is 1.85 m
5.5(h)	Are garages setback 5.5 m from the front boundary and 3.5 m from a secondary street?	NA
<b>Building Design / Design Criteria</b>		
4.4(a)	Is the design generally in accordance with the precinct statement?	Yes
4.4(b)	Are blank front walls spanning 5 m without a physical change avoided?	Yes
4.4(c)	Do the side walls visible from the street have a length of 10 m without a physical change?	No
4.4(d)	Are windows facing the street provided in a balanced manner?	Yes
4.4(e)	Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?	Yes – As conditioned
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)	Yes – impact however is considered acceptable
5.5(j)	Does each dwelling meet the minimum floor area: 1 bedroom – 55 m <sup>2</sup> , 2 bedroom - 75 m <sup>2</sup> , 3 bedroom - 90 m <sup>2</sup>	Yes
5.5(k)	Are the proposed bedrooms a minimum of 8 m <sup>2</sup> ?	Yes
5.5(l)	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
5.5(m)	Has adequate storage space been provided in areas other than a kitchen or a bedroom: 1 bedroom – 6m <sup>3</sup> , 2 bedroom – 8m <sup>3</sup> , 3 bedroom – 10 m <sup>3</sup>	Yes
<b>Sustainability</b>		
4.5(a)	Has a BASIX certificate been submitted for both dwellings?	NA – BASIX does not apply to this type of development
4.5(b)	Does the dwelling adopt general sustainable building practices?	Yes
<b>Height</b>		
4.6(a)	Is the height of the dual occupancy less than 9 m?	Yes – 5.2m to ridge (single storey)
4.6(b)	Does the height of the dual occupancy suit the streetscape?	Yes
4.6(c)	If the dual occupancy is two storeys the elevation plans should show RL's	NA
4.6(d)	Are the proposed tree heights consistent with dwelling scale?	Yes
<b>Solar Access and Energy Efficiency</b>		
4.7(a-c)	Has solar access been considered in the	Yes

Control Type /Clause	Control	Proposal Compliance - Old Collina Precinct
	design of the dwelling?	
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
4.7(e)	If the dwelling is two storeys, shadow diagrams or a solar study should be provided.	NA
<b>Setbacks</b>		
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
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	NA
4.8.2	Building articulation permitted in front setbacks	NA
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
4.8.4	Rear Setbacks – ground level = 2m and upper storeys = 3 m	Yes - Compliance achieved 9.574+ m rear setback proposed
<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?	Yes
4.9(c)	Are noise generating plant and equipment shown on the plans and located and screened away from bedrooms on adjacent properties?	Yes
4.9(d)	Does the dwelling include a balcony, if so has overlooking been considered?	NA
<b>Private Open Space</b>		
5.5(n)(o)	Has a minimum of 15 m <sup>2</sup> of POS been provided in a location that will receive a good amount of sunlight for each dwelling? Note: balconies can be used.	Yes
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 will be conditioned
<b>Landscape Area Controls</b>		
5.5(p)	Do the plans show that 20% of the site can be landscaped in accordance with figure 18?	Yes
4.11(b-c)	Can the landscaping areas generally be planted and maintained in accordance with 4.11(b-c)?	Yes
5.5(q)	Has a preliminary landscape plan been provided in accordance with the clause?	Yes
<b>Street Trees</b>		
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 - as conditioned
<b>Vehicle access and parking</b>		

Control Type /Clause	Control	Proposal Compliance - Old Collina Precinct
5.5(b)	Has at least one undercover parking space been provided in a carport or a garage for each dwelling?	Yes
5.5(c)	Are internal driveways a minimum of 3.5 m wide. Note: This would not apply for dual occupancies which face separate roads.	Yes
5.5(d)	Shared driveways must be prioritised for non-corner lot dual occupancies.	NA
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.	NA
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
<b>Site Facilities</b>		
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
<b>Rainwater Tanks</b>		
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?	NA
<b>Fencing</b>		
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.	NA
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> <li>Fencing on corner lots should be in accordance with Figure 22.</li> </ul>	Condition recommended for new side and rear 1.8 m tall fencing incorporating 300mm lattice on top.
<b>Outbuildings, garages and carports</b>		
4.17	Refer to separate checklist	NA
<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</li> </ul>	Yes – as conditioned

Control Type /Clause	Control	Proposal Compliance - Old Collina Precinct
	plans?	
<b>Swimming Pools</b>		
4.19	Refer to separate checklist	NA
<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 to both
4.20(b)	Are underground electrical lines proposed to the dwelling?	Yes
4.20(c)(i)	Have connections to Council's water and sewer infrastructure been shown on plans?	Yes – as conditioned
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> ?	NA
<b>Bushfire Risk</b>		
4.21	Check if the site is considered bushfire prone land.	Yes – Bushfire Assessment Report provided – conditions to be imposed
<b>Frost Control Fans</b>		
4.22	Check if any frost control fans within 1000 m of the site.	NA

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

There are no planning agreements in relation to this property

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

Section 4.15(1)(a)(iv) requires Council to take into consideration the provisions of clauses 92-94 of the Environmental Planning and Assessment Regulation 2000.

