

**CM13.11. Development Application - 10.2018.36173.1 - 3/366 Griffith Road, Lavington - Multi Level Carpark**

**DATE** 2 October 2018

**FIL REFERENCE** AF18/01401

**CONFIDENTIAL** No

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## **1.0 Executive Summary**

This report is presented to Council as it is a development with an estimated value exceeding \$500K.

Development Application 10.2018.36173.1 proposes a multi-deck car park comprising; the construction of a deck above the existing ground level car park, fencing, landscaping, shade structures and solar panels, at 3/366 Griffith Road Lavington.

The application was lodged by Blueprint Planning on 25 May 2018, accompanied by architectural plans, a Planning Report and Statement of Environmental Effects. Additional information was requested on 24 July 2018 primarily to redesign the structure along the eastern side, owing to the proximity to the boundary of proposed support columns and the location of a fire stair over Council's sewer easement and main. Clarification of the operation of the proposed fire shutters and the treatment of the northern wall were also raised as concerns.

Amended plans were submitted by the applicant on 4 September 2018 and 12 September 2018. Final amended plans were received on 24 September 2018 and are attached to this report as *Attachment 1*. The Planning Report (as updated by the lodgement of further information on 4 September 2018 and 12 September 2018) is attached to this report as *Attachment 2*.

The site is zoned B4 *Mixed Use* under ALEP 2010 and the proposed development is permissible with consent in this zone.

The application is recommended for approval subject to the conditions contained in the draft Determination, included as Attachment 3.

## **2.0 Introduction**

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boundary of proposed support columns and the location of a fire stair over Council's sewer easement and main. Clarification of the operation of the proposed fire shutters and the treatment of the northern wall were also raised as concerns.

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The site is zoned B4 *Mixed Use* under Albury Local Environmental Plan (LEP) 2010.

## **2.1 Development Description**

The Development Application proposes a multi-deck car park, comprising the construction of a deck above the existing ground level car park, fencing, landscaping, shade structures and solar panels as shown in the amended development plans, included as *Attachment 1*, and as described in the updated Statement of Environmental Effects and additional information, included as *Attachment 2*.

The car park structure comprises new columns at ground level to support a concrete deck at the upper level, with laser cut decorative steel panels being installed on the upper level along the Griffith Road frontage returning around the corners for a short distance on the southern and northern elevations. Shade structures are proposed over some parking spaces on the upper level, with solar panels attached to the roofs of those shade structures. Fire shutters are proposed along the northern boundary, which will close in the event of a fire. The main structure is to be constructed of concrete, with the decorative screens, shade structures and fire shutters being constructed of metal. External concrete walls and upstands are to be painted with a textured paint finish in Dulux Silver Thaw, a pale grey colour.

## **2.2 Site and Locality Description**

The subject site is described as Lot 3 DP 1186386 and is addressed as 3/366 Griffith Road Lavington. The site contains the existing Northpoint Tower building with attached single storey retail building along the southern portion of the site, ground level parking associated with that building, fencing and landscaping. Lot 3 has frontage to Griffith Road and Wagga Road and the total site has an area of 7610sqm. The portion of the site proposed to contain the multi-deck carpark has an area of approximately 1900sqm. The portion of the site proposed for the car park is regularly shaped, with frontage of approximately 40m to Griffith Road.

The site proposed for the car park is generally level and contains an existing ground level car park, lighting, fencing, landscaping and electricity substation. Vehicular and pedestrian access to the site is provided from Griffith Road and Wagga Road via existing crossovers. A sewer easement and main traverse the site from north to south and in the portion of the site proposed for this development, the sewer easement and main are located along the eastern boundary of the land. An electricity easement and substation are located on the north western corner of the site. Other easements for rights of way, rights of access to various site facilities and car parking are located on the southern portion of Lot 3 and benefit Lots 1 and 2 of DP 1186386.

The site is located within a mixed use commercial area, on the northern edge of the Lavington CBD. Land immediately to the north of the subject site contains an existing service station. Further north on Griffith Road are various commercial activities including a car wash, motor vehicle repair outlets and a supermarket.

