

Joint Regional Planning Panel (Sydney East Region)

JRPP No.	2012SYE102
DA No.	DA/633/2012
Local Government area	Randwick City Council
Proposed Development	Alterations and additions to the existing James Fairfax Foyer within the NIDA premises including a new upper level addition, a new lift, a new mezzanine level and 4 new tutorial/rehearsal rooms
Street Address	215 Anzac Parade, Kensington NSW 2033 (UNSW)
Applicant	NIDA on behalf of UNSW (C/o Root Projects Australia)
Owner	UNSW
Number of Submissions	One petition with 18 signatures
Recommendation	Approval subject to conditions
Report By	Adrian McKeown, Planning Officer

1. Executive Summary

Council is in receipt of a development application proposing alterations and additions to the existing James Fairfax Foyer within the NIDA premises. The proposed development includes a new upper level addition to the existing building, a new lift within the building, a new mezzanine level within the James Fairfax Foyer and 4 new tutorial/rehearsal rooms. The James Fairfax Foyer adjoins the main NIDA building to the north.

The subject proposal is a Crown development having a capital investment value of more than \$5 million. Pursuant to Section 23G and Schedule 4A of the Environmental Planning and Assessment Act 1979, the proposal will be referred to the Joint Regional Planning Panel for determination.

The subject application was advertised and notified from 17 to 31 October 2011 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. One (1) submission was received at the conclusion of the public consultation process in the form of a petition containing 18 signatures.

The subject site is zoned Special Uses No. 5 under Randwick Local Environmental Plan 1998 (Consolidation). The development involves the expansion of an existing educational establishment and is a permissible use. The proposal is considered to be consistent with the zoning objectives.

The UNSW Kensington Campus DCP applies to the proposed development. The DCP initially was a Master Plan and subsequently was adopted by the Council as a deemed DCP. The proposal satisfies the key objectives and performance requirements of the DCP in terms of enhancing campus accessibility and legibility, creating communal interaction spaces, retaining significant trees and maximising energy efficiency.

The Deemed DCP did not identify any specific development scenarios for the NIDA site. NIDA has however advised that a Master Plan is currently being prepared. This is an issue which has been raised in the submission; hence Council would seek the finalisation of a Master Plan prior to the lodgement of future applications.

The proposal will result in an increase to the external height of the existing James Fairfax Foyer of one storey. The James Fairfax Foyer is centrally located to the NIDA site and the resultant overall height of the addition to the James Fairfax Foyer will be approximately 14m. This is similar to the height of existing NIDA buildings to the south of the proposed addition.

The proposed building extension will be perceived from Anzac Parade and from within the NIDA complex as a cube-like addition above existing roof forms (see Figures 2 and 3 below). Materials include prefinished metal sheeting with a dark finish. The applicant states that the colour of the sheet metal will match the existing fly tower of the existing Parade Theatre. The proposed upper storey addition will accommodate two new rehearsal/tutorial rooms.

The proposed 14m external wall height complies with the DCP external wall height control which specifies a maximum wall height of 24m. The proposal is considered to be compatible with the existing character of the NIDA complex and given its central location within the complex will not impose any unreasonable impacts on neighbouring dwellings with regard to perceived visual bulk and scale or overshadowing. It is noted that an avenue of existing Brushbox trees on the eastern boundary of the site is to be retained; and that these trees will soften the visual impact of the proposal as viewed from the eastern side of Anzac Parade. It is also noted that the proposed extension will be located behind an existing two storey brick building housing staff and administration rooms (see Figure 3 below).

Internal works are proposed to an existing office space and to provide a new internal lift. Works are proposed within the existing James Fairfax Foyer to provide a mezzanine level which will accommodate two new tutorial rooms. The applicant states that there will be no increase in the number of students within the NIDA facility as a result of the proposed works and that the extension to the complex is required to facilitate existing students. Consequently, the development is not required to provide additional car spaces.

Council's Section 94A Development Contributions Plan applies to the proposal and a monetary levy of \$58,320.37 is required.

The proposal satisfies the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval subject to conditions.



Figure 1: An aerial photograph of the existing James Fairfax Foyer. The green arrow illustrates the location of the proposed foyer extension.

2. The Proposal

2.1. External works

The application proposes various alterations and additions to the existing educational building for the National Institute of Dramatic Arts (NIDA) at 215 Anzac Parade, Kensington. External works include:

- Construction of an additional storey to the existing James Fairfax Foyer;
- Extension of an existing glazed wall to the James Fairfax Foyer towards the north and construction of new stairs accessing the existing courtyard;
- Construction of a new batten shading screen to the northern end of the James Fairfax Foyer;
- Construction of a new breakout terrace at the southern end of the proposed rehearsal/tutorial rooms on the second level; and
- Plant and machinery on the new roof top.



Figure 2: The existing James Fairfax Foyer located to the rear of the brick building and an avenue of Brushbox trees.



Figure 3: Computer generated model of the proposed development as viewed from the eastern side of Anzac Parade.

2.2. Internal works

Internal works are proposed to provide for a mezzanine level and for changes to existing office spaces. Proposed internal works comprise;

- The installation of a mezzanine level to contain two new tutorial rooms and a second storey within the extension of the James Fairfax Foyer to contain 2 new rehearsal/tutorial rooms;
- Minor modifications to existing office spaces; and
- Construction of a lift with an internal motor.



Figure 4: The existing James Fairfax Foyer looking towards the courtyard at the northern end of the foyer.

3. Description of Subject Site and Locality

The development site is located at the north-western edge of the UNSW Kensington Campus on the western side of Anzac Parade. The site known as the NIDA complex, has a land area of 10,670m². The site slopes gently towards the west; with a fall from east to west of approximately 2m.

