

**JOINT REGIONAL PLANNING PANEL
(Region)**

JRPP No	2013SYE025
DA Number	DA/702/2012
Local Government Area	Randwick City Council
Proposed Development	DA/702/2012 – Removal of the existing "Block D" demountable classrooms at Emanuel School, construction of new part 4, part 5 level building adjacent to Chepstow Street with classrooms, multi purpose and performance spaces, replacement of portion of Chepstow Street boundary wall, landscaping and associated works at 20 Stanley Street, Randwick
Street Address	20 Stanley Street, RANDWICK NSW 2031
Applicant/Owner	The Emanuel School
Number of Submissions	6 objections and 14 letters of support
Recommendation	Approval
Report by	Wendy Wang, Environmental Planning Officer

Executive Summary

Council is in receipt of a development application proposing the removal of the existing "Block D" demountable classrooms at Emanuel School, construction of new part 4, part 5 level building adjacent to Chepstow Street with classrooms, multi purpose and performance spaces, replacement of portion of Chepstow Street boundary wall, landscaping and associated site works.

The application is referred to the Joint Regional Planning Panel for determination pursuant to clause Schedule 4A, Clause 6 of the Environmental Planning and Assessment Act, 1979 as the project relates to an educational facility with a capital investment value of more than \$5 million.

The proposal is permissible under the Randwick Local Environmental Plan 1998 (Consolidation). The Randwick Local Environmental Plan 2012 was gazetted on 15 February 2013. Clause 1.8A of the RLEP 2012 requires that a development application lodged but not finally determined prior to the appointed day will continue to be assessed and determined under the provisions of the Randwick Local Environmental Plan 1998 (Consolidation) that was in force immediately before the commencement of this plan. The subject application was lodged on 1

November 2012, and is therefore subject to the savings provision. Further, when determining an application to which this clause applies, the consent authority must have regard to the provisions of this plan as if it had been exhibited under the Act but had not been made.

The proposal was the subject of a prelodgement meeting (PL/44/2012) held between the applicants and Council Officers on 27 September 2012. At the time, the applicant was advised that the proposal appeared to generally accord with the Stage 1 Master Plan (DA/181/2009) approved 8 February 2011 for the site in so far as the 12m “potential” building height envelope, concerns were raised in relation to potential impacts of the proposed building on views to the heritage items and the loss of existing landscape elements resulting from significant changes to ground level. These issues have since been discussed with Council and the Heritage Branch and resolved for formal DA submission.

17 conditions of consent were applied to the Stage 1 Masterplan approval relating to matters including (but not limited to) heritage, traffic management, staging plan, utility assessment, waste and drainage plans, landscape plans, and specific Block D controls.

Significant to the redevelopment of Block D, conditions 7 and 8 required any future development proposal to be accompanied by:

- Shadow diagrams, showing existing and future shadow lines at 9:00am, 12 noon and 3:00 pm on 21 June.
- A sustainable building report.
- View loss analysis.

Further, condition 11 required the preparation and submission of a comprehensive Traffic Management Plan (TMP) with any development application.

These documents have been provided as part of the current development proposal and have been assessed accordingly in the relevant sections of this report.

A total of 6 objections and 14 letters of support were received in response to the notification and advertising of the DA. The objections raise concerns including parking and traffic, vehicular and pedestrian access to the site, works affecting the Chepstow Street wall, lack of information in the DA plans and form, removal of trees, noise and disturbance from students, and noise and disturbance during construction. Refer to section 5 of this report for detailed discussion of the matters raised in the submissions.

A key issue was identified during the assessment of the proposal relating to the establishment and use of the proposed 220 capacity performance space within the new Block D development on existing parking/traffic conditions in the area. Although the application indicates that there is to be no increase in staff or student numbers, as the performance space was not included within the Stage 1 development application, concerns have previously been raised by Council that

the creation of the 220 seat in conjunction with use of the existing performance spaces on the site has the potential to increase the demand for on-street parking, for which the implications were not considered as part of the assessment for the Stage 1 Masterplan. The school has since provided additional information to Council addressing these issues and further indicated that the intention of the new performance space is to provide an alternative venue for existing events and does not seek to increase the combined peak capacity of the existing and proposed performance spaces. Accordingly, a suitable condition has been included within the recommendation to require the submission of an Operational Plan of Management to Council for approval for the performance spaces within the school prior to occupation of the development. The plan is required to demonstrate that the use of the new performance space within Block D in combination with the Multi Purpose Hall (MPH) and Performing Arts Centre (PAC) does not increase the peak capacity of the combined performance spaces beyond existing levels.

Subject to compliance with this condition of consent, the proposal and supporting/supplementary information is considered to satisfied Council's requirements in relation to traffic and parking generation and does not contravene the overall objectives of the Masterplan or Council's DCP – Parking.