Land to south of the subject site is developed for various retail and commercial uses (including an office tower, fast food restaurant and medical facilities). The land to the west of the site is zoned *B3 Commercial Core* and contains the Lavington Square Shopping Centre. The north-eastern (Big W) car park of Lavington Square shopping centre is located directly opposite the site in Griffith Road. Land to the east, south east and north east contains a fast food restaurant, car parking associated with Northpoint Tower and a recently approved Veterinary Clinic in a mixed use retail/commercial building constructed in 2014

Residential development is located on the western side of Griffith Road north of Kaylock Road. Land to the south east on Wagga Road contains the UPA Village and associated facilities.

### **2.3 Request for further information**

The application was referred to Council's Engineering Department for comment and it was identified that the proposed columns and fire egress stair on the eastern side of the car park would impact Council's sewer main. Following a Councillor Workshop on 16 July 2018, further details regarding the proposed treatment of the northern wall, proposed fencing and gates, landscaping and lighting were requested on 24 July 2018.

Amended information addressing the landscaping, lighting, fencing and treatment of the boundary walls was received on 4 September 2018 and 12 September 2018, with final amended plans addressing the redesign of the structure being lodged on 24 September 2018. The additional information and final amended plans are the subject of this report.

### **3.0 Council Plan and Council Policies**

The following Council Policies are relevant to the application:

- Albury Local Environmental Plan 2010 (ALEP 2010);
- Albury Development Control Plan 2010 (ADCP 2010);
- Albury Infrastructure Contributions Plan 2014; and
- Albury City Council's Notification Policy.

The town planning assessment of the proposal under section 79C of the Environmental Planning and Assessment Act, 1979 (EP&A Act) has involved the consideration of the Albury LEP 2010 and Albury DCP 2010.

### **4.0 Environmental Assessment**

An assessment of the application has been carried out under the provisions of the EP&A Act. Relevant details are outlined below.

Development proposals within the B4 *Mixed Use* zone are assessed according to the zone objectives, the provisions of the 2010 LEP and 2010 DCP and the provisions of section 79C of the EP&A Act 1979.

The relevant considerations under section 79C are considered in this report and a response is outlined in the following section of this report.

#### **4.1 Provisions of Environmental Planning Instruments (S79C(1)(a)(i))**

##### 4.1.1 State Environmental Planning Policy (SEPP) 55 – Remediation of Land

This State Environmental Planning Policy (SEPP) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) *by specifying when consent is required, and when it is not required, for remediation work, and*
- (b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out remediation work in particular, and*
- (c) *by requiring that a remediation work meet certain standards and notification requirements.*

In determining development applications on potentially contaminated sites, Councils are required to consider whether previous uses on the site may have resulted in contamination and whether the site is suitable for the development proposed.

The Planning Report submitted with the application states: *The Site is not known to be contaminated and the Proposal is considered to comply with relevant considerations including in relation to relevant considerations under Appendix J of the Albury Development Control Plan 2010 (DCP).*

A perusal of Council's records also confirms that the site is not known to be contaminated, nor to have been used for any purpose which may have contaminated the site in the past.

The requirements of SEPP 55 have been satisfied and the site is suitable for the proposed use.

##### 4.1.2 Albury Local Environmental Plan 2010 (ALEP 2010)

The subject site is zoned *B4 - Mixed Use* under the ALEP 2010 and is subject to the provisions of that LEP.

The particular aims of the ALEP 2010 are set out below:

- a) *to give effect to the desired outcomes, principles and actions contained in the Council's adopted strategies and policy documents, and*
- b) *to promote sustainable urban development by providing for efficient management of urban growth and resource utilisation, and*

- c) *to promote a city for the people, with a high level of social and physical amenity and a diversity of activities and uses, and*
- d) *to maintain or improve biodiversity across Albury, and to avoid significant impacts on matters of environmental significance.*

The site is located within an area which has been developed over many years for a range of different commercial and retail purposes, reflecting the previous Highway function of Wagga Road. The surrounding area supports a variety of retail and commercial uses, including motor vehicle repair outlets, a supermarket, fast food restaurants, office tower, medical facilities, service station, major shopping centre, car wash, residential development, housing for aged or disabled persons, a caravan park and a commercial shed outlet.

The proposed use is not contrary to the objectives of the LEP and the use is not out of character with the surrounding area.