Presently the site is occupied by a number of buildings that comprise the NIDA complex. To the north of the subject site is a service station and to the south is an existing car park which is also part of the UNSW campus. The greater part of the UNSW Campus is located to the east of the site on the opposite side of Anzac Parade. To the west of the site are located residential dwellings numbering from 194 – 214 Doncaster Avenue.

4. Site History

The following recent applications have been lodged with Council.

Application	Detail	Decision
DA/908/2011	Alterations to the National Institute of Dramatic Arts (NIDA) including provision of new office space, upgrade of existing offices, construction of 4 tutorial rooms, a rehearsal space, widen existing egress path, extend existing roof walkway system, install skylights, and install light suspension system	Approved by Council's Planning Committee 10 April 2012.
DA/909/2011	Installation of a shade structure over the existing Amphitheatre courtyard at the National Institute of Dramatic Arts (NIDA).	Approved under delegation, 11 January 2012.
DA/114/2011	Building works within NIDA precinct at UNSW including mezzanine floor in lighting studio on level 1, mezzanine floor in design studio 3 on level 2, mezzanine floor in workshop area on ground floor, internal work to parade theatre, air conditioning unit for rehearsal room 8 and access bridge and walkways connecting existing roofs.	Approved under delegation, 9 May 2011.
DA/317/2010	Increase in number of patrons for the NIDA Parade Playhouse from 185 patrons to 285 patrons. No construction was proposed.	Withdrawn on 20 October 2010, following concerns over parking and traffic.
DA/207/2010	Temporary canvas sign to northern face of existing NIDA building.	Approved under delegation, 14 April 2010.
DA/569/2009	Construction of additional signage on the northern wall of the NIDA Theatre and above the stage door.	Approved under delegation, 4 November 2009
DA/545/2007	Upgrade of National Institute of Dramatic Art (NIDA) including internal work to the scenery workshop, parade space, parade studio, property workshop and storage area with windows and stairs.	Approved under delegation, 4 September 2007
DA/410/2007	Provision of new external illuminated signage to existing NIDA building.	Approved under delegation, 26 July 2007

5. Notification and Advertising

The subject application was advertised and notified from 17 to 31 October 2011 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. One (1) submission (a petition containing 18 signatures) was received at the conclusion of the public consultation process. Refer to the table below.

Amended plans were submitted to Council on 25 October 2012 showing the addition of a batten sun shade to the northern end of the proposed new glazed wall which is to be constructed adjacent to the existing courtyard within the complex. Given that the shade structure will not be visible from neighbouring

dwellings or from the streetscape the amended plans were not required to be re-notified to neighbouring dwellings.

Further plans were submitted to Council on 6 November 2012 showing the extent of proposed plant and machinery for the rooftop of the James Fairfax Foyer. Council's Environmental Health Officer advised on 12 November 2012 that an acoustic report will be required to be submitted prior to construction commencing, to ensure that the plant and machinery does not impose any unreasonable impacts on neighbouring dwellings.

5.1. Objections:

A petition was submitted to Council on 31 October 2012. The petition was signed by residents of the following dwellings:

139 Doncaster Avenue, Kensington	200 Doncaster Avenue, Kensington
145 Doncaster Avenue, Kensington	202 Doncaster Avenue, Kensington
147 Doncaster Avenue, Kensington	206 Doncaster Avenue, Kensington
149 Doncaster Avenue, Kensington	208 Doncaster Avenue, Kensington
194 Doncaster Avenue, Kensington	210 Doncaster Avenue, Kensington
198 Doncaster Avenue, Kensington	212 Doncaster Avenue, Kensington
198A Doncaster Avenue, Kensington	216 Doncaster Avenue, Kensington

The issues raised in this submission are summarised as follows:

Issue	Comment
<p>Concerns are raised about the number of applications relating to the site. Specifically:</p> <ul style="list-style-type: none"> Is there a Master Plan for the site? Applications for the site should be assessed by Council with reference to a Master Plan rather than on an ad hoc basis; Can Council guarantee that this will be the last of NIDA's proposals? 	<p>The NIDA site falls within the UNSW's DCP (which was initially prepared as a Master Plan) however the applicant advised on 16 November 2012 that NIDA is in the process of undertaking a site specific Master Planning study. See further discussion below - Part 8.1.2.</p> <p>Applications are being assessed against the UNSW DCP.</p> <p>Development applications are lodged by an applicant. Council cannot prohibit an applicant from lodging further applications to Council. Council would work with NIDA to complete its Master Plan. Subsequent development applications would also be notified to</p>

Issue	Comment
<p>Concerns are raised about the current proposal. Specifically:</p> <ul style="list-style-type: none"> ▪ Additional tutorial/rehearsal rooms and the associated additional noise impacts from air conditioning plant and machinery; ▪ Increased numbers of students and the lack of additional parking spaces given the existing constraints on parking in the area; ▪ The visual impact of the proposal as viewed from dwellings to the west of the site; ▪ The cumulative nature of the recent applications would suggest that this application should not be considered under delegated authority; rather, that it should go to a full Council meeting. <p>Concerns are raised about the current operations of NIDA. Specifically:</p> <ul style="list-style-type: none"> ▪ A previous approval by Council which allows NIDA to operate well into the night; ▪ Large air conditioning units on the rooftop of the southern building which sound like jet engines when they are operated. 	<p>surrounding dwellings.</p> <p>Council's Environmental Health Officer has requested that an acoustic report is required prior to the commencement of works.</p> <p>There is no proposal to increase the number of staff or students.</p> <p>The perceived visual bulk and scale will be minimised by proposed setbacks and existing street trees. See further discussion below - Part 10.1.</p> <p>This matter will be determined by the JRPP. However, it also will be considered as part of the agenda of a Council meeting to determine if Council would like to make a submission separate to the assessment report.</p> <p>Suitable conditions have been included to ensure that the development does not impose any unreasonable impacts on neighbouring dwelling with regard to noise generation.</p>

5.2. Support:

No submissions were received in support of the application.

