



# Statement of Environmental Effects

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## **Benerembah Street Child Care Facility**

**16 Benerembah Street, Griffith**

**Lots 13-15 DP758476**



PREPARED FOR: ATELIER INVESTMENT GROUP PTY LTD AS TRUSTEE FOR ATELIER  
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DATE OF FINAL 23 JUNE 2024

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# 1 Executive Summary

## 1.1 Overview

This Statement of Environmental Effects has been prepared in support of a development application for the proposed construction of a new child care facility at 16 Benerembah Street Griffith. The proposal includes the demolition of the existing buildings, tree removal and the construction of a new carpark partly in the Willandra Avenue Road reserve within an area which contains an existing 17 vehicle 45 degree parking area

The subject site is located close to Griffith's Central Business District (CBD) in an administrative and cultural precinct. The development site consists of three lots with a total site area of 1779.81 m<sup>2</sup>. The site has frontage to Benerembah Street, Willandra Avenue and Benerembah Lane. The site presently contains the former Masonic Lodge and limited vegetation. The site has no established vehicular access and relies on the 45 degree on street parking area in Willandra Avenue.

The proposal has been designed by Steven Murray Architects for the owner of the site who would operate the day care, with the design providing a high quality, contemporary building within Griffith's commercial core. The proposal has been designed in accordance with the NSW Child Care Planning Guideline 2021 (the Guidelines), the Education and Care Services National Regulations 2012 (National Regulations), the *Griffith Local Environmental Plan 2014*, and the requirements of all State Environmental Planning Policies (SEPPs) and relevant development control plans

## 1.2 List of Drawings and Plans Relied On

Document	Responsible Author
Architectural Plans	Steve Murray Architects
Survey Plan	PHL Surveyors
Statement of Environmental Effects	SKM Planning
Cost Estimate	Ryan Colpo Building

### Need & Justification

There is a notable need for child care centres in Griffith with several existing facilities having long waiting lists for new children. The site is located in a central location in a commercial zoning with good road connections and parking availability. The site is also not located in close proximity to other child care centres.

## 2 Introduction and Summary

### 2.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by SKM Planning Pty Ltd on behalf of the landowner of 16 Benerembah Street to accompany an application to be submitted to Griffith City Council for a local development application which seeks Development Approval under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a centre based child care facility. The site is located near the CBD of Griffith on Benerembah Street adjacent to a Council Carpark and across the road from the Griffith Regional Theatre. The site currently contains the former Masonic Lodge which would be demolished to prepare the site for the new building.

The purpose of this SEE is to assess the environmental, social and economic impacts of the proposed development in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) in particular clause 4.15 and also the requirements of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

### 2.2 General Summary of Development

The proposal includes construction of a contemporary single storey purpose designed child care facility which would cater for up to 88 children and 12 employees. The proposal also includes the reconstruction of an existing parking area within Willandra Avenue to cater for a total of 21 parking spaces for staff and drop off and pick up arrangements for parents.

The finished development will be a high quality, architecturally designed notable building for the precinct. The development has also been specifically designed to meet the requirements of the NSW Child Care Planning Guideline 2021 (the Guidelines).

The development is not Regionally Significant Development, as it has a capital investment value of less than \$30 million.

Based on the detailed assessment provided in this SEE, Council should be confident in granting approval to the development.

**Table 1: Overview of Development Proposal**

	Details
<b>Overview</b>	Construction of a new child care facility with four rooms for children and a separate baby room / nursery offering long day care.
<b>LGA</b>	Griffith City Council

<b>Property</b>	Lots 13-15 DP758476
<b>Address</b>	16 Benerembah Street, Griffith
<b>Surrounding Land Uses</b>	Griffith Regional Theatre, Council Carpark, residential development and commercial businesses
<b>Local Environmental Plan</b>	Griffith Local Environmental Plan 2014
<b>Land Zoning</b>	MU1 – Mixed Used
<b>Development description</b>	Centre based child care facility
<b>Permissibility</b>	Permitted in the zone with consent.
<b>Cost of Development</b>	\$ 2,087,523.38 (excl. GST)

## 3 Strategic Context

### 3.1 Site Location & Description

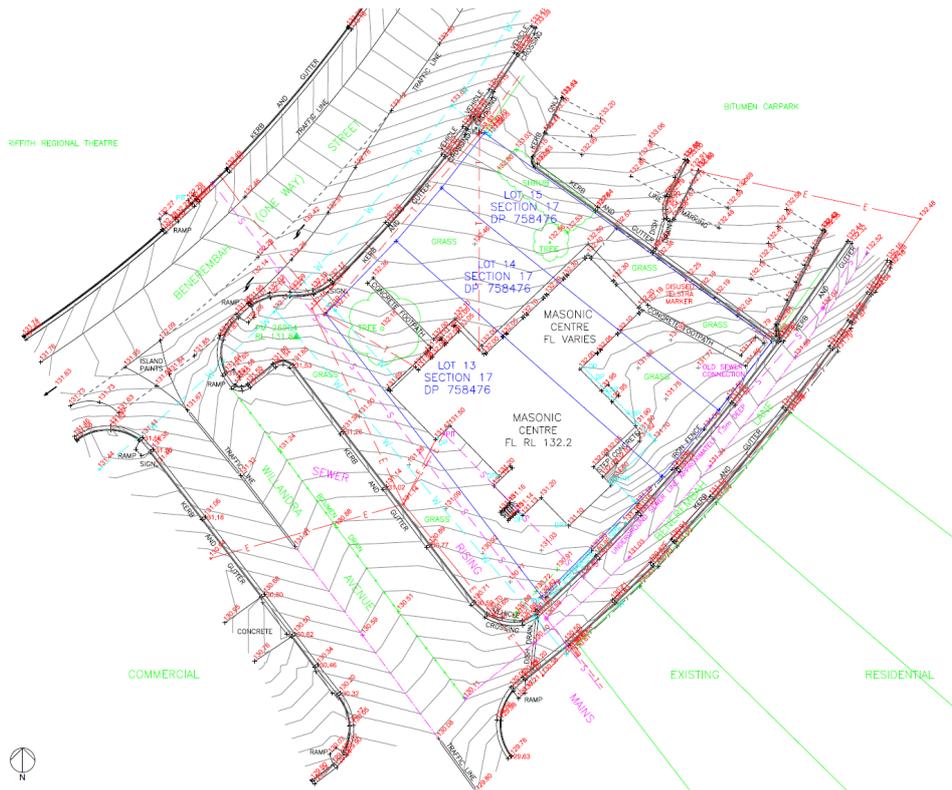
The subject site is known as 16 Benerembah Street Griffith, Lots 13-15 DP758476, and is located in a cultural and administrative precinct close to Griffith's Central Business District (CBD). The development site (the site) consists of three lots with a total site area of 1779.81 m<sup>2</sup>. The site has 31.6 m of frontage to Benerembah Street and 47.79 m of frontage to Willandra Avenue. The site also has a boundary to Benerembah Lane.

The site contains the former Masonic Lodge containing a single building which was constructed in the 1920's with some additions constructed in the 1960's and 70's. Prior to this, the site was vacant bushland subdivided as part of the original Burley Griffin Plan in 1915. The Mason's previously owned the land to the north-east which now contains a Council carpark. The building is in a state of disrepair and contains some asbestos which would be removed as part of its demolition. The new owners of the land first looked at adapting the existing building, however, to meet the required NSW standards for child care facilities the building could not remain.

The site falls from the north-east to the south-west and contains two small trees and some shrubs. Interestingly, the site does not have a formal access or driveway. It appears the Mason's would utilise informal accessways to access the site for loading and unloading. All carparking for the existing use is located in Willandra Street within an existing 45 degree carpark area (with 17 unmarked parking spaces). There are also a number of angled car parks in Benerembah Street which were previously used by the Mason's

The site is not encumbered by easements however there are several services which are located in the surrounding road reserves including:

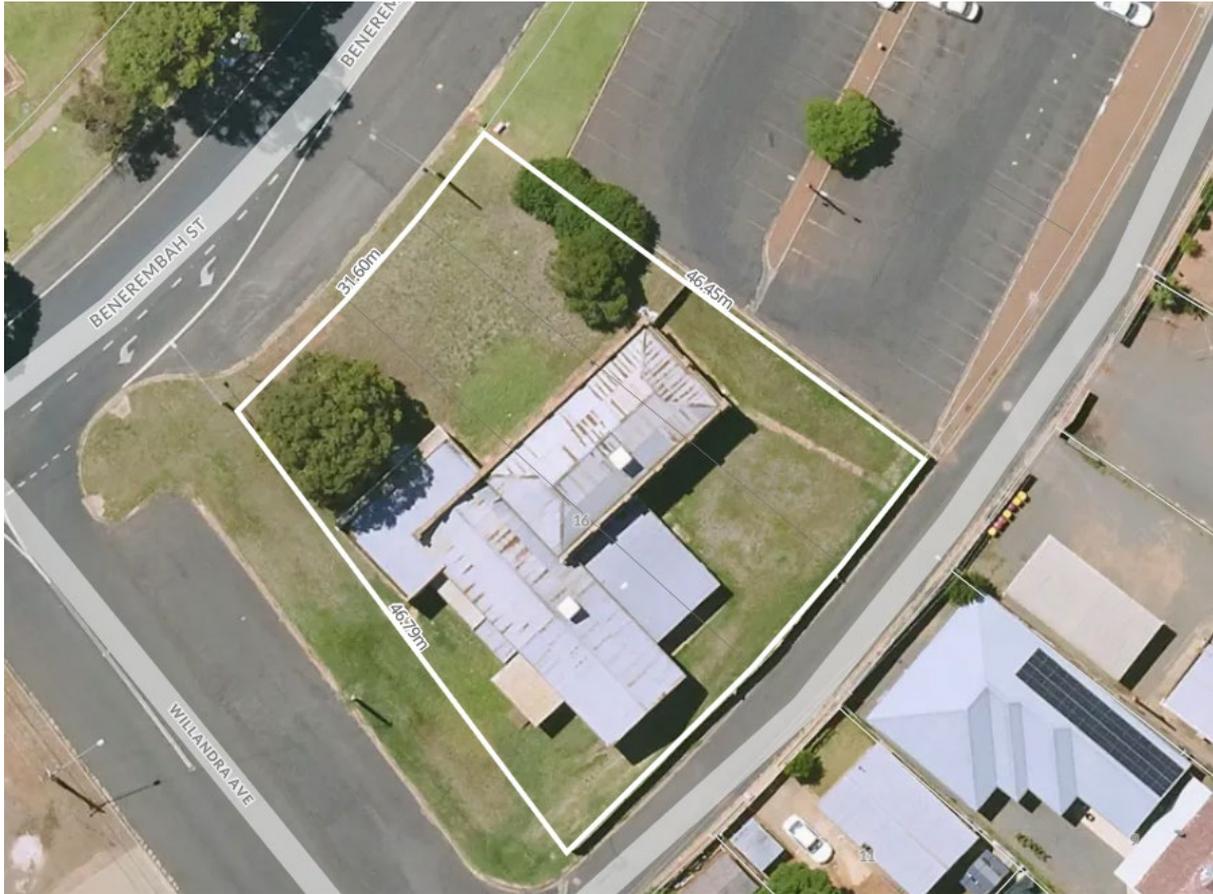
- a Council sewer rising main in Willandra Avenue.
- a Council sewer main in Willandra Avenue and Benerembah Lane.
- a Council water main in Willandra Avenue and Benerembah Lane.
- Essential Energy overhead power lines in Willandra Avenue including a pole within the road reserve adjacent to the existing car park area (see **Figure 1**).