Specific clauses of the ALEP 2010 relevant to the development include:

## **Part 2 Permitted or prohibited development**

### **Land Use Zones**

The subject development is proposed on a site zoned for mixed use development. The proposed development is permissible with consent in this zone, as discussed below.

**Clause 2.3** of ALEP 2010 references the Land Use Table and Objectives for each zone in ALEP 2010. The objectives and permissible land uses in the *B4 Mixed Use zone* are as follows:

#### **Zone B4 Mixed Use Zone**

##### **1. Objectives of zone**

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To identify areas in close proximity to the commercial core where commercial and retail uses may be considered.*
- *To encourage development and investment in the Albury and Lavington central business districts.*
- *To increase the permanent population and encourage the provision of affordable housing within mixed use areas through shop top housing and residential flat building development.*
- *To protect residents in close proximity to the commercial core from encroachment by commercial and retail premises which, by reason of their demands for parking and public infrastructure, should be located within the Commercial Core.*
- *To encourage the provision of affordable housing.*

##### **2. Permitted Without Consent**

*Home-based child care; Home occupations*

**3. Permitted with Consent**

*Boarding houses; Camping grounds; Caravan parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Sewage reticulation systems; Shop top housing; Any other development not specified in item 2 or 4*

**4. Prohibited**

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Open cut mining; Recreation facilities (major); Research stations; Rural industries; Rural workers' dwellings; Sewerage systems; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities*

The objectives of the zone are broad and are aimed at encouraging a variety of commercial, retail, business and residential developments which do not have an adverse effect upon residential amenity or upon the function of the commercial core.

The development satisfies the objectives of the *B4 Mixed Use* zone as it supports the functions of both the mixed use zone and commercial core zone in that it provides additional car parking to cater for commercial development in the area, reducing demand on Council assets and other private car parkings in the area.

The development as proposed complies with the definition of a *car park* which is defined in Albury LEP 2010 as:

***Car park*** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

A *car park* is not nominated as permissible without consent in Item 2 or as prohibited in Item 4 of the Land Use Table and, by default, is therefore permissible under Item 3 of the Land Use table.

The proposed development is permissible in the zone and the site is suitable for a multi-deck car park located above an existing ground level car park.

**Part 3 Exempt and Complying Development**

The application is not Exempt or Complying Development.

#### **Part 4 Principal Development Standards**

**4.3 Height of buildings** - The subject site is located within an area where building heights are limited to 35m under the ALEP 2010. The car park structure has a maximum height of 6.7m at the top of the shade structures, which is significantly lower than the maximum height permissible on the site and the development complies with this control.

**4.4 Floor space ratio** - The site is subject to a floor space ratio (FSR) of 3:1. The FSR is defined as *the ratio of the gross floor area of all buildings within the site to the site area*. To determine the FSR, gross floor area is defined as

*gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:*

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:*
  - (d) any area for common vertical circulation, such as lifts and stairs, and*
  - (e) any basement:*
    - (i) storage, and*
    - (ii) vehicular access, loading areas, garbage and services, and*
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.*

As evidenced by the definition above, the car park, stairs and shade structures (being elevated roof structures with no external walls) proposed by this development are excluded from the area defined as gross floor area. Consequently, the development does not propose any floor area included in the definition and therefore the development complies with the FSR applicable to the site.

**Part 5 Miscellaneous Provisions** - There are no miscellaneous provisions applicable to this development.

**Part 6 Urban Release Area** - The subject site is not located in an Urban Release Area.

#### **Part 7 Additional Local Provisions**

##### **7.6 Essential services**

- 1. This clause does not apply to land in an urban release area.*
- 2. 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 proposed 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 road access.*

All essential services are currently available to the site and the site is provided with suitable access to public roads. It is noted that additional electricity generation is proposed through the use of solar panels, which will supplement the existing electricity supply.

#### **4.2 Provisions of any Draft Environmental Planning Instruments (s79C(1)(a)(ii))**

No draft environmental planning instrument affects the site or proposed form of development.

#### **4.3 Provisions of Development Control Plans (s79C(1)(a)(iii))**

##### 4.3.1 Albury Development Control Plan 2010 (Albury DCP 2010)

The application has been assessed against the provisions of ADCP 2010. More specifically, the application has been assessed against the following Parts of ADCP 2010.