6. Technical Officer and External Referral Comments

6.1. Building Surveyor

Proposed Development:

As shown on the Architectural Plans prepared by HASSELL at Attachment B, the proposed development is generally contained within and above the existing James Fairfax Foyer, and consists of the following elements:

- installation of a new lift to accommodate passengers and equipment;

- modification of the existing stairs and circulation routes;
- repositioning of the foyer's external wall further to the north, and providing a new curtain wall, pivot doors and stairs to access the existing courtyard;
- creation of a new mezzanine level (First Floor) within the foyer to accommodate two new tutorial rooms (Tutorial Rooms 3 and 4) with a balcony overlooking the foyer void;
- a minor modifications to the existing First Floor offices;
- Provision of a new roof top addition (Second Floor) accommodating two new rehearsal! tutorial rooms (Rehearsal/Tutorial Rooms 1 and 2);
- Provision of a new breakout terrace to the south of the new Rehearsal! Tutorial Rooms 1 and 2, overlooking the main foyer below;
- New stormwater infrastructure to connect into Council's existing stormwater system.

Comments:

It is noted that numerous alternative solutions are to be applied in respect to BCA compliance. The recommendations of the BCA consultant must be applied. Access consultants report also accompanies the application.

6.2. Development Engineer and Landscape Development Officer

The comments provided by Council's Development Engineering Section are extracted below:

Landscape Comments

Growing within the enclosed, outdoor courtyard to the north of the James Fairfax Foyer, there are a group of 4 (unidentified) deciduous, exotic trees of 4-6 metres in height, being one in each of the four corners, which while not significant, are recognized as an existing site feature that benefits this facility by providing welcoming shade, which encourages use of this space for informal gatherings.

The plans show that the existing stairs leading to the courtyard will be re-constructed and tiled, finishing closer to the two most southern trees than what currently exists, with a 1.5m wide overhead awning to extend above this area also.

The applicant notes on the plans as well as in e-mail correspondence with the Planner that they intend to retain all four trees as part of this project, which will be possible providing the conditions included in this report relating to canopy pruning and tree protection area adhered to during the course of works, with retention of the existing synthetic grass surfacing to help prevent compaction of the soil and stress on the trees.

Should the application be approved the following conditions shall apply:

6.3. Environmental Health Officer

The response received from NIDA in relation to the concerns raised by the Environmental Health team is satisfactory. It is recommended a condition for an acoustic report be included in the consent.

6.4. NSW Roads and Maritime Service

The application was not required to be referred to the RMS for comments given that there will be no additional parking demand created by the proposal and that consequently, there will be no additional impact on traffic generated by the site.

6.5. Sydney Airport Corporation Ltd. / Civil Aviation Safety Authority

The concurrence of the Sydney Airport Corporation Ltd. (SACL) / Civil Aviation Safety Authority (CASA) was not required as the proposed building has a maximum height of less than 15.24m above existing ground level.

7. Environmental Planning and Assessment Act, 1979:

- **Section 79C- Evaluation**

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

- **Section 89 (Determination of Crown development applications)**

The proposal is development under Section 89 of the Environmental Planning and Assessment Act (Crown development). The following applies under this Section of the Act:

A consent authority, (other than the minister), must not:

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

The proposed consent for this application will impose a number of conditions to ensure that the development complies with all relevant controls and standards. These conditions have been referred to the applicant for concurrence of the University. The University has responded to the draft conditions of consent and given its concurrence.

8. Relevant Environmental Planning Instruments:

8.1. Randwick Local Environmental Plan 1998

The following Clauses of the LEP 1998 apply to the proposal: -

8.1.1. Clause 17 Zone No 5 (Special Uses Zone)

The site is zoned Special Uses R5 under Randwick Local Environmental Plan 1998 and the proposal is permissible with Council's consent.

The proposal is consistent with the aims of RLEP 1998 and the specific objectives of the Special Uses 5 zone, in that the proposed activity and built form will enhance and compliment the aesthetic character, environmental qualities and social amenity of the locality. Further, the proposal is for the purpose of an educational establishment, providing public benefit in the form of enhanced educational facilities. Accordingly, the proposed development is not inconsistent with these objectives.

8.1.2. Clause 40A- Site Specific Development Control Plans

The following Clause applies to the subject site:

- (1) *The consent authority must not grant consent to a development application made in respect of a site area consisting of more than 10,000 square metres of land unless a site specific development control plan for the development of that land has been prepared in accordance with this clause.*
- (4) *The consent authority may waive the requirement for a development control plan, but only if it is satisfied:*
 - (a) *that the proposed development is of a minor nature only or is ancillary to the current use of the land, or*
 - (b) *that adequate guidelines and controls applying to the land are already in place.*

The site is greater than 10,000 square metres in area and as such a Master Plan is required under Clause 40A of Randwick LEP 1998 (Consolidation).

It is noted that the UNSW Kensington Campus DCP applies to the proposed development. The DCP initially was a Masterplan and subsequently was adopted by the Council as a deemed DCP. The Deemed DCP did not identify any specific development scenarios for the NIDA site.

Whilst the DCP contains a range of performance criteria for campus design principles and provisions namely in terms of sense of place, legibility, clusters & hubs, landscape, buildings, housing, retail & services, recreation and cultural facilities and transport & parking, the site specific nature of NIDA activities on the campus would warrant its own particular Master Plan.