**Figure 1: Site Survey**



**Figure 2: Site Location**



**Figure 3: Site Particulars**

### **3.2 Surrounding Land Uses**

The site is located in a cultural and administrative precinct containing the Griffith Regional Theatre, Council Carpark, Council Administrative Offices and Tafe Campus. The Benerembah Street precinct also includes a number of commercial premises mixed with residential development. The site is located 200 m from Banna Avenue and the CBD of Griffith. There are no other centre based child care centres within 1 km of the site.

Immediately surrounding the site is a Council Car Park to the north-west, the Griffith Regional Theatre across Benerembah Street and residential development to the south on Benerembah Lane and Kookora Street

### **3.3 Strategic Planning Context**

#### **Griffith Local Strategic Planning Statement**

The Griffith LSPS outlines the land use planning vision for the growth and development of Griffith over the next 25 years and identifies the strategic framework to achieve the goals and assist in decision making and direction. The proposed development is in line with the following planning priorities, strategies and actions:

- **Strategy 2.1 – Maintain and Revitalize Commercial Areas**
  - The proposal would utilise a underused site in the Benerembah Street mixed use precinct. The proposal would support other commercial and cultural uses in the locality as parents dropping off kids can time trips to also utilise other services in the locality.

### Riverina Murray Regional plan 2041

The Riverina Murray Regional Plan 2041 is the NSW Government’s strategy for guiding land use planning decisions for the Riverina Murray Region for the next 20 years. The plan identifies goals for land use planning and growth for the Riverina Murray Regional area and sets out directions and actions to implement those goals. Griffith is described in the plan as a: *major commercial centre providing higher order goods, services, jobs and facilities to a wider subregion of approximately 50,000 people. It sits within the Murrumbidgee Irrigation Area, one of the most diverse and productive agricultural regions in Australia.*

The proposal is in line with Objective 14: *Support the economic vitality of CBD’s and main streets.* The proposal would provide additional and much needed services in close proximity to the Griffith CBD.



**Figure 4: Site and Surrounds Images**

# 4 Proposed Development

## 4.1 Overview

The proposal is summarised in the table below:

**Table 2:** Development Summary

Aspect	Description
<b>Development summary</b>	Construction of a new child care centre, carpark, outdoor play areas, fencing, footpaths and landscaping.
<b>Site area and development footprint</b>	<ul style="list-style-type: none"> <li>• Total Site: 1779 m<sup>2</sup></li> <li>• Maximum Gross Building Area: 713.45 m<sup>2</sup></li> <li>• Total FSR: 0.4:1</li> <li>• Outdoor Play Area: 665.92 m<sup>2</sup></li> <li>• Additional Landscape area: 72.72 m<sup>2</sup></li> <li>• <b>Child Room 1</b> <ul style="list-style-type: none"> <li>○ Room area: 70.03 m<sup>2</sup></li> <li>○ Unencumbered area: 65 m<sup>2</sup></li> <li>○ 20 child capacity as per the NSW Child Care Planning Guidelines (the Guidelines).</li> </ul> </li> <li>• <b>Child Room 2</b> <ul style="list-style-type: none"> <li>○ Room area: 70.44 m<sup>2</sup></li> <li>○ Unencumbered area: 65 m<sup>2</sup></li> <li>○ 20 child capacity as per the Guidelines.</li> </ul> </li> <li>• <b>Child Room 3</b> <ul style="list-style-type: none"> <li>○ Room area: 70.88 m<sup>2</sup></li> <li>○ Unencumbered area: 65 m<sup>2</sup></li> <li>○ 20 child capacity as per the Guidelines.</li> </ul> </li> <li>• <b>Child Room 4</b> <ul style="list-style-type: none"> <li>○ Room area: 70.79 m<sup>2</sup></li> <li>○ Unencumbered area: 65 m<sup>2</sup></li> <li>○ 20 child capacity as per the Guidelines.</li> </ul> </li> <li>• <b>Baby Room</b> <ul style="list-style-type: none"> <li>○ Room area: 31.67 m<sup>2</sup></li> <li>○ Unencumbered area: 26 m<sup>2</sup></li> </ul> </li> </ul>

- 8 infant capacity as per the Guidelines.

<b>Subdivision</b>	<ul style="list-style-type: none"> <li>• Consolidation of the three existing lots</li> </ul>
<b>Demolition</b>	<ul style="list-style-type: none"> <li>• Demolition of existing structures including tree removal and site preparation. A licenced asbestos removal contractor has been procured to carry out the asbestos removal. Where possible, the bricks will be reused onsite or as part of other development carried out by the landowner.</li> <li>• A demolition management plan would be prepared for the works.</li> </ul>
<b>Built form</b>	<ul style="list-style-type: none"> <li>• Construction of a contemporary, single building in a “U” shape with a central outdoor play area.</li> <li>• The structure will be setback 900mm from the boundary to Benerembah Street, variable width to a minimum of 900mm from Benerembah Lane and variable width from Willandra Avenue.</li> <li>• An external storage shed would be constructed to the boundary of the Council carpark and Benerembah Lane.</li> <li>• Materials include painted fibre cement wall cladding, brick accents, aluminium windows and corrugated zincalume roofing material.</li> </ul>
<b>Height</b>	<ul style="list-style-type: none"> <li>• The building would be single storey with a maximum height of 5.15 m to peak.</li> </ul>
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>• The outdoor play area would be landscaped amongst and integrated into play structures and areas.</li> <li>• A detailed landscaping plan would be provided post approval. The road reserve would be incorporated into the landscaping plan with low height drought tolerant species and lawn.</li> <li>• Shade trees would be provided in the car park area.</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>• Vehicle access would be via the new car park area from Willandra Avenue.</li> <li>• A garbage store area is provided adjacent to Benerembah Lane. 660L bins would be wheeled out into the lane on collection days.</li> <li>• Deliveries to the site would be carried out outside the hours of operation of the facility. Delivery vans would park in parking spaces or stand within the aisle of the car park and unload when the carpark is empty.</li> </ul>
<b>Car parking</b>	<ul style="list-style-type: none"> <li>• 21 parking spaces provided in the augmented car park including an accessible parking space.</li> <li>• Hours of Operation – 7am – 6pm</li> </ul>
<b>Staff</b>	<ul style="list-style-type: none"> <li>• 12 staff at any one time</li> </ul>
<b>Children</b>	<ul style="list-style-type: none"> <li>• 88 total</li> </ul>

- 8 infants
- 20 children aged 2-3
- 60 children aged 3-6

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**Capital Investment Value (CIV)**      • \$ 2,087,523.38 (excl. GST)

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**BCA class**      • Class 9b

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**Figure 5:** Artist Impression of Building from Outdoor Play Area