##### Part 3 Development Notification Policy

The Development Application was publicly exhibited from 1 June 2018 to 14 June 2018. No submissions were received during that period. The amended plans and information received were not renotified as the proposed changes did not detrimentally affect any adjoining properties.

##### Part 4 Infrastructure Contributions

The application was lodged after the adoption of the *Albury Infrastructure Contributions Plan 2014* and is therefore subject to consideration under that Plan.

There are no applicable Water or Sewer Contributions for this development.

The application was accompanied by a Cost Summary Report prepared by a Building Industry Professional which estimated the cost of the development as \$833,798.74. Section 94A Contributions totalling \$8,337.99 are applicable for the development and, if Council resolves to approve the development, will be imposed as a condition of consent.

##### Part 5 Tree Preservation

The development does not propose the removal of any vegetation and, most notably, the large eucalypt tree located adjacent to the Griffith Road frontage of the site is identified for retention.



As the submitted plans were unclear in regard to retention or replacement of existing landscaping on the site, Council requested further details in this regard. The applicant subsequently advised that: *“existing landscaping along the western (Griffith Road) and northern lot boundaries of the Site will be retained through either being left in situ during construction works or through being removed and replanted should construction works render damage to existing landscaping unavoidable. It is anticipated that a landscaping plan for these lot boundaries will be a condition of development consent. Each landscaping area will have drip irrigation watering.”*

Given that perimeter landscaping may be impacted by the construction, a condition is proposed requiring the submission of a detailed landscape plan to show the landscaping proposed to be retained and landscaping to be replaced once the construction and structural details are available to identify likely impacts. A specific condition requiring the protection of the existing large eucalypt is also proposed.

#### Part 6 Planning for Hazards

The site is not identified as being at risk from bushfire. The site is identified as being impacted by overland flow under the 2016 Flood Study, however, as the development neither impacts flood waters nor contains floor space which would be impacted in the event of inundation, no conditions are required to be imposed and no specific design changes to be made to address this issue.

#### Part 7 Heritage Conservation

The subject site is not located in a heritage conservation area nor is it a heritage item. The site is also not located adjacent to any heritage items or heritage conservation areas.

#### Part 11 Development in the Commercial Zones

The relevant controls from the ADCP 2010 are addressed below.

##### **11.7.1 Development in the B3 Commercial Core and B4 Mixed Use Zones**

###### **General objectives**

- *To maintain and enhance Albury and Lavington’s economic, social and cultural role in the region.*
- *To reinforce the structure and legibility of Albury and Lavington through a clear street hierarchy and urban form.*
- *To promote and encourage a high design quality of buildings.*
- *To ensure that the siting of new developments are appropriate to their setting and use, particularly in regards to overlooking and overshadowing of residential areas.*
- *To manage the transition in building use and scale within low-scale residential and multi-use areas.*
- *To provide a high level of pedestrian amenity to create vibrant, safe and easy-to-navigate streets.*
- *To promote the amalgamation of small sites to deliver better quality development and adequate on-site parking.*

- *To respect the existing scale and view corridors of heritage streetscapes in regards to new development.*
- *To improve and promote the use and safety of laneways for both vehicle service access and pedestrian access to building frontages.*
- *To promote and encourage safer public spaces.*
- *To promote landmark buildings at gateways and entry points.*
- *To simplify visual clutter, enhance tree planting and identify areas for public art and new public spaces.*
- *To create a destination for tourists from which to experience and enjoy Albury.*

**Comment:** The proposed development is consistent with the above objectives, as it is a use which supports commercial development in the area and a proposed use which does not detract from the function of the Lavington CBD.

#### **11.7.21 Land Use Precincts - Lavington**

*The Lavington CBD is quite diverse in nature and is accordingly comprised of the following 3 precincts:*

- *CBD Fringe.*
- *Supporting CBD Precinct (Wagga and Urana Roads).*
- *The Retail Core.*

#### **Objectives**

1. *To promote a variety of uses within the CBD that increases its role as a regional retail, commercial and civic centre, while encouraging an active, liveable centre for all ages.*
2. *To encourage where possible mixed use buildings that operate during the day and night.*
3. *To enhance and augment the cultural and civic uses centred around the Lavington Town Square.*
4. *Promote incremental change of fringe areas of the CBD that support the Core and respect adjoining residential properties.*
5. *To consolidate the retail and commercial functions of the Lavington CBD.*
6. *To provide Precinct based planning controls.*
7. *The site is located within the Supporting CBD Precinct. The proposed development is compatible with the objectives for that precinct.*

The site is located within the Supporting CBD Precinct of Lavington (as identified in Figure 11.14 of ADCP 2010). The DCP states that “*the Supporting CBD Precinct provides for other uses that support the Retail Core. These uses include factory outlets that have a shopfront, residential and seniors living.*” The development of a car park to support commercial and retail uses in the area is consistent with the objectives of the precinct.