NIDA has advised that a Master Plan is currently being prepared. This is an issue which has been raised in the submission; hence Council would seek the finalisation of a Master Plan prior to the lodgement of future applications.

This matter was raised with the applicant who advised on 16 November 2012 that:

NIDA is in the process of undertaking a Master Planning study. As this stage we are unable to provide any information on this Master Plan study, as it is subject to change and internal approval.

NIDA confirmed that this year's proposed alterations and additions are consistent with Master Planning principals. We request to assess the DA on its own merit, as future development plans will be subject to funding, that may or may not be available.

Notwithstanding the above, the proposed alterations and additions to the NIDA building are consistent with the principles of the Master Plan and DCP; satisfying the requirements of Clause 40A of RLEP 1998.

8.2. Draft Randwick Local Environmental Plan 2012

The Draft Randwick Local Environmental Plan 2012 is currently awaiting gazettal. Under the Draft LEP, the site is zoned SP2 Infrastructure (Educational Establishment). The proposal is considered to satisfy the key zone objectives of the Draft LEP 2012 and is permissible within the proposed SP2 Infrastructure (Educational Establishment) zone.

9. Policy Controls

9.1. Development Control Plan - UNSW Kensington Campus - Campus 2020

The DCP is applicable to the subject site by virtue of its location within the UNSW Campus. The DCP contains a range of performance criteria for campus design principles and provisions namely in terms of sense of place, legibility, clusters & hubs, landscape, buildings, housing, retail & services, recreation and cultural facilities and transport & parking.

9.1.1. Proposed addition to the James Fairfax Foyer

The proposal outlines an extension of the existing James Fairfax Foyer which will increase its height by one storey to approximately 14m. This extension is centrally located to the site and does not involve the removal of any significant vegetation within the site.

The following sections are of relevance to this component of the application:

Section 5.1 – Sustainability

The development includes works within the existing foyer whereby a proposed mezzanine level will step back into the existing space. The location of the mezzanine will allow northern light to penetrate into the foyer space below. A 2-pac finish is also proposed to the reduced ceiling height of the remaining foyer space which will allow natural light to reflect within this space.

The proposal also includes measures such as cross ventilation which will reduce the need for air conditioning within the complex.

Section 5.2 – Sense of Place

Previous building works to the NIDA complex have translated into the building forming an iconic figure within the streetscape. The complex not only defines the northern extent of the UNSW Campus but through its character and prominence, creates a sense of place for that part of the campus which is located on the western side of Anzac Parade.

The proposed works will be perceived as a cube-like structure as viewed from Anzac Parade however are setback behind an existing two storey brick building and an existing avenue of Brushbox trees which is to be retained. The proposal will not comprise a detrimental element to the sense of place given that it is setback from the eastern buildings and is visually subservient to the existing buildings at the central and southern ends of the site.

Section 5.3 – Legibility Provisions

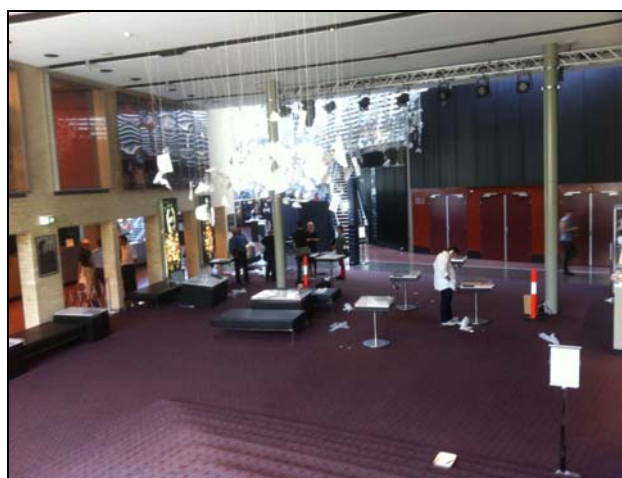
The legibility of the NIDA campus will not be compromised by the proposed works in that gathering places will be retained within the new parts of the building adjacent to the existing James Fairfax Foyer, within the courtyard to the north of the foyer and within the proposed breakout terrace on level 2. People with disabilities will retain access throughout the complex as a result of the proposed lift.

Externally, the proposed works will be perceived as a cube-like structure as viewed from Anzac Parade however are setback behind an existing two storey brick building and an existing avenue of Brushbox trees which is to be retained. The proposal will not involve a detrimental element to the sense of place given

that it is setback from the eastern buildings and is visually subservient to the existing buildings at the central and southern ends of the site.

The internal space within the James Fairfax Foyer was designed to be the focal point of the original NIDA building and includes a very high ceiling, a geometric stair case in the north-western corner, steel support columns and masonry construction to the office and service areas at the eastern and western ends. The proposed works will substantially alter this space as viewed from the entrance to the NIDA complex and from the courtyard area at the northern end of the original NIDA building (see Figures 5 & 6 below). As viewed from the southern end (Figure 5) the ceilings will be only 2.7m which will create a more enclosed area. From the south. As viewed from the northern end (Figure 6) the proposed development will be perceived as two levels of overlooking balconies which are stepped towards the south.

The proposed 2.7m ceilings of the foyer will allow some northern light to penetrate into the foyer space below however it is noted that this area will be substantially darker than it is at present. The applicant has designed this space with the altered conditions in mind; including materials which are reflective. A 2-pac finish is proposed for the lower ceiling for example. It is also noted that the primary architectural focus for the complex is now the foyer for the Parade Theatre and Parade Studio (see Figure 7 below).



Figures 5 & 6: The existing James Fairfax Foyer looking towards the north from the main entrance to the complex; and looking towards the south from the top of the staircase.