Figure 6: Proposed Floor Plan

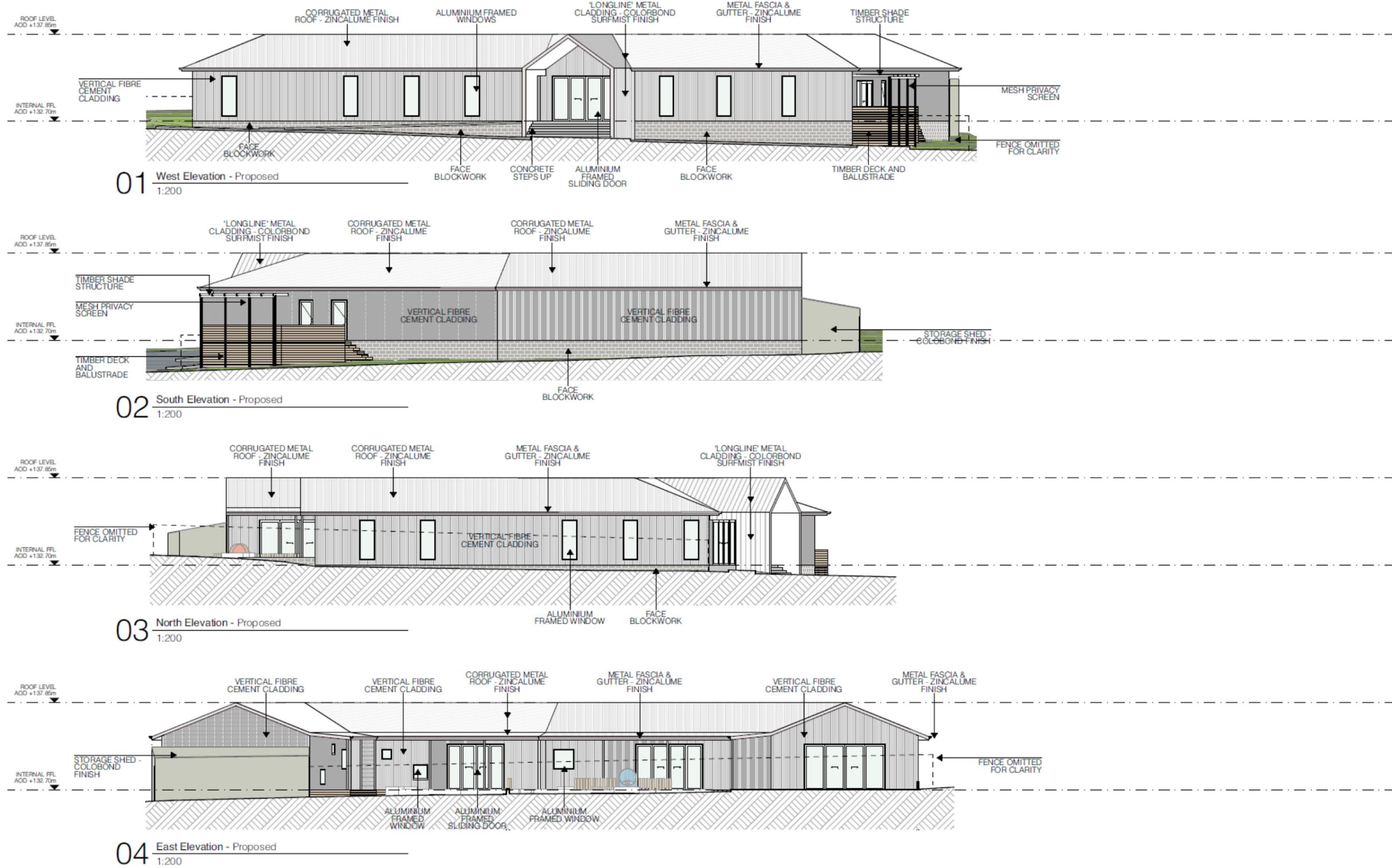


Figure 7: Proposed Elevations

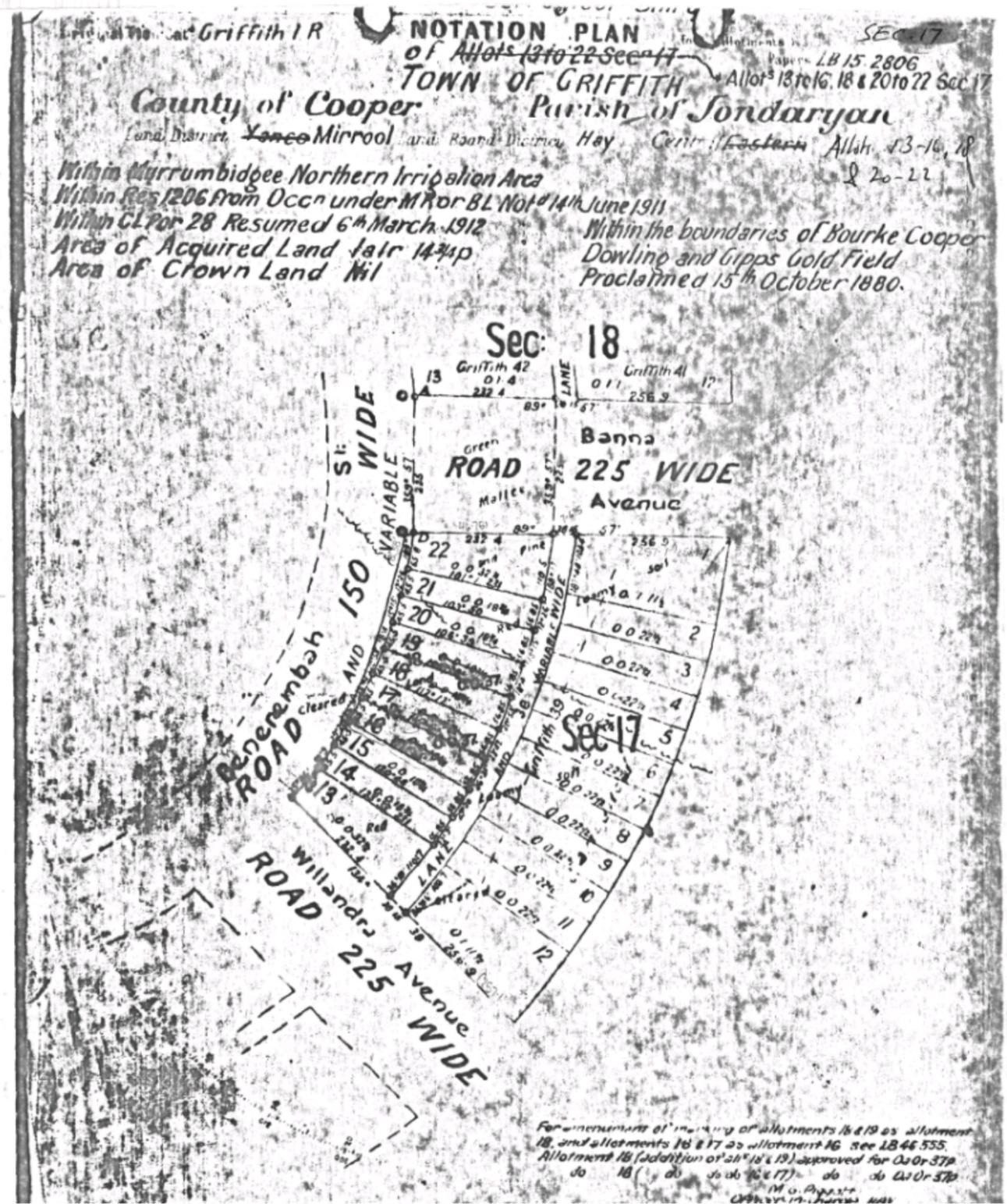


Figure 8: Deposited Plan

## 4.2 Operational Matters

The proposed centre based child care facility would provide long-day care for infants and children aged 0-6 years old. The proposal is not considered a pre-school having limited hours and shortened drop of and pick up times which would cause traffic impacts. The facility seeks to provide for the following number of children, infants and staff / educators in accordance with the Commonwealth Education and Care Service National Regulations:

Age Group	Number	Staff ratio required	Staff provided
0.24 months	8	1 per 4 infants	2
24-36 months	20	1 per 5	4
3 years to 6 years	60	1 per 11	6

The proposed hours of operation of the facility will be Monday to Friday between the hours of 7am to 6pm. The facility will be closed on public holidays. Parking has been provided in accordance with Council's DCP 20 including 12 parking spaces for staff and nine for parents. To maximise the use of the carpark for drop off and pick up purposes, staff will be requested to park in the Council car park or in the parking spaces on Benerembah Street. Peak drop off times are expected to be 7am to 9am in the morning and pick up times of 4 pm to 6pm in the evening.

Deliveries to the site for supplies and food will be made via vans which would park in the car park. Deliveries would be scheduled outside drop off and pick up times when the car park is relatively empty.

## 4.3 Geotechnical & Land Contamination

The site was formerly utilised for a Freemason's Lodge which was originally constructed in 1921. The following is an excerpt from the Griffith Heritage Study 2004 regarding the construction of the building:

*In 1921, Commission land was leased for the building of the lodge rooms. It consisted of five lots in Benerembah Street and ran from Banna Avenue to Willandra Avenue. In 1928 the land was purchased for 379 pounds, although two lots were later forfeited as excess to needs.*



**Figure 9:** 1945 Aerial of the site showing the Masons Building on virgin land

The commission land was the originally subdivided virgin bushland in accordance with the original Burley Griffin Plan. No contaminating uses can be expected prior to the subdivision of the land as at that time, Griffith did not exist, and the land was untouched native bushland.

As such the only historical use of the site is commercial in nature with no potential contaminating land uses occurring. Therefore, the likelihood of contamination being present above human health limits in the soils is negligible.

#### 4.4 Visual Impact

The development proposes a single storey building utilising white and earth tones and materials not dissimilar from other buildings in the locality. The proposed building would not be out of keeping with other built form in the locality and would not detract from the other prominent Council buildings across Benerembah Street. The proposal is not expected to disrupt any significant views or cause privacy or overshadowing impacts on the dwellings to the north due its single storey nature and the siting of a 1.8m high fence along the lane. An

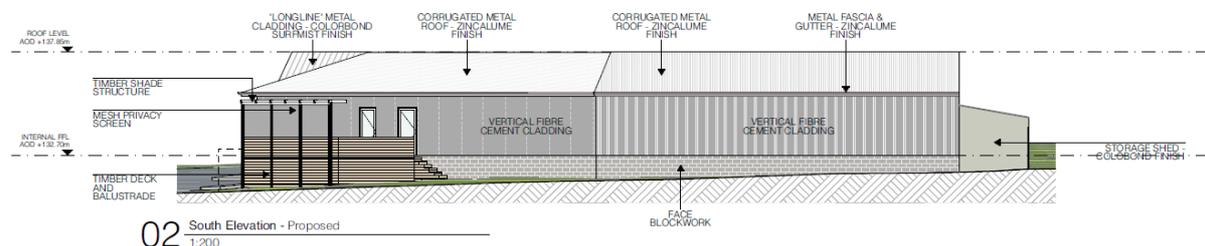
additional privacy screen has been sited at the employee entrance to ensure overlooking into the rear yards of the dwellings on Kookora Street is not possible.

#### 4.5 Heritage

The existing Mason building is not listed as a Heritage item in Council's Local Environmental Plan. The site was noted in the Griffith Heritage Study 2004 which describes the building as the Griffith Masonic Lodge (Lodge Ibis no. 361 of the U.G.L. of NSW). The Study noted that the building was a fine example of a Masonic Hall, but the Study does not identify the building for heritage conservation in *Table 4.1 – Recommended Places*.

#### 4.6 Noise & vibration

The building has been sited and designed to minimise the impact of the use of the outdoor play area on the inhabitants of the existing dwellings to the south of the site on Kookora Street. The southern elevation of the building facing Benerembah Lane does not contain any windows which would open towards the lane and dwellings (see **Figure 10**). The wall would act as a noise barrier expected to reduce the noise output of the use of the outdoor play area contained in the central portion of the site. The facility would also only operate during daylight hours and therefore would not be expected to cause sleep disturbance for residents. The preparation of an acoustic assessment was not deemed necessary given the design of the development and the use of the southern wall as a noise barrier.



**Figure 10:** Southern Elevation facing Benerembah Lane

#### 4.7 Access, Traffic & Parking

The existing site and the buildings former use as a Masons Lodge utilised the existing 90 degree car park in Willandra Avenue. The car park does not contain Linemarking but based on a width of 45 m a total of 17 (2.6 m wide) parking spaces would have previously existing. In consultation with Council, it was determined that the use of the existing car park in its current alignment may cause issues with the safety of the road network due to cars reversing into traffic and the turning lane provided in Benerembah Street. We have therefore re-designed the existing car park to ensure that all vehicles can enter and leave the site in a forward direction. The entry and exit point is located central to the frontage of the site to permit good site distances up and down Willandra Avenue, to Benerembah Street and to the lane.