#### **11.7.22 Building Heights – Lavington**

This site is identified in Figure 11.15 of ADCP 2010 as a site where buildings of up to 6-7 storeys may be built. The development proposes a deck above an existing ground level car park and is therefore a two story structure, which is substantially lower than the permitted height.

#### **11.7.24 Floor Space Ratio (FSR) – Lavington**

Whilst ALEP 2010 provides for a FSR of 3:1 on the site, Figure 11.19 of Albury *DCP 2010* identifies the site as one where a Masterplan is required and states that “*No FSR’s will be determined for*

*landmark buildings located on sites over 5,000m<sup>2</sup> that require a Masterplan. These sites require a merit assessment in keeping with the intent and principles of the Lavington CBD Masterplan, 2009."* The proposed development will support an existing office tower and retail development and as the structure is not defined as containing any calculable gross floor area the provisions of this clause do not impact the development.

#### **11.7.25 Building Design – Lavington**

The ADCP 2010 requires that buildings in Lavington have regard to the Building Design requirements of Part 11.7.6 of the ADCP 2010, which includes objectives of:

- *To improve the built form of new buildings, whilst having regard to items and places of heritage significance and established residential areas.*
- *To promote design quality by promoting a loose fit between overall height, carparking, building envelope and floor space.*
- *To encourage the use of a combination of materials, articulation, fenestration and landscaping when designing buildings.*
- *To encourage energy efficiency, Environmentally Sustainable Development (ESD) and Safer by Design Principles.*

As an ancillary structure, many of the design requirements for new buildings will not be achieved by this development, however the inclusion of the decorative screens on the Griffith Road frontage, retention of the large eucalypt and site landscaping, together with the application of a textured paint finish rather than plan concrete on the external walls, will assist to integrate the development into the streetscape. The provision of solar panels and appropriate lighting throughout the car park will also assist in achieving sustainability principles and safety considerations.

#### **11.7.26 Building Setbacks – Lavington**

The Street Setback and Build to Lines Plan (as identified in Figure 11.18 of *ADCP 2010*) identifies that *"Building types such as showrooms/sheds, workshops, bulky goods are required to be built to the street boundary for a minimum of 50% of the site frontage to provide street enclosure and definition. The remaining 50% of the site frontage can be setback to allow for the display of goods and/or customer parking. The part of the site frontage that is setback is required to be landscaped with shrubs and/or trees at the street boundary."* As the proposed development is a deck over an existing car park, the upper deck is located on a zero setback to Griffith Road. The existing ground floor landscaping will be retained (or replaced if necessary) and decorative screens have been proposed on the upper level. The existing office tower is located on a minimal setback, with an open space area adjacent. The portion of the site proposed to contain the multi deck car park comprises approximately 50% of the entire site frontage to Griffith Road. Consequently, the development complies with the requirement that buildings be built to the street frontage for a minimum of 50% of the site frontage.

#### **11.7.30 Car Parking, Traffic and Access – Lavington**

This part of the ADCP requires that car parking, traffic and access must be in accordance with the controls contained within Section 11.7.11 of the DCP. In this regard, Part 11.7.11 provides the following objectives and controls:

##### **Objectives**

1. *To consolidate car parking areas into a series of concentrated central locations as identified in the Albury CBD Masterplan 2009 and the Lavington CBD Masterplan 2009.*
2. *To locate car parking areas on main transport links and to clearly inform and direct motorists as to the location of car parking facilities.*
3. *To contribute to the provision of a compact, accessible and connected retail core.*
4. *To ensure that developments that are known to produce significant parking demands, make sufficient car parking provision on the actual development site.*
5. *To ensure car parking facilities are both pedestrian and motorist friendly.*