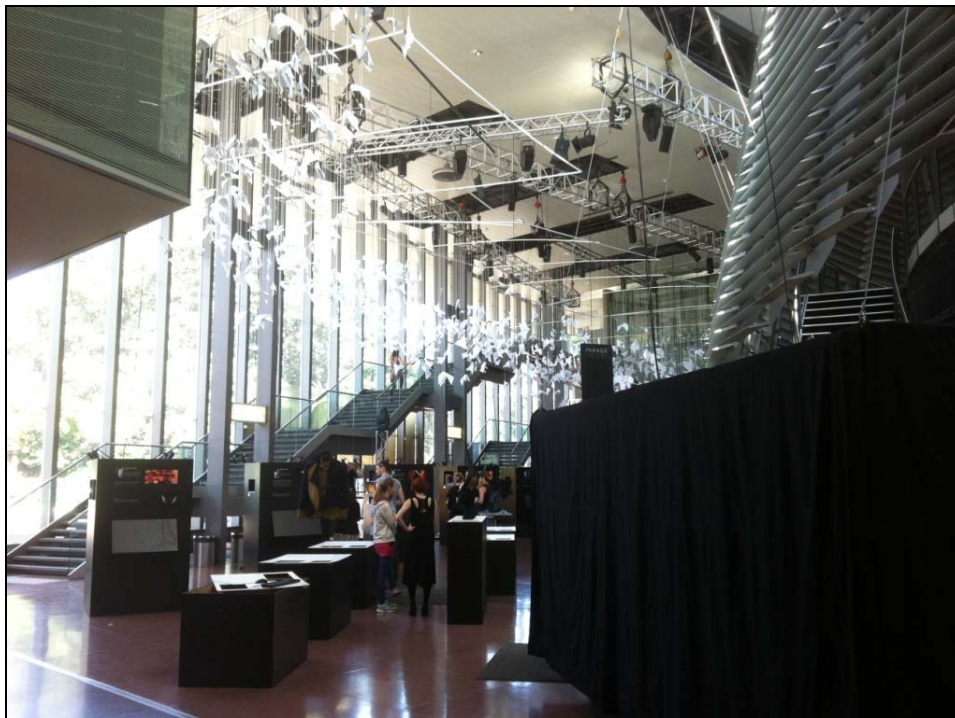


Figure 7: The main foyer to the Parade Theatre and Parade Studio at the southern end of the site and adjacent to the entrance and James Fairfax Foyer.

Section 5.5 – Landscape

The proposed building extensions will not impose any unreasonable impacts on existing vegetation on the Anzac Parade frontage or within the courtyard adjacent to the James Fairfax Foyer. Suitable conditions are recommended to ensure that existing trees are retained and protected during building works; and that they are pruned by suitably qualified professionals if required.

Section 5.6 – Buildings

The proposed extension to the existing James Fairfax Foyer has been designed to integrate with those existing buildings to the central and southern parts of the NIDA complex, as viewed from Anzac Parade and from within the complex itself. The building extension is centrally located within the site and will not impose any unreasonable impacts on neighbouring dwellings to the west of the site with regard to perceived visual bulk and scale.

The proposed building extension is located behind existing key building elements and will not dominate those existing buildings in a visual sense. It is also noted that the proposed building addition is compliant with the maximum external wall height of 24m (14m); and that the proposed building extension is located more than 25m from the western boundary of the campus, thereby not being affected by the requirement that buildings closer than this margin have a maximum height of 12m.

The location of the building extension will ensure that no unreasonable overshadowing impacts will be imposed on adjoining dwellings to the west of the site.

Section 5.10 – Transport and Parking

The applicant has confirmed that the proposal involves is no increase in the number of staff or students within the NIDA complex. Consequently no additional parking or traffic impacts will be created by the proposal.

9.2. Randwick Section 94A Development Contributions Plan

Under the provisions of the Section 94A Development Contributions Plan, effective from 2 July 2007, the following monetary levy is required:

Category	Cost	Applicable Levy	S94A Levy
Development cost more than \$200,000	\$5,832,037	1.0%	\$58,320.37

The applicant agrees to the applicability of the above Section 94A contribution for this application and a condition requiring Section 94A contribution is included in the "Recommendation" of this report.

The Section 94A levy enables Council to provide quality public facilities to meet the expectations of the existing and future population. The Plan recognises that the expected growth in population and jobs in Randwick City will be focused on the University precinct. The draft Sub-Regional Strategy confirms this and suggests at least 2900 extra jobs in the precinct over 20 years. This precinct contains almost 40% of the City's jobs and the University is the highest employer in the City. While employment change may be variable, estimates are that jobs at the University could increase by 25 to 30% over the next 20 years. The University is thus expected to continue to place substantial pressures on Council's local infrastructure.

The UNSW has previously sought exemption from Section 94A contributions for their development projects. The primary reasons provided by the UNSW are as follows:

- That the University provides a public service that delivers a public benefit in the form of educational facilities;
- That NIDA relies heavily on donations and other non-government funding to maintain and upgrade facilities on the site;
- That the proposed modifications will not result in any additional students of staff on the site;
- That NIDA performs an important ancillary function to the university as a whole and operates independently of it;
- That should a Section 94A contribution be applied, that the viability of the development will be compromised;
- That should the development not proceed, there will be a curtailment of the specialised form of educational experience which is offered by NIDA; and
- That Crown applications have historically been the subject of reduced Section 94 contributions given that they are not likely to require the provision of public services and amenities in the same way as developments which are undertaken with a commercial objective.

Section 94A contributions are intended to address and meet expected increased demands on the City's infrastructure. Council has provided benefits in the form of

capital infrastructure to the University without any rating base, such as roads, footpaths, street signage, street furniture, bus shelters, stormwater management, street trees, parks, community facilities (libraries and halls) and town centre public domain improvement. It is therefore considered that the imposition of Section 94A contribution requirement on the subject proposal is appropriate and reasonable.