In terms of traffic movements, it is expected that drop offs would occur spread out between 7 am and 9am in the morning with a total of 40-44 parents dropping of children during this time or around 20 two-way movements per peak hour. The same traffic movements would be expected during the pick up hours of 4pm to 6pm. Staff movements would include 12 two way movements per day with some additional movements as staff leave for appointments etc. As such a maximum of 30-40 traffic movements per peak hour would be expected based on the proposed operation of the site. To confirm these assertions, a review of TfNSW rates have also been carried out.

The TfNSW Guide to Traffic Generating developments rates for long day care are provided in the table below.

**Table 3.6  
Traffic generation rates**

Centre Type	Peak Vehicle Trips / Child		
	7.00-9.00am	2.30-4.00pm	4.00-6.00pm
Pre-school	1.4	0.8	-
Long-day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

Based on these rates the following traffic generation would be expected:

- 7am to 9am – 70 or 35 / hour
- 2:30 – 4:00pm – 26 or 20 / hour
- 4pm to 6pm – 61 or 30 per hour

The rates which were derived from actual expected movements are not dissimilar from those derived based on the TfNSW rates.

The surrounding road network is considered to have relatively low levels of traffic including along Benerembah Street and Willandra Avenue. During site visits during peak hours (7-9am and 4-6pm) very limited amounts of traffic were experienced in the surrounding road network. Based on the spread-out nature of drop offs and pickups and the low levels of traffic in the locality, the preparation of a traffic impact assessment is not considered warranted.

#### 4.8 Stormwater

Council's Onsite Detention Policy requires the detention of stormwater in excess of existing impervious surfaces. The site contains 632 m<sup>2</sup> of impervious surfaces. The proposed development includes around 900 m<sup>2</sup> of impervious surfaces within the site. As part of the

construction certificate documentation, detailed OSD plans and calculations would be provided. It is expected that OSD would be catered for in garden beds in the outdoor play area or in tanks. Stormwater would ultimately discharge to Council's stormwater network in the Willandra Avenue Road reserve.

#### **4.10 Waste**

The proposal includes a garbage storage area surrounded by fencing which is not visible from the road or lane. A waste contractor would be used to collect general waste up to twice per week and recycling every two weeks.

##### **General Waste**

The City of Melbourne's development controls contain rates for waste production for child care facilities which estimate that 350L of general waste would be produced per 100m<sup>2</sup> of floor area. The proposal includes 713m<sup>2</sup> of floor area and therefore it is expected that 2,450 litres of general waste would be produced per week. This would require 2 x 660 L general waste bins on wheels. The bins would be collected outside of hours within the lane or the carpark area via a garbage truck.

##### **Recycling**

A single 660 L recycling bin on wheels would be provided and collected when full.

## 5 Legislative Context

This section provides an assessment of the proposal against the relevant planning legislation as prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### 5.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

#### Section 1.3 – Objects of the Act

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

#### **Commentary:**

The proposal is consistent with the objectives of the EP&A Act, particularly by providing orderly development of land for suitable purposes identified in the zoning of the land.

### 5.2 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991 (PEA Act). Section 6(2) of the EPA Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) the precautionary principle
- (b) inter-generational equity
- (c) conservation of biological diversity and ecological integrity

d) improved valuation, pricing and incentive mechanisms.

**Commentary:**

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. The development does not require the removal of any native trees or vegetation and ESD measures have been built into the design of the development.

**5.3 Roads Act 1993**

The *Roads Act 1993* (Roads Act) provides a framework for the management of roads in NSW. It provides for the classification of roads and the declaration of the TfNSW and other public authorities for both classified and unclassified roads. The *Roads Act* confers functions on TfNSW and other roads authorities and allows distribution of such functions between RMS and other roads authorities. The *Roads Act* sets out procedures for the opening and closing of public roads and regulates the carrying out of various activities on public roads. Benerembah Street is a classified road under the control of TfNSW. Although access is proposed from Willandra Avenue, it is expected that TfNSW would be consulted as part of the assessment of the development application.

State Environmental Planning Policy (Transport and Infrastructure) 2021 in Schedule 3 lists traffic generating development for which referral to TfNSW is required. The proposal would be listed as “Any other purpose” in the Schedule and would only be considered traffic generating development if 50 or more vehicles per hour would be expected to attend the site. The proposal would have a maximum of 30-40 vehicle movements in the peak hour. As such, the proposal is not considered a traffic generating development and no referral to TfNSW is warranted.

**5.4 Griffith Local Environmental Plan 2014**

A thorough review of the Griffith Local Environmental Plan 2014 has been undertaken. An assessment of the proposal for compliance with the requirements of the relevant parts of the LEP has been provided below.

The subject land is zoned *MU1 – Mixed Use* under the provisions of the GLEP2014 (see **Figure 11**).



**Figure 11:** Zoning Map of the Land from NSW Planning Viewer

### **Objectives**

- • *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- • *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- • *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- • *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- • *To increase the permanent population and encourage the provision of affordable housing in mixed use areas by integrating residential development with commercial, light industrial and other employment generating uses.*

### **Commentary:**

The proposal is consistent with the zone objectives, particularly: *To encourage a diversity of uses in the Precinct.* The proposal would also provide active street frontages to Willandra Avenue including new footpaths in accordance with Council's policies.

### **Permissibility**

*Amusement centres; Boarding houses; Car parks; **Centre-based child care facilities**; Commercial premises; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4*

### **Commentary:**

The proposal is defined as a **centre-based child care facility** which is permissible with consent in the zone.

**centre-based child care facility** means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
  - (i) **long day care**,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

### **Clause 1.2 – Aims of the Plan**

(1) *This Plan aims to make local environmental planning provisions for land in Griffith in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*

(2) *The particular aims of this Plan are as follows—*

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (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.*

**Commentary:**

The proposal is not inconsistent with the aims of the GLEP2014, the proposal will support Griffith's growing population through the provision of additional child care services.

**Part 4 Principal Development Standards**

**Clause 4.3 Height of buildings**

**Commentary:** This clause is not adopted in the GLEP2014.

**Clause 4.4 Floor space ratio**

**Commentary:** This clause is not adopted in the GLEP2014.

**Part 5 Miscellaneous provisions**

**Clause 5.6 Architectural roof features**

**Commentary:** Not adopted in the GLEP2014.

**Clause 5.21 Flood Planning**

1) *The objectives of this clause are as follows—*

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*

- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

**Commentary:**

The site and locality is subject to the Griffith CBD Overland Flow Flood Study. The site is not considered flood prone for the 1 in 100 year ARI flood event.

## **Part 6 Urban Release Areas**

**Commentary:** The site is not identified on the Urban Release Areas maps.

## **Part 7 Additional local provisions**

### **Clause 7.1 – Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) Development consent is required for earthworks unless—*
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
  - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
  - (b) the effect of the development on the likely future use or redevelopment of the land,*
  - (c) the quality of the fill or the soil to be excavated, or both,*
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,*
  - (e) the source of any fill material and the destination of any excavated material,*
  - (f) the likelihood of disturbing relics,*
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

**Commentary:**

The proposal includes minor to moderate earthworks related to site preparation works, excavation for footings and modifying terrain for the outdoor play area.

### **Clause 7.3 – Terrestrial Biodiversity**

- (1) *The objective of this clause is to maintain terrestrial biodiversity by—*
  - (a) *protecting native fauna and flora, and*
  - (b) *protecting the ecological processes necessary for their continued existence, and*
  - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.*

**Commentary:**

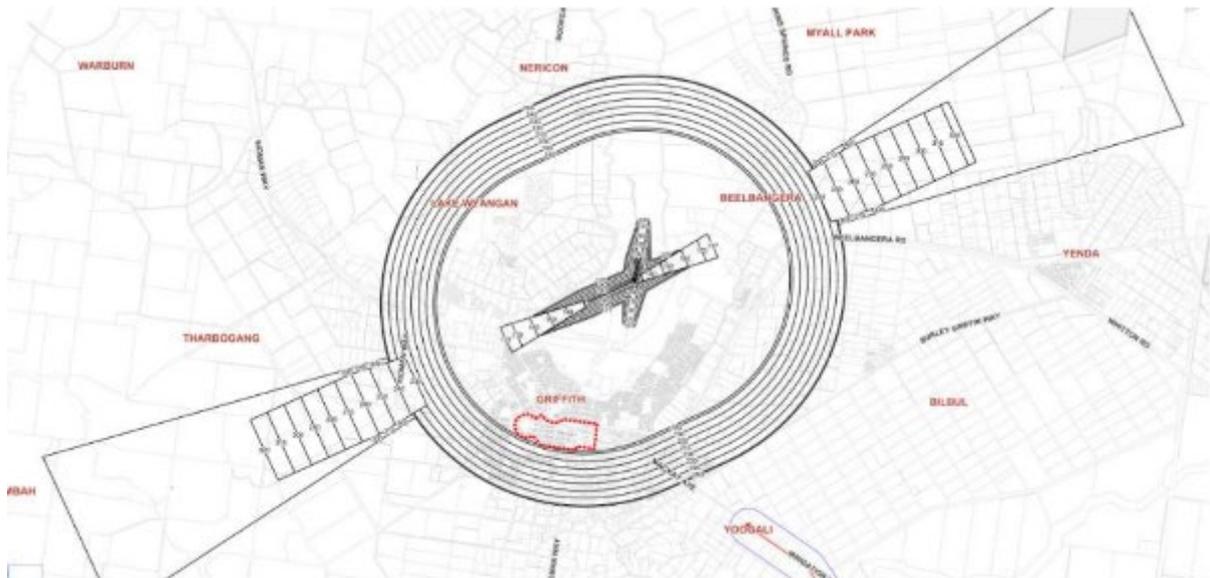
The site is not identified as having significance as per the terrestrial biodiversity maps. The site does not contain any vegetation.

**Clause 7.8 Airspace operations**

- (1) *The objectives of this clause are as follows—*
  - (a) *to provide for the effective and ongoing operation of the Griffith Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
  - (b) *to protect the community from undue risk from that operation.*
- (2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.*

**Commentary:**

The subject site is not located within the Limitation or Operations Surface area for the Griffith Airport.