### **Controls**

- i. *Future car parking should be concentrated into consolidated off-street locations and accessed primarily from internal circulation streets. Refer to the Albury CBD Masterplan 2009 and Lavington CBD Masterplan 2009 for guidance regarding desired locations and access arrangements.*
- ii. *Future car parking should consist of a combination of spaces provided specifically to service new development with both private spaces and publicly accessible spaces, which maximise shared parking opportunities at different times of the day.*
- iii. *Car parking areas shall be landscaped to provide shade.*
- iv. *Advertising, signage, landscaping and physical barriers shall be provided for the efficient movement of pedestrians.*
- v. *On-grade parking shall be provided at the rear of properties and should incorporate stormwater collection and re-use into their design.*
- vi. *On sites with a minimum 24m frontage, parking above ground level or underground may be possible.*
- vii. *Terrace buildings shall have garages located along a rear laneway or if viable under the building footprint.*
- viii. *Developments, which are likely to be significant customer attractors, must provide a minimum of two-thirds of the required parking on-site. The remaining one-third may be provided by a monetary contribution.*
- ix. *Multi-level parking (basement or deck) may be appropriate provided that it:*
  - *Supports the objective of keeping the centre compact.*
  - *Is attractively designed.*
  - *Reinforces continuity of pedestrian activity rather than creating or exacerbating any sense of separation between commercial uses.*
- x. *Car parking should be provided in accordance with the standards and rates provided for in Part 17 of this DCP, which relates to Off Street Car Parking for various uses. Council may consider a reduction in the ratio of car parking provision if satisfactory evidence is provided to indicate that one or more of the following circumstances apply:*
  - *The ability to “share” spaces between different land uses at different times.*
  - *It can be demonstrated that the use in question will not generate the numbers required.*
  - *The use proposed is currently not represented in the precinct and is desirable from the point of view of economic activity or community need but to apply the full car parking requirement would make it unviable.*

The proposed development complies with the above requirements, as it is multi-deck car park on a site with a frontage to Griffith Road exceeding 24m. The car park is provided with shade structures on

the upper deck, identified pedestrian circulation lines throughout both levels, lighting in accordance with Australian standards, access via existing well defined driveways and circulation lanes, fencing and gates which permit casual surveillance, as well as security from pass card access to this section of the car park. The development enables additional parking to be provided to the existing development and the area generally by the use of a deck, which reduces the impact of providing further on ground parking facilities in proximity to the CBD. The proposed deck does not impact or reduce the car parking provided for use by the public in the southern portion of the site.

#### **11.7.33 Outdoor Advertising – Lavington**

No advertising is proposed in this development.

#### **11.7.34 Masterplan Requirement – Lavington**

The site has been developed for an office tower, retail tenancies and car parking. As the development proposes an additional deck of parking to support this mixed use development, a Masterplan is not required to be prepared to support this application.

#### **Part 17 Off street car parking**

The application proposes additional parking to support existing approved development and car parking demand. The existing ground level car park contains 79 parking spaces. The development would provide for 61 spaces at ground level and 56 parking spaces at the upper level, resulting in an overall increase of 38 parking spaces.

The layout and design of the car park conforms to Australian Standards and will provide for pedestrian and vehicular movement.

#### **4.4 Any Planning Agreement (s79C(1)(a)(iiia))**

There are no planning agreements in place that affect the evaluation of the subject development application.

#### **4.5 Provisions of Regulations (s79C(1)(a)(iv))**

Clauses 92-98 of the Regulations outline the matters to be considered in the assessment of a development application. There are no provisions in the Regulations which apply to this development.

#### **4.6 Likely Impacts of the Development (s79C(1)(b))**

Section 79C of the *EP&A Act*, requires consideration of likely impacts of the development, including environmental impacts on both natural and built environments, and social and economic impacts in the locality. Key areas for consideration in respect to the subject application are:

### Context and Setting

The development is permissible in the zone and is within an area of mixed uses adjacent to the Lavington CBD. The development is in context with the existing development, being an area where car parking to support commercial and retail development is existing on the site.

### Streetscape

The proposal will have minimal impact on the streetscape at ground level through retention of existing fencing and landscaping. At the upper level the development incorporates decorative panels along the Griffith Road frontage of the site and textured wall finishes to provide an appropriate streetscape interface.