Furthermore, the provisions of Randwick Section 94A Development Contributions Plan have been consistently applied to applications relevant to the University and more specifically, the NIDA campus. These include, but are not limited to the following NIDA applications:

- **DA/908/2011** - Approved by Council's Planning Committee 10 April 2012.
- **DA/909/2011** - Determined under delegated authority on 11 January 2012;
- **DA/114/2011** - Determined under delegated authority on 9 May 2011;
- **DA/545/2007** - Determined under delegated authority on 4 September 2007.

Therefore, the imposition of Section 94A Development Contributions on the subject application is consistent with previous decisions of Council and is considered appropriate and reasonable. A condition has been recommended to this effect.

10. Environmental Assessment

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, as amended.

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Under the Draft RLEP 2012, the subject site is located within zone SP2 Infrastructure Zone which is consistent with the current Zone 5 (Special Uses) zoning for the site. The proposed development is not inconsistent with the relevant objectives, aims and provisions under the Draft RLEP 2012 with respect to building height and the proposed development is permissible.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the "Policy Control" section of this report above for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Environmental Planning and Assessment Regulation 2000 have been addressed by the recommended conditions.

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not assessed within the body of this report, are addressed below.</p> <p>The proposed development is consistent with the educational function of the locality, and is not considered to result in detrimental social or economic impacts.</p>
Section 79C(1)(c) – The suitability of the site for the development	The subject site is located within an established university campus and has convenient access to the local and regional road network. The site has appropriate size and dimensions and is considered to be suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	Submissions relating to the proposal have been considered – see further discussion above - Part 5.
Section 79C(1)(e) – The public interest	The proposed amendments to the approved plans will not result in any unreasonable environmental, social or economic impacts on the locality. Therefore, the development is considered to be in the public interest.

10.1. Site planning, height and setbacks:

The proposal will increase the height of the existing James Fairfax Foyer to approximately 14m however the proposed works will integrate successfully with the existing and desired character of the campus. Setbacks from the eastern and western edges of the NIDA facility are sufficient to ensure that the works will maintain the architectural integrity of the NIDA complex; and that they will not impose any unreasonable impacts on neighbouring dwellings with regard to perceived visual bulk and scale.

10.2. Landscape:

An existing avenue of Brushbox trees facing Anzac Parade will soften the visual appearance of the proposed works. Existing trees within the central courtyard of NIDA are also to be retained. Suitable conditions are recommended to ensure that any necessary pruning will not adversely affect existing trees and that trees are protected during building works.

10.3. Solar access

The submitted shadow diagrams are extracted below and demonstrate that the proposed works will not impose any unreasonable impact on neighbouring dwellings with regard to solar access or overshadowing.

The proposed breakout terrace is located to the south of the proposed building extension however is not intended as a focal congregation area for the student body as a whole. Consequently, the overshadowing of this area is considered to

be acceptable. It is noted that there will be no additional overshadowing of the existing central courtyard as a result of the proposed works.

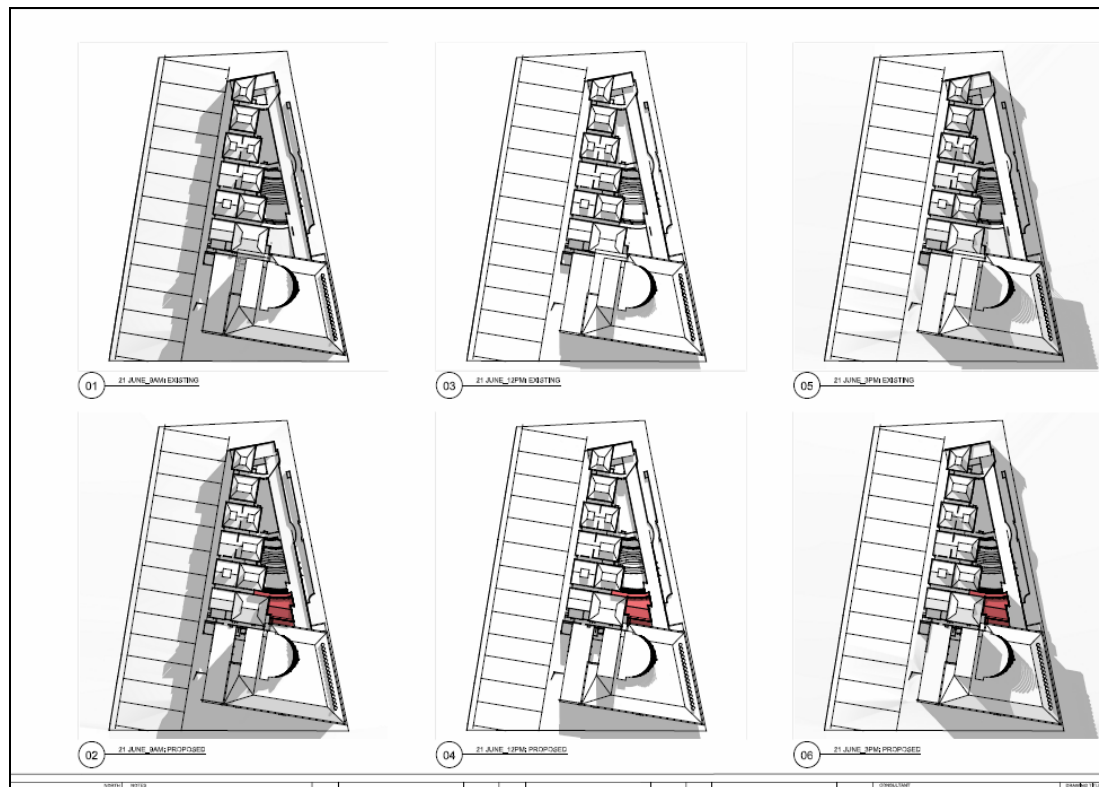


Figure 5: Shadow diagrams submitted with the application.