**Figure 12: Griffith Airport OLS Plan**

**Clause 7.10 – Essential Services**

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

**Commentary:**

*(a) the supply of water*

Potable water is available to the site presently via a 125mm council water main in Benerembah Street. The existing building is connected to a water meter. This water meter would be utilised for the proposed development.

*(b) the supply of electricity*

Electricity is presently available to the site via overhead lines in Willandra Avenue with a pole in the road reserve. The pole would remain within an exclusion area in the car park surrounded by bollards. Consultation with Essential Energy is ongoing pertaining to any upgrades to the electrical network in the area.

*(c) the disposal and management of sewage:*

Council's sewer line is located at the rear of the site in Benerembah Lane. An existing junction is provided to the site. The proposal would utilise this junction to discharge sewerage into Council's sewer main.

*(d) stormwater drainage or on-site conservation*

Council's Onsite Detention Policy requires the detention of stormwater in excess of existing impervious surfaces. The site contains 632 m<sup>2</sup> of impervious surfaces. The proposed development includes around 900 m<sup>2</sup> of impervious surfaces within the site. As part of the construction certificate documentation detailed OSD plans and calculations would be provided. It is expected that OSD would be catered for in garden beds in the outdoor play area or in tanks. Stormwater would ultimately discharge to Council's stormwater network in the Willandra Avenue Road reserve.

*(e) suitable vehicular access*

The existing site and the buildings former use as Masons Lodge utilised the existing 90 degree carpark in Willandra Avenue. The car park does not contain linemarking but based on a width of 45 m a total of 17 (2.6 m wide) parking spaces would have previously existing. In consultation with Council it was determined that the use of the existing car park in its current alignment may cause issues with the safety of the road network due to cars reversing into

traffic and the turning lane provided in Benerembah Street. We have therefore re-designed the existing car park to ensure that all vehicles can enter and leave the site in a forward direction. The combined entry and exit point is located central to the frontage of the site to permit good site distances up and down Willandra Avenue, to Benerembah Street and to the lane.

## 5.5 State Environmental Planning Policies (SEPP's)

### State Environmental Planning Policy (Planning Systems) 2021

The purpose of *SEPP (Planning Systems)* is to identify development that is State Significant Development, State Significant Infrastructure, Critical State Significant Infrastructure and Regionally Significant Development.

The proposed development is not categorised under Schedule 6 as Regionally Significant Development, as the value of the development does not exceed \$30 million.

### State Environmental Planning Policy (Resilience and Hazards) 2021

#### Chapter 4 Remediation of land

Chapter 4 of the Resilience & Hazards 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. Clause 4.6 specifies that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated:

#### **4.6 Contamination and remediation to be considered in determining development application**

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

#### **Commentary:**

The site was formerly utilised for rail activities including a locomotive turntable, locomotive sheds, engineering facilities and coal stages. As such there is potential for contamination to have impacted the soils. Council previously owned the site and commissioned a detailed phase 2 Environmental Assessment. The Assessment made the following conclusions:

- Asbestos was not detected in any samples.
- TPH, BTEX and PAH compounds were all below the laboratory detection limits and relevant guidelines.
- All heavy metals analysed throughout the samples were below the acceptable levels.
- Based on the test results, the site is considered clean and acceptable for sensitive land uses.

The site has not been utilised for any other potentially contaminating uses since the Assessment was prepared. Therefore, the likelihood of contamination being present above human health limits in the soils is negligible

### **State Environmental Planning Policy (Transport & Infrastructure) 2021**

The aim of this SEPP is to facilitate the effective delivery of infrastructure across the State including identifying the environmental assessment category into which different types of development fall, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure, and providing for consultation with relevant public authorities about certain development during the assessment process. The below parts are identified as applicable to this proposal.

- ***Chapter 2 Infrastructure, Part 2.3 Development controls, Division 5 Electricity transmission or distribution, Subdivision 2 Development likely to affect an electricity transmission or distribution network***

**Commentary:** The proposal is located within 5 m of an overhead electrical line and pole and therefore referral to Essential Energy is required.

- ***Chapter 2 Infrastructure, Part 2.3 Development controls, Division 17 Roads & Traffic, subdivision 2 Traffic-generating development***

**Commentary:** The proposal is not identified in Schedule 3 of the SEPP as traffic-generating development to be referred to TfNSW. The proposal would be listed as “Any other purpose” in the Schedule and would be considered traffic generating development if 50 or more vehicles per hour would be expected to attend the site. The proposal would have a maximum of 30-40 vehicle movements in the peak hour based on the rates in TfNSW Guide to Traffic Generating Development and the maximum expected traffic of the operations of the site. As such, the proposal is not considered a traffic generating development and no referral to TfNSW.

### **Part 3.3 Early Education and Care Facilities**

The following table provides an assessment of the proposal against the specific requirements of the SEPP for centre based child care facilities.

Requirement	Comments	Complies?
<b>3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</b>		
Concurrence from the Regulatory Authority required for non-compliance with Regulation 107 (for indoor unencumbered space requirements) and Regulation 108 (for outdoor unencumbered space requirements)	The proposal achieves compliance with Regulation 107 and 108 and therefore concurrence is not required.	Yes
<b>3.23 Centre-based child care facility—matters for consideration by consent authorities</b>		
Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i> , in relation to the proposed development.	An assessment of the proposal against the Guidelines has been provided later in this report.	Yes
<b>3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities</b>		
Additional matters are required for facilities in industrial areas.	The site is not located in an E4 General Industrial zone and therefore the clause does not apply	Yes
<b>3.25 Centre-based child care facility—floor space ratio</b>		

(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.

(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.

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### 3.26 Centre-based child care facility—non-discretionary development standards

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(1) The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—

(a) location—the development may be located at any distance from an existing or proposed early education and care facility,

(b) indoor or outdoor space

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary

3.26(2)(a) The site is not located in close proximity to other centre based child care facilities Yes

3.26(2)(b) The site proposal meets the Regulations requirements for indoor and outdoor unencumbered space.

3.26(2)(c) The site has suitable dimensions and area for the purpose of a centre based child care centre.

3.26(2)(d) The colours of the building materials are neutral tones and the site is not in proximity to a heritage item.

Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,

(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

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### 3.27 Centre-based child care facility—development control plans

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(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—

(a) operational or management plans or arrangements (including hours of operation),

(b) demonstrated need or demand for child care services,

(c) proximity of facility to other early education and care facilities,

(d) any matter relating to development for the purpose of a centre-based child care facility contained in—

(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This section applies regardless of when the development control plan was made.

The Griffith Residential DCP 2020 contains provisions for Yes  
centre based child care centres. However, the DCP does  
not apply to the MU1 – Mixed Use zone.

## 5.6 Centre Based Child care Regulations and Guidelines

### Education and Care Services National Regulations Checklist

The provisions of the Regulations in terms of Physical Environment have been assessed in the table below:

Provision	Comment	Compliance
<b>103 Premises, furniture and equipment to be safe, clean and in good repair</b>		
(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.	The owner of the premises would ensure this requirement is met.	Yes
<b>104 Fencing</b>		
(1) The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	All outdoor spaces used by children would be enclosed by a fence that is of a height and design that children cannot go through.	Yes
<b>105 Furniture, materials and equipment</b>		
The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture,	The owner of the premises would ensure this requirement is met.	Yes

materials and developmentally appropriate equipment suitable for the education and care of that child.

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### 106 Laundry and hygiene facilities

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(1) The approved provider of an education and care service must ensure that the service has—  (a) laundry facilities or access to laundry facilities; or  (b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering—  that are adequate and appropriate for the needs of the service.	The proposal includes a laundry.	Yes
(2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.	The owner of the premises would ensure this requirement is met.	Yes

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### 107 Space requirements—indoor space

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(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.	The proposal achieves this requirement – refer to below:	Yes
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Children's Room 01 - R-01	Total Room Area - 70.03m <sup>2</sup> Unencumbered Area - 65.0m <sup>2</sup> MIN. 20 Child Capacity based on 3.25m <sup>2</sup> per child as per childcare planning guidelines.
Children's Room 02 - R-02	Total Room Area - 70.44m <sup>2</sup> Unencumbered Area - 65.0m <sup>2</sup> MIN. 20 Child Capacity based on 3.25m <sup>2</sup> per child as per childcare planning guidelines.
Children's Room 03 - R-03	Total Room Area - 70.88m <sup>2</sup> Unencumbered Area - 65.0m <sup>2</sup> MIN. 20 Child Capacity based on 3.25m <sup>2</sup> per child as per childcare planning guidelines.
Children's Room 04 - R-04	Total Room Area - 70.79m <sup>2</sup> Unencumbered Area - 65.0m <sup>2</sup> MIN. 20 Child Capacity based on 3.25m <sup>2</sup> per child as per childcare planning guidelines.
Baby Room / Nursery - R-05	Total Room Area - 31.67m <sup>2</sup> Unencumbered Area - 26.0m <sup>2</sup> MIN. 8 Child Capacity based on 3.25m <sup>2</sup> per child as per childcare planning guidelines.

(3) In calculating the area of unencumbered indoor space—

Refer to plans – this has been achieved

Yes

(a) the following areas are to be excluded—

- (i) any passageway or thoroughfare (including door swings);
- (ii) any toilet and hygiene facilities;
- (iii) any nappy changing area or area for preparing bottles;
- (iv) any area permanently set aside for the use or storage of cots;
- (v) any area permanently set aside for storage;
- (vi) any area or room for staff or administration;
- (vii) any other space that is not suitable for children;

(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.

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### 108 Space requirements—outdoor space

(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.	The proposal includes a total of 88 children which would require a total of 616 m <sup>2</sup> of unencumbered outdoor space. The proposal includes 665.92 m <sup>2</sup> of outdoor spaces	Yes
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(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—	Refer to plans – this has been achieved.	Yes
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(a) any pathway or thoroughfare, except where used by children as part of the education and care program;

(b) any car parking area;

(c) any storage shed or other storage area;

(d) any other space that is not suitable for children.

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### 109 Toilet and hygiene facilities

The approved provider of an education and care service must ensure that—	The toilet facilities have been located near all classrooms for safe and convenient access by children.	Yes
(a) adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and		

(b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

## 110 Ventilation and natural light

The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises—

- (a) are well ventilated; and
- (b) have adequate natural light; and
- (c) are maintained at a temperature that ensures the safety and wellbeing of children.

Indoor spaces have been designed to meet these requirements.