### Site Design and Internal Design

The proposed design includes retention of existing landscaping, re-use of existing fencing and gates and the provision of decorative panels and textured wall finishes. The internal layout of the car park complies with relevant design standards for car parks and incorporates lighting to provide for safety.

### Traffic, Access and Parking

As outlined above, the development increases car parking on the site to service existing commercial and retail development on the site and to cater for demand on the site. The access, circulation and parking space designs are in accordance with required standards.

### Public Domain

The proposal will provide landscaping and open style fencing at ground level on Griffith Road and decorative panels on the upper level to increase architectural interest in the building. The relocation of the fire stair has removed the impacts to Council's sewer asset along the eastern boundary. The amended plans have altered the eastern (rear) elevation to a solid wall and the northern elevation has been provided with open areas between columns and fire shutters which only close in the event of a fire to improve the appearance from Griffith Road from the north.

### Utilities

The area is presently serviced by all relevant utility services and the solar panels will supplement the existing electricity supply. The access stair has been relocated clear of Council's sewer main and easement.

### Construction

Standard conditions would be imposed if Council resolved to approve the development.

### Water Quality and Stormwater

Standard conditions would be imposed if Council resolved to approve the development.

### Soils, Soil Erosion

Standard conditions would be imposed if Council resolved to approve the development.

### Noise and Vibration

Standard conditions would be imposed if Council resolved to approve the development.

#### Flora and Fauna

The applicant states that no trees are required to be removed for the development, and the large eucalypt at the front on the car park entry is proposed to be retained. Landscaping is proposed on the perimeter of the car park. Landscaping and tree protection conditions would be imposed if Council resolved to approve the development.

#### Natural Hazards

Not applicable.

#### Safety, Security and Crime Prevention

The development provides for casual surveillance through the open style fencing at ground level. Lighting is proposed for the car park in accordance with Australian standards. This portion of the car park is accessed via security gates with swipe card access.

#### Overlooking - Overshadowing

Overlooking and overshadowing are not issues raised by this development.

#### Waste

If waste receptacles were required in the car park, there is room available within the site to provide them, however as car parks do not generally generate significant waste a dedicated waste skip area is not necessary.

### **4.7 Public Submissions (s79C(1)(d))**

The Development Application was publicly exhibited from 1 June 2018 to 14 June 2018. No submissions were received during that period.

### **4.8 Public Interest (s79C(1)(e))**

The development is considered to be suitable for the site and the redesign of the structure to minimise impacts on public assets and the streetscape is considered to be a positive outcome. The provision of additional parking for the site is consistent with the zone objectives and the planning controls contained in ADCP 2010. Consequently, approval of the development would not be contrary to the public interest.

## **5.0 Options**

Council has the following options in relation to this report:

1. Approve the application; or
2. Approve the application, subject to conditions; or
3. Defer the application for further information or redesign; or
4. Refuse the application.

The development complies with the zone objectives and the controls and standards contained in ADCP 2010. The assessment of the application, above, indicates that the development is suitable to this site and this area.

Consequently, this report recommends that Council resolve to approve the application, as per Option 2, subject to the conditions included in the Draft Determination attached as Attachment 3 to this report.

## **6.0 Conclusion**

The proposed development has been assessed against the requirements of section 79C of the *EP&A Act*. This has involved consideration of the requirements of relevant State Environmental Planning Policies, ALEP 2010 and ADCP 2010.

Accordingly, it is recommended that Development Application 10.2018.36173.1 proposing a multi-deck car park, fencing, landscaping, shade structures and solar panels, at 3/366 Griffith Road Lavington, be approved subject to the conditions contained in the Draft Determination, included in this report at Attachment 3.

## **Recommendation**

That Council:

- a. Receive and note the contents of this report; and
- b. Grant consent to Development Application 10.2018.36173.1 for a multi-deck car park, fencing, landscaping, shade structures and solar panels, at 3/366 Griffith Road Lavington subject to the conditions contained in the *Draft* Determination, included in this report at *Attachment 3*.

## **Attachments**

1. Development Plans (as amended and lodged 24 September 2018).
2. Planning Report and Statement of Environmental Effects (lodged 25 May 2018) and additional information (lodged 4 September 2018 and 12 September 2018).
3. Draft Determination.