10.4. Amenity

Sun and Weather Protection:

The design scheme includes batten shading to the northern end of the extended balcony addressing the courtyard area which will maintain natural light access within the James Fairfax Foyer whilst providing adequate sun protection and weather protection within the foyer.

Ventilation:

The proposal maintains cross ventilation within the NIDA complex which will ensure that the resultant development does not rely exclusively on air conditioning for heating and cooling.

Sanitary facilities:

Existing sanitary facilities are to be retained and are considered adequate given that there is no proposal to increase the number of students and staff within the campus.

Relationship to City Plan

The relationship with the City Plan is as follows:

- Outcome: A vibrant and diverse community, leadership in sustainability, excellence in urban design and development, integrated transport and land use.
- Direction: Improved design and sustainability across all development, integrating transport and pedestrian links between town centres and key locations.

Conclusion

The proposed development complies with the objectives and performance requirements of relevant State and Local planning controls.

The built form and setbacks for the proposed extension to the James Fairfax Foyer will maintain a satisfactory outcome for the Anzac Parade streetscape and will ensure that the proposal does not impose any unreasonable impacts on the existing NIDA building with regard to perceived visual bulk and scale. The development will also not result in unreasonable impacts on the amenity of the surrounding residential areas in terms of visual bulk and scale, solar access, noise generation and traffic.

The proposal represents an economic and orderly use of the site and will deliver positive planning benefits. Therefore, the proposal is recommended for approval subject to conditions.

Recommendation

That the Joint Regional Planning Panel, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/633/2012 for alterations and additions to the existing James Fairfax Foyer within the NIDA premises including a new upper level addition, a new lift, a new mezzanine level and 4 new tutorial/rehearsal rooms, at No. 215 Anzac Parade, Kensington, subject to the following conditions:

Approved Plans & Supporting Documentation

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
DA-010 (Revision D)	Hassell	25 October 2012	25 October 2012
DA-100 (Revision F)	Hassell	25 October 2012	25 October 2012
DA-101 (Revision F)	Hassell	25 October 2012	25 October 2012
DA-102 (Revision H)	Hassell	25 October 2012	25 October 2012
DA-103 (Revision E)	Hassell	25 October 2012	25 October 2012
DA-151 (Revision F)	Hassell	25 October 2012	25 October 2012
DA-200 (Revision D)	Hassell	25 October 2012	25 October 2012
DA-201 (Revision D)	Hassell	25 October 2012	25 October 2012
5K (Revision A)	Taylor Thomson Whitting	22 October 2012	25 October 2012

External Colours, Materials & Finishes

- The colours, materials and finishes of the external surfaces are to be compatible with the existing building and adjacent development to

maintain the integrity and amenity of the building and the streetscape.

Environmental Amenity

3. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

Security Deposit

4. The following damage/civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

- \$2000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of a Crown Completion Certificate or on completion of the civil works.

Sydney Water Requirements

5. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to the commencement of works.

Section 94A Development Contributions

6. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$ 5,832,037, the following applicable monetary levy must be paid to Council: \$

58,320.37.

The levy must be paid in cash, bank cheque or by credit card prior to a Crown Completion Certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Long Service Levy Payments

7. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979, prior to a Crown Completion Certificate being issued for the proposed development.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

Building Code of Australia & Fire Safety

8. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
9. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements, to provide improved levels of fire and occupant safety in the building:
 - Fire safety and building upgrading works are to be implemented in accordance with the recommendations contained in the Building Code of Australia report prepared by GRS Building Reports Pty Ltd dated 21 September 2012.
10. The building and fire safety upgrading works must be included in the construction documentation and must be carried out prior to issuing of a Crown Completion Certificate for the development. Written correspondence must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

Access & Facilities

11. Access and/or facilities for people with disabilities must be provided to all new building work in accordance with any relevant provisions of the Building Code of Australia Disability (Access to Premises – Buildings) Standards 2010, to the satisfaction of the Certifying Authority.

Certification and Building Inspection Requirements

12. Prior to the commencement of any building works, the following requirements must be complied with:

- a) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Public Utilities

13. A Public Utility Impact Assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
14. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

Demolition Work & Removal of Asbestos Materials

15. Demolition work must be carried out in accordance with the following requirements:
 - a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to be developed and implemented to the satisfaction of the Principal Certifying Authority prior to commencing any demolition works.
 - a) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
 - A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro)
 - Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* & relevant Regulations
 - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
 - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council prior to issuing an Crown Completion Certificate.

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

Construction Noise & Vibration

16. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A *Construction Noise and Vibration Management Plan*, prepared in accordance with the DECC Construction Noise Guideline, by a suitably qualified person is to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the plan must be provided to the Council and the Certifying Authority prior to the commencement of site works.

Construction Site Management Plan

17. A Construction Site Management Plan must be developed and implemented throughout the site works. The construction site management plan must include the following measures, (as applicable):

- location and construction of temporary site fencing / hoardings;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- details of proposed sediment and erosion control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- location and size of waste containers/bulk bins;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details;
- provisions for temporary sanitary facilities.