Yes

## NSW Child Care Planning Guideline (the Guidelines)

The following table provides a compliance checklist to demonstrate how the proposed child care facility complies with the Guidelines:

Consideration	Comment	Compliance
<b>3.1 Site Selection and Location</b>		
Consideration 1  Objective: To ensure that appropriate zone considerations are assessed when selecting a site.	<ul style="list-style-type: none"> <li>o The site is not located in a residential zone. However, there are residential uses in close proximity to the site. The design of the child care centre is considerate of the acoustic and privacy impacts of the neighbouring dwellings. To this end, the southern wall facing the</li> </ul>	Yes

dwellings would as a noise barrier and has been designed with no windows into the facility.

- The mixed use zone would not pose dangers to the health and safety of the children or visitors. There are no hazardous or offensive uses in the precinct.
- The proposal would not be expected to have a negative impact on the commercial premises in the area. It is expected that the proposal would bring parents to the precinct and therefore would support other commercial premises on Benerembah Street.

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#### Consideration 2

Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.

- The site has no environmental risks including being free of bushfire hazard and flooding. Yes
- There are no incompatible uses in proximity of the site.
- The street frontages of the site are optimal for a child care facility.
- The site does not have any shared boundaries with residential properties. Benerembah Lane is located between the site and the neighbouring dwellings.
- The locality has no sensitive environmental or cultural areas.
- Suitable and safe drop off and pick up areas have been designed in the new car park in the Willandra Avenue road reserve.

	<ul style="list-style-type: none"> <li>○ Willandra Avenue is a local road which does not see large volumes of heavy vehicles and is not a B-double route.</li> <li>○ There are no restricted premises in the locality.</li> </ul>
<p>Consideration 3</p> <p>Objective: To ensure that sites for child care facilities are appropriately located.</p>	<ul style="list-style-type: none"> <li>○ The site is located in close proximity to the Regional Theatre, Rossies supermarket, City Park and other community facilities. <span style="float: right;">Yes</span></li> <li>○ The site is within an employment area and near the Griffith CBD.</li> <li>○ Public Transport is located in Banna Avenue around 100 m from the site.</li> <li>○ The site is connected via footpath to community, businesses, shops, services</li> </ul>
<p>Consideration 4</p> <p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</p>	<ul style="list-style-type: none"> <li>○ The site is not near any hazardous or offensive industries, LPG tanks, water cooling towers, odorous development or active farms. <span style="float: right;">Yes</span></li> </ul>
<p><b>3.2 Local Character, Streetscape and the Public Domain Interface</b></p>	
<p>Consideration 5</p> <p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</p>	<ul style="list-style-type: none"> <li>○ The design of the development is not out of keeping with the character of the area. <span style="float: right;">Yes</span></li> <li>○ Where possible bricks and other useable materials from the Masons Lodge will be used in the construction of the facility.</li> </ul>

- The single storey nature of the proposal is in keeping with other residential development in the locality.
- Landscaping proposed would positively contribute to the area.
- The augmented Willandra Avenue car park would improve road safety and landscaping would ensure it integrates with the design of the development.

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Consideration 6, 7 and 8

Objective: To ensure clear delineation between the child care facility and public spaces

- Fencing has been provided surrounding the three sides of the building with no fencing facing Willandra Avenue. A single entrance to the site has been proposed from the Willandra Avenue Carpark. This door would be a secured door. If required, additional fencing could be installed to further demarcate space and act as another barrier to the carpark. Yes
- Windows are proposed on all frontages other than Benerembah Lane.

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Consideration 9 and 10

Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.

- All fences are visually permeable facing Willandra Avenue and Benerembah Street. Yes

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### 3.3 Building Orientation, Envelope and Design

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Consideration 11

- The visual privacy an acoustic amenity of neighbours has been considered through facing doors and windows away from private open Yes
-

Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.

space and living areas of dwellings, placing outdoor areas central to the site and providing a privacy screen at the employee entrance.

- Solar access has been optimised in the design of the development
- The development is single storey in nature and would not have overshadowing impacts.
- Cut and fill of the site would be minimal
- The building interacts with both the Willandra Avenue and Benerembah Street frontages.

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Consideration 12

Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.

- The building height is consistent with other buildings in the locality. Yes
- Setbacks have been minimised to boundaries to maximise internal outdoor play areas. The rear southern facing wall acts as an acoustic and privacy barrier separating outdoor spaces from the dwellings.
- There are no consistent setback themes in the locality. Some buildings on Benerembah street have zero boundary setbacks while other buildings are setback due to height (regional theatre).

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Consideration 13 and 14

Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.

- The building is setback in excess of 10 m from the road carriageway of Benerembah Street which is considered a classified road. Yes

Consideration 15

Objective: To ensure that buildings are designed to create safe environments for all users.

- The entry to the facility is limited to one secure point which is: Yes
  - located with ease of access to the carpark and pedestrians walking from Banna Avenue;
  - directly accessible and visible from the street; and
  - the access will be monitored by CCTV and natural surveillance internally.

Consideration 16

Objective: To ensure that child care facilities are designed to be accessible by all potential users.

- The building has been designed in accordance with accessibility standards. Yes
- All key areas of the site are linked via ramped or level walkways. Ramps have only been used when necessary.

### 3.4 Landscaping

Consideration 17 and 18

Objective: To provide landscape design that contributes to the streetscape and amenity.

- A detailed landscaping plan would be provided as a post approval matter. Yes
- Shade trees will be provided in the car park and low-level native draught tolerant vegetation would be used in the carpark and setback areas.

### 3.5 Visual and Acoustic Privacy

Consideration 19 and 20

- Indoor rooms and outdoor play areas do not overlook any adjacent development. Yes

Objective: To protect the privacy and security of children attending the facility

- The design of the development includes a blank wall facing the existing dwelling to act as a privacy and acoustic barrier.

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Consideration 21

- See above

Yes

Objective: To minimise impacts on privacy of adjoining properties.

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Consideration 22 and 23

Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.

- The southern wall acts in the place of a required acoustic fence.
- Noisy plant and equipment would not be located on the southern wall near the dwellings.
- An acoustic assessment is not considered warranted based on the design of the development with the screened outdoor play area and the location of Benerembah Lane which separates the site from the dwellings to the south.

Yes

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### 3.6 Noise and Air Pollution

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Consideration 24 and 25

Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels

- Design solutions to minimise the impacts of noise include:
  - physical separation of the outdoor open space areas from dwellings;
  - the southern wall is a buffer to the dwellings;
  - a privacy screen has been provided at the employee entrance to avoid overlooking into neighbours yards; and

Yes

- there are no window openings on the southern wall facing the dwellings.

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<p>Consideration 26 and 27</p> <p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p>	<ul style="list-style-type: none"> <li>○ There are no major roads near the site and an air quality assessment is not warranted.</li> </ul>	<p>Yes</p>
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### 3.7 Hours of Operation

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<p>Consideration 28 and 29</p> <p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments</p>	<ul style="list-style-type: none"> <li>○ Hours of operation have been limited to 7am to 6pm in accordance with the Guidelines.</li> </ul>	<p>Yes</p>
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### 3.8 Traffic, Parking and Pedestrian Circulation

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<p>Consideration 30, 31 and 32</p> <p>Objective: To provide parking that satisfies the needs of users and demand generated by the centre</p>	<ul style="list-style-type: none"> <li>○ Car parking has been provided in accordance with Council's DCP.</li> <li>○ The existing site relies on an on-street parking arrangement. This car park is proposed to be augmented to increase safety and ensure vehicles can enter and exit the site in a forward direction.</li> </ul>	<p>Yes</p>
<p>Consideration 33 and 34</p>	<ul style="list-style-type: none"> <li>○ Vehicle access from Benerembah Street which is a classified road has not been proposed.</li> </ul>	<p>Yes</p>

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Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows

- The proposed access from Willandra Avenue has considered prevailing traffic conditions by locating the entrance at the midpoint between Benerembah Street and Benerembah Lane.

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Consideration 35, 36 and 37

Objective: To provide a safe and connected environment for pedestrians both on and around the

- A network of Council and private footpaths have been proposed to provide safe pedestrian connectivity between the building and the public domain.
- The width of pedestrian paths would permit two prams to pass each other.
- Vehicles can enter and leave the carpark in a forward direction and there are clear sightlines on Willandra Avenue towards the street and the lane.
- Trucks would not be required to access the site and therefore would not conflict with pedestrian or other vehicles moving through the carpark.
- The proposed car park would be used exclusively as a drop off and pick up area during the hours of operation. Staff would be encouraged to park in the Council car park.
- A child safe fence could be installed if required to separate the car parking areas from the building entrance.
- The proposal includes an accessible parking space which would be clearly delineated.

Yes

## **Disability (Access to Premises - Buildings) Standards 2010**

The proposed development will be classed as a Class 9b Building and has been designed to meet the mandatory performance requirements of the access standards and National Construction Code. Accessible rooms and parking facilities have been designed and provided in accordance with Part D3 *Access for people with a disability*.