Clause 92(1)(b) of the Environmental Planning & Assessment Regulation 2000 requires the consent authority to consider the provisions of Australian Standard AS 2601-1991: The demolition of Structures. Where demolition is proposed, it is recommended that a condition of consent be imposed which sets out the requirements for demolition to be carried out in accordance with a construction/demolition management plan and this will be required to be submitted prior to the issue of a Construction Certificate.

Clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000 require that Council take into consideration to fire safety provisions. Where applicable, it is recommended that a condition of consent be imposed that requires the installation of a smoke alarm, if one is not already present, in the building as without a smoke alarm the measures in the building are considered inadequate to protect persons using the building or to facilitate their egress from the building in the event of fire.

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

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



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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 Regulation**

The provisions of the Environmental Planning and Assessment Act 1979 the Environmental Planning and Assessment Regulation 2000 and Development Control Plan 25 – Notification of Development Applications - set down consultation, concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

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

Notification Description	Required	Submission Period
Publication	No	NA
Letters to Neighbours	Yes	7-23/4/2021

External Referrals	Date Sent	Date Received
Essential Energy	NA	NA
Murrumbidgee CMA	NA	NA
Murrumbidgee Irrigation	NA	NA
NSW Police (LAC)	NA	NA

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. The details of the submissions, which Council has taken into consideration in accordance with section 4.15(1)(d) are as follows:

**Issue / Applicant Response / Council Assessment**

Issue 1: Proposal Doesn't Fit Character of Lawford Crescent

Applicant Response:

*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 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 Aboriginal

Housing Office.

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.



### 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. This is not an area in which a local government authority can exercise control. The proposed detached dual occupancy is a permissible landuse under the provisions of the Griffith Local Environmental Plan 2014.

### 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 adjoining neighbours.

##### 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.

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

##### Applicant'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.*

As mentioned earlier in this report the applicant has also advised that the proposed manufactured dwellings will be constructed by Parkwood Modular Buildings. The dwellings will be built in a factory, installed on site in one day with very limited trades to be completed after delivery.

##### 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 that 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.

### **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
- 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.

## PART H: MONETARY CONTRIBUTIONS

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

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (former S94A) and Council's Development Contribution Plan 2010, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Councils adopted *Section 94A Contributions Plan 2010 (Amendment 2013)*.

Total payment shall be \$5,555.46 (1% of the proposed cost of carrying out the development).

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

Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, this development requires a payment of a S64 contribution. The amount payable at the time of writing this report is set out in the table below.

#### Table of Contributions Required – Water, Sewerage & Drainage

Type of contribution	Precinct / Location	Amount per tenement	Number of tenements*	Amount to be paid
Water supply	Griffith	\$7,797.00	0.8	<b>\$6,237.60</b>
Sewerage	Griffith	\$5,465.00	1	<b>\$5,465.00</b>
Drainage	Collina	NA	NA	NA
<b>Total</b>				<b>\$11,702.60</b>

\*Credit has been given to the previous single storey dwelling (since demolished)

## PART I: INTERNAL REFERRALS

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

DISCIPLINE	ADVICE, COMMENTS & CONDITIONS	DATE
Building	No comments	NA
Engineering	No comments	NA
Environment	No comments	NA
Health	No comments	NA
Heritage	No comments	NA
Urban Design	No comments	NA
Street/Rural No	Numbers assigned	20/5/2021

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

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## PART J: CONCLUSION AND RECOMMENDATION

### Conclusion

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

- The proposed development is permissible within the zone under GLEP 2014 and is consistent with the aims, objectives and special provisions of that environmental planning instrument.
- The proposed development is consistent with the provision the relevant SEPP that apply.
- The proposed development is considered satisfactory with regard to the objectives and controls set down in the relevant development control plans.
- That where non-compliance with a development control has been identified, the proposed variation can be supported in the circumstances of the case, or has been addressed by way of a condition of consent.
- The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The subject site is suitable for the proposed development
- Where submissions were received they have been taken into consideration and where appropriate have been addressed by way of amended plans or conditions of consent.
- The proposed development does not raise any matter contrary to the public interest.

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

### Recommendation

- a) That Griffith City Council as the consent authority pursuant to section 4.16 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: 74/2021(1) for a Detached Dual Occupancy at 46 Lawford Crescent GRIFFITH subject to conditions.
- b) That Griffith City Council pursuant to Section 4.33(1)(b) seek the approval of the applicant or the Minister to impose the conditions.

### ASSESSING OFFICER

**Name:**

Mr I Dencker

**Date**

27 May 2021

**Position:**

Relief Planner

**Signature:**



### REVIEWING OFFICER

**Name:**

(name)

(date)

**Position:**

(position)

**Signature:**