A copy of the Construction Site Management Plan must be provided to the Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Tree Pruning

18. Permission is granted for the minimal and selective pruning of only those lower order branches from the southern aspects of the two (unidentified) deciduous, exotic trees that are growing in the enclosed, outdoor courtyard to the north of the James Fairfax Foyer, closest to the proposed works, only where they need to be pruned in order to avoid damage to the trees; or; interference with the proposed awning.
19. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Tree Protection Measures

20. In order to ensure retention of the group of 4 deciduous, exotic trees growing within the enclosed, outdoor courtyard, to the north of the James Fairfax Foyer, being one in each of the four corners in good health as has been shown, the following measures are to be undertaken:
- a. All plans must show their retention, with the position and diameter

of both their trunks and canopies to be clearly and accurately shown on all drawings in relation to the proposed works.

- b. Should this courtyard area need to be used for material storage, these four trees will need to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located at a setback of 1.5 metres, on all four sides (measured off the outside edge of their trunks at ground level), in order to completely enclose them for the duration of works.
- c. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".

NOTE: If this courtyard area is not to be used for material storage, then these protection measures will not be necessary.

- d. Any roots encountered during the course of the approved works must be cut cleanly by hand, with the affected area to be backfilled with clean site soil as soon as practically possible.

Permitted Working Hours

21. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> Monday to Friday - 7.00am to 5.00pm Saturday - 8.00am to 5.00pm Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 5.00pm Saturday - No work permitted Sunday & public holidays - No work permitted
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> Monday to Saturday - No time limits (subject to column 1) Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior

to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Construction Site Management

22. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times:

- a) A sign must be provided and maintained in a prominent position throughout the works, which contains the following details:
 - name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that “unauthorised entry to the work site is prohibited”.
- b) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- c) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- d) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council’s Building Services section.
- e) During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the *site management plan* which must be submitted to the Certifying Authority and Council prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the plan is to be maintained on-site and be made available to Council officers upon request.

- f) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual “Traffic Control at Work Sites” (Version 4), to the satisfaction of Council.

- g) A Road / Asset Opening application must be submitted to and be approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

All works within or upon the road reserve, footpath, nature strip or other public place are to be completed to the satisfaction of Council, prior to the issuing of a Crown Completion Certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

Sediment & Erosion Control

23. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the Construction Site Management Plan.

Public Safety & Site Management

24. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with, to the satisfaction of Council:

- a) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a 1.8m high temporary safety fence or hoarding is to be provided to protect the public.

Temporary site fencing or hoardings must be constructed of cyclone wire fencing or heavy-duty plywood (painted white), or other material approved by Council.

Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

If necessary, suitable barriers must be provided to prevent any articles or debris from falling and causing a danger to the public or building occupants.

- b) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- c) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- d) Site fencing, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council.

If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.

Crown Completion Certificate & Requirements

25. A Crown Completion Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent.

Council's Infrastructure, Vehicular Crossings, street verge

26. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
27. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an Crown Completion Certificate being issued for the development, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
28. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense.

Fire Safety Certificate Requirements

29. Prior to issuing an interim or final Crown Completion Certificate, a single and complete Fire Safety Certificate, encompassing all of the essential fire safety measures contained in the fire safety schedule must be obtained and be submitted to Council, in accordance with the provisions of the

Environmental Planning and Assessment Regulation 2000. The Fire Safety Certificate must be consistent with the Fire Safety Schedule which forms part of the Construction documentation.

A copy of the *Fire Safety Certificate* must be displayed in the building entrance/foyer at all times and a copy of the *Fire Safety Certificate* and *Fire Safety Schedule* must also be forwarded to Fire & Rescue NSW.

High-level Window Openings

30. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- Installing a fixed heavy-duty gauge metal screen over the opening (except in relation to an opening on the front or street elevation of the building) e.g. a metal security screen or metal security mesh and frame system, but not standard fly-screen material,
- Other appropriate effective safety measures or barrier.

The relevant measures must be provided prior to the issue of a Crown Completion Certificate.

Noise Control Requirements

31. The operation of plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment and Heritage (EPA) Noise Control Guidelines.

32. An Acoustic Report is required to be prepared by a suitably qualified and experienced consultant in Acoustics and be submitted to Council prior to the issue of a Crown Completion Certificate.

The acoustic assessment and report is to be completed in accordance with the NSW Environmental Protection Guidelines, including the *Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance)* and relevant Australian Standards and previous conditions of development consent.

The report is to include (but not be limited) to;

- Noise emissions from all plant and equipment within the subject

- development (e.g. air conditioning units, lift motors, etc);
- Noise emissions arising from the use and operation of the proposed development (including associated activities which may generate noise such as the use and operation of the breakout terrace);
- Noise emission into the proposed development from the surrounding environment;
- Road traffic noise intrusion (in accordance with the NSW Environmental Guidelines, *Environmental Criteria for Road Traffic Noise and AS3671*)
- Interior acoustic privacy (in accordance with Council's Development Control Plan);
- Aircraft noise intrusion (in accordance with *AS2021*).
- Relevant recommendations and appropriate noise mitigation measures to ensure compliance with the POEO Act; relevant noise criteria (from previous development consents); Guidelines for day time, evening time and night time periods.
- Recommended monitoring and compliance programs/validations to ensure compliance with the relevant criteria.

Fire Safety Statements

33. A single and complete Fire Safety Statement (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the Environmental Planning & Assessment Regulation 2000.

The *Fire Safety Statement* must be provided on an annual basis, each year following the issue of the *Fire Safety Certificate* and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

Waste Management

34. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Any trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Principal Certifying Authority and Council prior to commencing operation.

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

GENERAL ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

A1 NIDA has advised that a Master Plan is currently being prepared. Council would seek the finalisation of a Master Plan prior to the lodgement of future applications for the site.

A2 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards.

A4 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works

A5 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A6 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A7 A Local Approval application must be submitted to and be approved by

Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article in a public place.

For further information please contact Council's Building Approvals & Certification team on 9399 0944.

- A8 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
- A9 The applicant/owner is advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.
- A10 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A11 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.