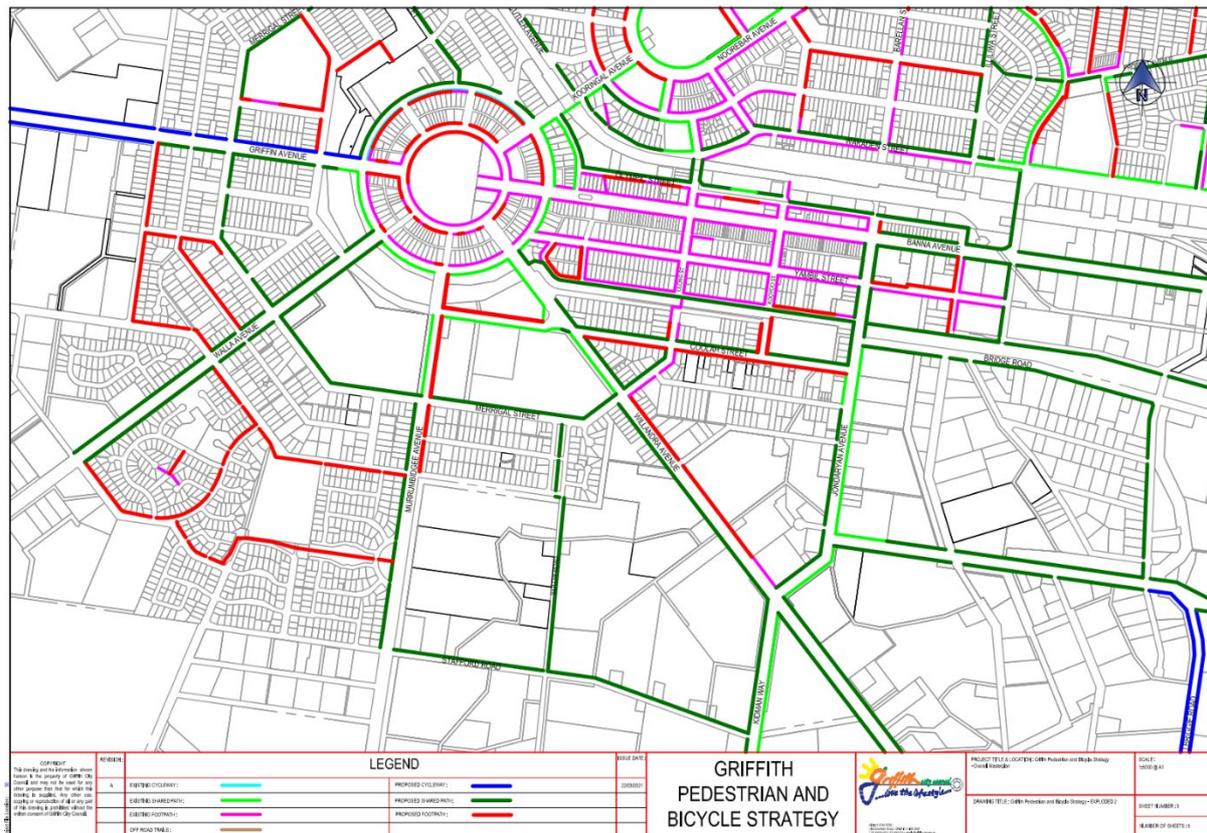
## **5.7 Community Participation Plan (CPP) 2019**

The Griffith CPP requires the public exhibition and neighbour notification for child care centres. It is requested that Council provide any submissions received during the exhibition period.

## **5.8 Onsite Detention Policy**

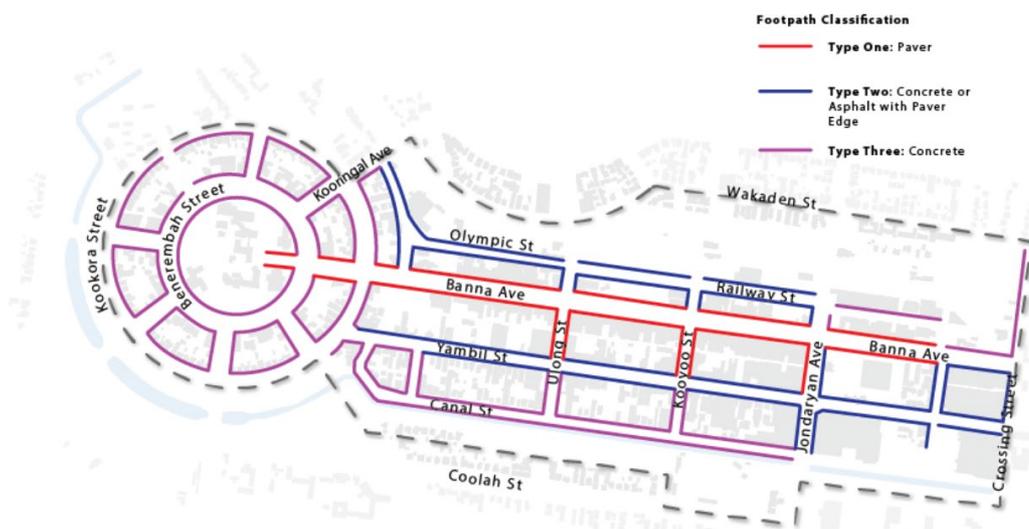
The On-Site Stormwater Detention (OSD) Policy for the Griffith City Council LGA has been developed to manage the discharge of stormwater from new dwellings, developments, restrict peak flows from developments to which OSD restrictions apply, for all events up to and including the 100 yr ARI event and to estimate peak flows under pre-development conditions. The development site is located to the north of Main Drain J and within the CBD Sub Catchment. Stormwater management plans will be provided as a condition of consent including plans and calculations for an OSD system for any increase in impervious surfaces. This system would ensure outdoor play areas are not used for detention other than purpose-built detention areas such as garden beds with restricted access to children.

## 5.9 Griffith Pedestrian and Bicycle Strategy



**Figure 13:** Griffith Pedestrian and Bicycle Strategy map of the locality.

The Griffith Pedestrian and Bicycle Strategy has identified that a new 1.2 m wide footpath is required on Benerembah Street. A concrete footpath has been shown on the submitted plans.



**Figure 14:** Griffith Pedestrian and Bicycle Strategy CBD construction material map

## 5.10 Development Control Plans (DCP)

### Development Control Plan No. 20: Off Street Parking (2011)

The DCP at Table 1.7.1 includes parking ratios for different types of development. The parking rates for child care centres are as follows:

- 1 space per employee plus 1 space per 10 children

The DCP also notes the following: *Where the child care centre provides long day care and drop-off and pick up times are staggered the parking rate may be reduced to 1 space per employee plus 1 per 15 children if the applicant provides justification.*

The proposal includes long day care services which will have staggered drop off and pick up times varying between 7 am and 9 am in the morning and 3:30 pm to 6:00 pm in the evening. As such, a reduced parking rate may be justifiable.

The proposal includes 1 space for each 12 employees. The proposal also includes 9 parking spaces for drop of and pick up purposes (one for every ten children) to cater for the parents of 88 children.

The proposal therefore meets the requirements of the development control plan and a reduction in parking spaces is not required. The car park has been designed in accordance with AS 2890 including the width of aisles and dimensions of parking spaces.

## 6 Impact Assessment

This section provides an assessment of the potential impact arising from the proposal. The impact assessment is based on the matters for consideration listed in Section 4.15 of the EP&A Act.

### 6.1 Context and Setting

The site is located in a mixed use precinct which connects to the Griffith CBD on Banna Avenue. The site has historically been used as a meeting place for the Freemason's (Mason's). The Mason's sold the building in 2024 to the present owner. The building is in a state of disrepair and is not suitable for use as a child care centre as it would be problematic to achieve all the requirements of the Regulations and the Guidelines and ensure the safety of the children.

The owners have proposed to construct a contemporary designed building which would present well to Willandra Avenue and Benerembah Street. The building would not detract from other notable buildings in the locality and there are no heritage items in proximity. The design has been limited to a single storey to match the built form of the residential dwellings to the south. The design of the proposal has also considered the visual and acoustic privacy of neighbouring residents including the use of a privacy screen at the employee entrance and the lack of windows on the southern elevation of the building.

The proposal would also have a positive contribution on the streetscape addressing both the Benerembah Street and Willandra street frontages. The fencing along the street frontage would be 1800 picket fencing permitting passive surveillance of the public domain from the building and outdoor play area. The proposal is not expected to negatively impact the context or setting of the locality.

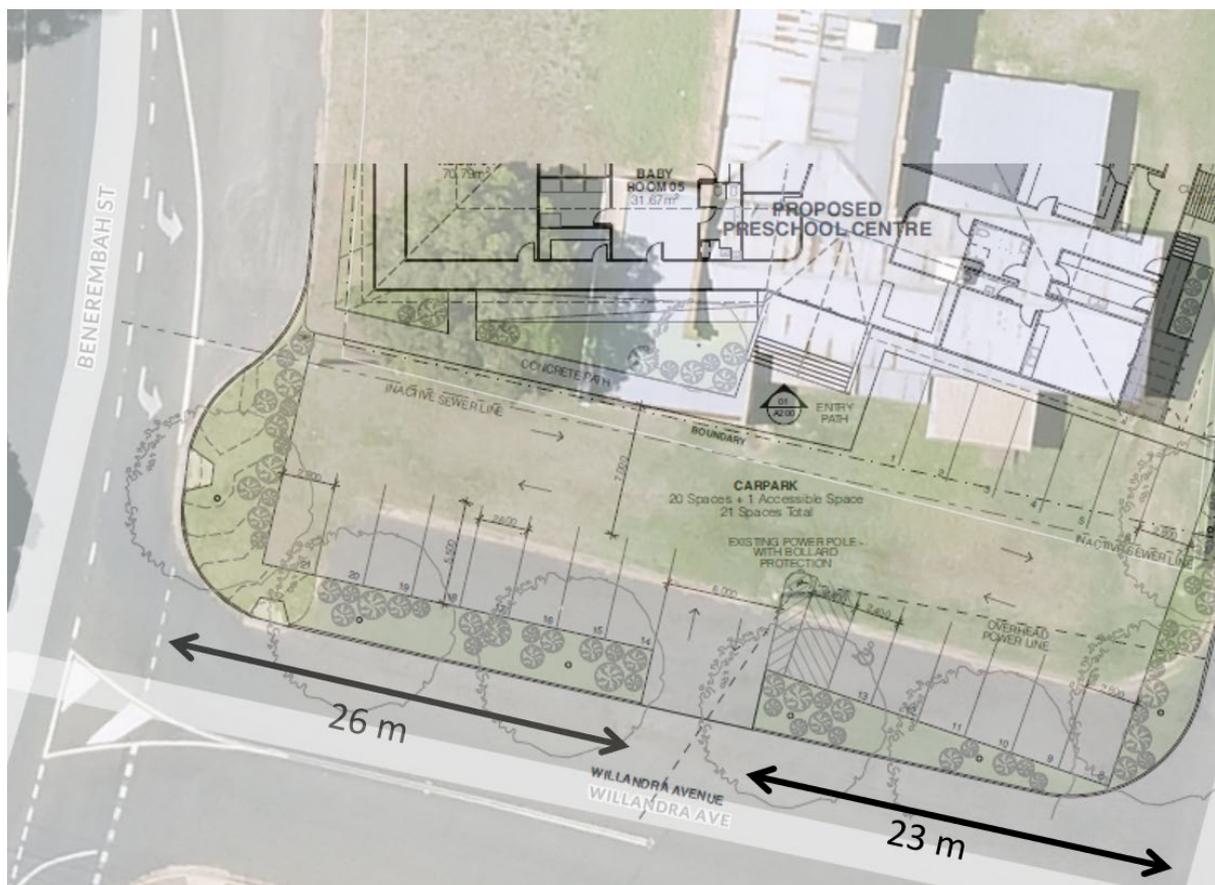
### 6.2 Public Domain & Public Access

The proposal has been designed to interact well with the public domain including Willandra Avenue with a defined covered entrance. The proposal includes a single access point which is required by the Guidelines and Regulations, restricting access from other road frontages. Vehicular access from Benerembah Street has also been avoided in accordance with the Guidelines and considering the road is a classified road under the control of TfNSW. Although the building addresses and presents well to the street, landscaping would be utilised to provide visual interest and soften the appearance of the cladding.

