

DATE OF DETERMINATION	3 August 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Rina Mercuri
APOLOGIES	None
DECLARATIONS OF INTEREST	Christine Stead declared a conflict of interest having voted on this application at a Council meeting.

Public meeting held by teleconference on 3 August 2021, opened at 1.10pm and closed at 1.55pm.

MATTER DETERMINED

PPSWES-93 – Griffith – DA74/2021 at 46 Lawford Crescent Griffith for a dual occupancy Crown development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1. Due to COVID-19 travel restrictions preventing the State Members of the Panel undertaking a site inspection, the Panel was assisted by photographs, videos and drone footage provided by Council of the Site, immediate neighbours and the full streetscape of Lawford Crescent.

Development application

The panel determined to approve the development application pursuant to section 4.33 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for a number of reasons. The Panel notes that the council did not resolve to approve the development application largely on the basis that the proposal would be out of character with the established residential character of the area. This character was seen by the council as being residential development of brick or brick veneer construction. The construction of a dual occupancy form of development was also seen as a style of residential development inconsistent with the character of the area but of a lesser impact than the established brick or brick veneer construction of most dwellings in Lawford Crescent.

In finding that development consent should be granted, the Panel relied on the following matters;

- Dual occupancy developments are permissible use in the R1 zone under Griffith Local Environmental Plan 2014. The Panel notes that a dual occupancy is being constructed nearby in Lawford Crescent.
- The proposal satisfies, and exceeds the development requirements of Griffith Residential Development Control Plan 2020 (the DCP) for dual occupancy development.
- The Panel noted that the Building Design requirements in cl 4.4(e) of the DCP address building materials where it states “Materials must be selected to provide consistency within the locality”. However the specific requirements in cl 3.13 for the Old Collina area, where the site is located, do not specifically address building materials. This was not a matter of great significance to the Panel as it was felt that any consideration of the impact on the character of the area extended beyond just building materials but importantly included other determinates of character such as building form, setbacks, landscaping, height, floor space ratio, parking etc. On balance, the Panel was

satisfied that on a consideration of the impact of the proposed development on the character of the area that the proposed development was acceptable and consistent with the locality.

- The Panel notes the agreement of the applicant to provide brick walls to the area between the floor level of the dwelling and the natural ground level to contribute to the predominant brick construction character of the area.
- The Panel imposed additional conditions that would provide additional compatibility with the established character of the area.

CONDITIONS

The development application is approved subject to the draft conditions provided by the council and the following additional conditions, agreed to by the Crown.




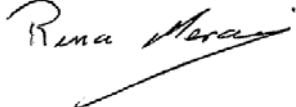
- New Condition (1)A to read as follows:
(1)A – Relocation of storage areas
The proposed storage within each carport is to be deleted and alternate storage provided in the rear yard of each dwelling.
- New Condition (11)A to read as follows:
(11)A – Street tree protection
Minimum tree protection fencing for the two street trees shall consist of 2.4m high lengths of timber surrounding. The tree protection shall remain in place for all deliveries to the site and for the complete length of construction for the proposed dual occupancy. Pedestrian access along Lawford Crescent must not be obstructed.
Tree protection fencing must be in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoarding and in accordance with Section 4 of Australian Standard 44970-2009 Protection of Trees on Development Sites.
In the event that significant tree roots are uncovered in the excavation for the driveway crossings, the council is to be advised and may require the advice of an arborist with minimum AQF Level 5 arboriculture qualifications to determine whether the excavation will have an impact on the longevity of the street trees.
- New Condition (20)A to read as follows:
(20)A – Materials board
Prior to the issue of the Section 68 Activity Approval, a materials board is to be provided and approved by the Director Sustainable Development to identify the colours proposed for the dual occupancy development, the type of brick for the dwarf wall and the treatment of the access driveways.
- New Condition (20)B to read as follows:
(20)B – Positioning of dwellings
Prior to the issue of the Section 68 Activity Approval, details are to be provided on how the dwellings will be placed on the site. Council reserves the right to request to have an arborist with minimum AQF Level 5 arboriculture qualifications present at the time of the placement of the dwellings on site if the details provided place the two existing street trees in danger of damage.
- ~~New Condition (29)A to read as follows:
(29)A – Fencing
Fencing on the side boundaries and the rear boundary are to be solid and have a height of 1.8m above natural ground level.~~
- Condition 46 to read as follows:
Prior to the occupation of the buildings, retaining walls shall be installed in accordance with the requirements of Council staff and 1.8m high solid fencing shall be erected on side and rear boundaries.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and the Panel heard from 5 submitters who sought to address the panel and who opposed the development application. The submitters raised the following issues:

- Inconsistency with the character of the area because of construction material and type of structure.
- Safety of pedestrians.
- Privacy
- Loss of property values.

The panel considers that the principal concern raised by the community in relation to the impact on the character of the area has been adequately addressed in the Reasons for Decision. The pedestrian safety and privacy issue does not warrant the refusal of the application and the potential loss of value is not a relevant planning consideration. The panel otherwise considers that concerns raised by the community have been adequately addressed in the assessment report and no new issues requiring assessment were raised.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Rina Mercuri

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-93 – Griffith – DA74/2021
2	PROPOSED DEVELOPMENT	Detached Dual Occupancy Development comprising two (2) relocatable dwellings, and associated car ports.
3	STREET ADDRESS	46 Lawford Crescent, Griffith
4	APPLICANT/OWNER	Aboriginal Housing Office
5	TYPE OF REGIONAL DEVELOPMENT	Crown development referred under section 4.33 of the EP&A Act
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policies; Nil ○ Sydney Regional Environmental Plans: Nil ○ Griffith Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Griffith Residential Development Control Plan 2020 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 12 July 2021 • Written submissions during public exhibition: 6 • Total unique submissions received by way of objection: 6 • Verbal submissions at the public meeting 3 August 2021: <ul style="list-style-type: none"> ○ Community members – Paul Foley, Ron Spencer, Wendy Collis, Bernie Connolly, Colleen De Saxe ○ Council assessment officer – Ian Dencker ○ On behalf of the applicant – Lee Jegou
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 3 August 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Rina Mercuri ○ <u>Council assessment staff</u>: Ian Dencker, Kerry Rourke
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report