## 6.3 Traffic and Parking

### New Carpark

The existing site and the buildings former use as Masons Lodge utilised the existing 90 degree carpark in Willandra Avenue and no car parking was provided on the site. The car park does not contain linemarking but based on a width of 45 m a total of 17 (2.6 m wide) parking spaces would have previously existed. In consultation with Council, it was determined that the use of the existing car park in its current alignment may cause issues with the safety of the road network due to cars reversing into traffic and the turning lane provided in Benerembah Street. We have therefore re-designed the existing car park to ensure that all vehicles can enter and leave the site in a forward direction. The combined entry and exit point is located central to the frontage of the site to permit good site distances up and down Willandra Avenue, to Benerembah Street and to the Lane. The entry / exit point is located 36 m from the hold line at Benerembah Street and 23 m from the Lane. Vehicles exiting the carpark would be able to see if cars were in the turning lane on Benerembah Street ready to enter Willandra Street. The proposed design of the carpark is a vast improvement on the existing carpark which permits vehicles to reverse into oncoming traffic causing safety issues at the intersection due to vehicles moving swiftly from the turning lane into Willandra Avenue.



**Figure 15:** Site Distance Analysis with Aerial Under Proposed Parking Layout

## Traffic Movements

In terms of traffic movements, it is expected that drop offs would occur spread out between 7 am and 9 am in the morning with a total of 40-44 parents dropping of children during this time or around 20 two-way movements per peak hour. The same traffic movements would be expected during the pickup hours of 4pm to 6pm. Staff movements would include 12 two way movements per day with some additional movements as staff leave for the site for appointments etc. As such, a maximum of 30-40 traffic movements per peak hour would be expected based on the actual proposed operations of the facility. To understand if this assertion is justified, an assessment of TfNSW traffic rates has also been considered.

The TfNSW Guide to Traffic Generating developments rates for long day care are provided in the table below.

**Table 3.6**  
**Traffic generation rates**

Centre Type	Peak Vehicle Trips / Child		
	7.00-9.00am	2.30-4.00pm	4.00-6.00pm
Pre-school	1.4	0.8	-
Long-day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

Based on these rates the following traffic generation would be expected:

- 7am to 9am – 70 or 35 / hour
- 2:30pm – 4:00pm – 26 or 20 / hour
- 4pm to 6pm – 61 or 30 per hour

The rates which were derived from actual expected movements are not dissimilar from those derived based on the TfNSW rates.

## Potential Impact

The site and surrounding road network is considered suitable for the proposed development without any upgrades other than the revised layout of the Willandra Avenue carpark. The surrounding road network is considered to have relatively low levels of traffic including along Benerembah Street and Willandra Avenue. During site visits carried out during peak hours (7-9am and 4-6pm) very limited amounts of traffic were experienced in the surrounding road network. The road network only experiences increases in traffic volumes when the Regional Theatre is being used for an event. These events are largely nighttime events outside the hours

of operation of the facility. As such, it is expected that during a worst case traffic scenario, the intersections would provide good level of service with limited delays.

Based on the spread-out nature of drop offs and pickups and the low levels of traffic in the locality, the preparation of a traffic impact assessment is not considered warranted.

#### 6.4 Soils & Contamination

An important consideration when choosing a site for a child care facility is the potential for contamination to be present in the soils. State Environmental Planning Policy (Hazards and Resilience) 2021, Council's Contaminating Lands Policy and the SEPP Guidelines require an applicant to consider whether any potential contaminating activities have been carried out on the site which could have led to soils being impacted. A full history of use of the site is a relatively easy task, as there has only been one use.

The site was formerly utilised for a Free Masons Lodge originally constructed in 1921. The following is an excerpt from the Griffith Heritage Study 2004 regarding the construction of the building:

*In 1921, Commission land was leased for the building of the lodge rooms. It consisted of five lots in Benerembah Street and ran from Banna Avenue to Willandra Avenue. In 1928 the land was purchased for 379 pounds, although two lots were later forfeited as excess to needs.*



**Figure 16:** 1945 Aerial of the site showing the Masons Building on virgin land

The commission land was the originally subdivided virgin land in accordance with the original Burley Griffin Plan.

No contaminating uses can be expected prior to the subdivision of the land as at that time, Griffith did not exist and the land was untouched native bushland. As is evident from the aerial in **Figure 16** the site and locality were previously untouched bushland prior to being developed.

As such the only historical use of the site is commercial in nature with no potential contaminating land uses occurring. Therefore, the likelihood of contamination being present above human health limits in the soils is negligible. Clause 4.6(2) of the SEPP requires the following considerations:

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is—*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)*

The change of use of the land does not require a Preliminary Site Investigation as complete knowledge of the historical use of the land is available through local knowledge, aerial photography, the Griffith Heritage Strategy 2004 and through a review of Council's property information system. The site has never been used for any potentially contaminating uses listed in Table 1 of the former SEPP 55 Guidelines.

The site would be cleared of all asbestos building materials by a licenced asbestos removalist as part of the demolition stage. During construction including excavation, an unexpected finds protocol would be implemented. Should any contamination be found, the necessary procedures would be put in place for testing, removal and if required remediation.

## 6.5 Waste

The proposal includes a garbage storage area surrounded by fencing which is not visible from the road or lane. A waste contractor would be used to collect general waste up to twice per week and recycling every two weeks.

### General Waste

The City of Melbourne's development controls contain rates for waste production for child care facilities which estimate that 350L of general waste would be produced per 100m<sup>2</sup> of floor area. The proposal includes 713m<sup>2</sup> of floor area and therefore it is expected that 2,450 litres of general waste would be produced per week. This would require 2 x 660 L general waste bins on wheels. The bins would be collected outside of hours within the lane or the carpark area via a garbage truck.

### Recycling

A single 660 L recycling bin on wheels would be provided and collected when full.

## 6.6 Noise & Vibration Impacts

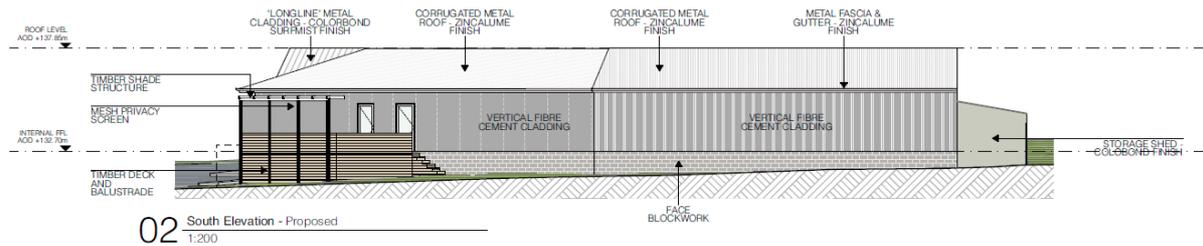
The building has been sited and designed to minimise the impact of the outdoor play area on the existing dwellings to the south of the site on Kookora Street. During initial site analysis it was concluded that placing the outdoor play area on the southern boundary could cause amenity impacts to the dwellings on Kookora Street. To reduce the impact of noise, the location of the outdoor play area has been located in the centre of the site.

The southern elevation of the building facing Benerembah Lane does not contain any windows which would open towards the lane and dwellings (see **Figure 10**). The wall has been located to act as a noise barrier expected to decrease the noise output of the use of the outdoor play area to levels which would not impact the amenity of the dwellings on Kooora Street.

The facility would also only operate during daylight hours and therefore would not be expected to cause sleep disturbance for neighbours. The preparation of an acoustic assessment was not deemed necessary given the design of the development, the use of the southern wall as a noise barrier and the zoning of the precinct being for mixed use development.

Should any noise impacts be caused by the use of the outdoor play area above the established levels in the NSW EPA Noise Guide for Local Government.

There are also no noise generating uses in the locality which would be expected to impact the amenity of the children in the centre. The road network also has relatively low levels of traffic and therefore road noise is not expected to impact the proposed use.



**Figure 17:** Southern Elevation facing Benerembah Lane

The following mitigation measures would be put in place as part of the construction and operation of the development:

- External plant noise sources would not be located on the southern walls.
- Restrictions would be placed on the number of children using the outdoor play area at one time.
- The external southern wall and fencing to act as a noise barrier.
- Screening of the employees' entrance to avoid visual and acoustic disturbance as employees enter and leave the facility.

## 6.7 Suitability of the Site

The subject site is considered suitable for this development for the following reasons:

- The proposal is not contradictory to the planning framework, including the EP&A Act 1979, and the relevant state environmental planning policies.
- The development has demonstrated the ability to achieve compliance with Council planning policies and strategies.
- The site is suitably zoned and the proposal exemplifies the zone objectives of the MU1 Mixed Use zone.
- The design of the facility achieves compliance with the Child Care Guidelines and Regulations.
- The site contains all services required to support the development.
- The site is not constrained by any hazards such as bushfire, flooding, or biodiversity significance.
- The proposal is unlikely to have an unreasonable impact on the environment.

# 7 Contributions

## 7.1 Section 7.12 Contributions

The cost of the development is estimated at \$2,087,523.38 therefore a contribution of \$20,875 is payable.

## 7.2 Section 64 Contributions

It is requested that Council utilise the water usage records of other similar child care facilities in Griffith to estimate the Section 64 Contribution requirements. It is also requested that the proposed Section 64 calculations are provided to the Applicant prior to the approval of the development to avoid a modification application to revise the amounts.

## 8 Conclusion

This development application seeks consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15 of the same Act.

As demonstrated by the detailed assessed of the proposed development in this SEE, the proposal satisfies the intent and requirements of the relevant legislation including the EP&A Act, SEPPs, Council's Policies, relevant Australian Standards, the Child Care Guidelines and Regulations and ability to comply with building requirements by the Building Code of Australia.

The development should be supported as it delivers a much needed centrally located child care facility. The proposal utilises under-developed land in a central location ideal for the proposed use and the design complies with all development controls and design criteria listed the Child Care Guidelines. The proposal is compatible with the locality and existing established land uses.