The proposal is an "integrated development" as the proposed development involves alterations to a listed Heritage Item and is an integrated development in accordance with Section 91A of the Environmental Planning and Assessment Act 1979 and requires heritage approval from the Heritage Branch under the Heritage Act 1977. Accordingly, the proposal was referred to the Heritage Council of New South Wales for approval, and notified and advertised in accordance with the EP&A Act 1979 (as amended). The General Terms of Approval for the proposed development have been received from the Heritage Branch and pursuant to Clause 70(1)(a) – 'Notification of general terms of approval' as outlined by the Environmental Planning and Assessment Regulation 2000, the application is recommended for approval and copies of all submissions received, as well as a copy the determination will be forwarded to the Heritage Council of NSW, as the approval body.

Site description and locality

The subject site

The site is formally described as Lot 1 and Lot 2 in Deposited Plan 709332 and is trapezoidal in shape with boundaries to Avoca Street, Stanley Street, Chepstow Street and the Randwick Peace Park and a site area of 1.471 hectares. The dimension and land area of the site are summarised in the table below:

Boundary	Length	Site Area
Northern, Stephen Street boundary	67.57m	
Southern, Stanley Street boundary	101.425m	
Eastern, Avoca Street boundary	176.875m	
Western, Chepstow Street boundary	175.595m	
		1.471 Ha

The Emanuel School site is listed on the State Heritage Register and is located within the Centennial Park Heritage Conservation Area identified under clause 43 of the *Randwick Local Environmental Plan 1998 (Consolidation)*. This area encompasses Centennial Park and a small pocket of largely residential land bound generally by Govett Lane, Tramway Lane, Stephen Lane and Stanley Street to the south and Avoca Street to the east.

The site has a sloping topography of with a difference of up to 20m from a high point near Aston Lodge (RL80.7 AHD) to low point at Chepstow Street adjoining the Randwick Peace Park (RL58.36 AHD), over a horizontal distance of nearly 200 metres.

'Block D' site which is the subject of this development application is located immediately to the east of the Chepstow Street site boundary and approximately 70m north of Stanley Street.

The Block D site falls just over 2 metres from a high point of RL 76.60 AHD to the south of the existing building to a low point of RL72.33 AHD to the north of the existing building. Whilst there is little change in levels on an east-west axis within the Block D site, the elevation rises significantly to the east to the Novitiate and Chapel buildings. Immediately to the west of the existing boundary wall, the terrain falls steeply to Chepstow Street.

The school comprises eleven principal buildings, comprising a mix of new and heritage structures and the site also contains basketball courts and car parking. There are two main vehicle entry points and two principal pedestrian access and service entry points to the site with the main gate for pedestrian access located at the corner of Stanley and Avoca Streets. Heritage items on the site are: Aston Lodge, Little Sisters of the Poor Novitiate and the Little Sisters of the Poor Chapel. The Little Sisters of the Poor Catholic Church, Nunnery, Aged Care facility and primary school are located on the opposite side of Avoca Street.

A number of more recent constructions surround the heritage-listed buildings to the south, west and north, including the two-storey demountable classroom structures known as 'Block D' (to the west of the Chapel), which is the subject of this DA, and 'Block X' (to the north of the Novitiate). Purpose-built educational buildings located within the site include the recently constructed 'Science Block' building that is located immediately to the north of Block D and is a three-storey building of brick and precast concrete.

The existing Chepstow Street site boundary wall was constructed c.1929, and forms part of a perimeter wall that surrounds the school. The boundary wall has been reconstructed in several portions as development has occurred throughout the school; however the portion adjacent to the proposed Block D redevelopment site appears to be the original.



Surrounding locality

Development surrounding the site is predominately residential in character with a mixture of dwelling houses and low-rise residential flat buildings. The key interface between the Block D site and surrounding land is along the Emanuel School's Chepstow Street site boundary. Block D site is immediately opposite Numbers 12, 14, 16 and 18 Chepstow Street which are shown in the table below.

Development along the western side of Chepstow Street to the south of No.14 is characterised by 2-4 storey residential flat buildings addressing Chepstow Street.

Development including and to the north of No.14 Chepstow Street is generally characterised by 1-2 storey detached dwelling houses of brick construction. Dwellings are typically setback from the street by 4-6 metres with landscaped front gardens; however, a number of garages are also constructed to the street boundary.

Immediately to the north of the Block D site within the Emanuel School is the recently constructed Science Block and multi-purpose hall which reads as a 3-4 storey building when viewed from Chepstow Street.

Photo1 : Photographs of the site and surrounds

1. View to existing 'Block D' demountables (shown on left) from the south



2. View to existing 'Block D' demountables from the north-east



3. View to 'Block D' demountable (right), Bull Bay Magnolia tree and Arts Building (rear)



4. View to the north of (from left to right) Block D demountable, science learning centre, Brender Moss building and Aron Kleinleher performing arts centre



5. View of Chepstow Street wall with science centre in back ground (shown on left) and trees to be removed.



6. View of Chepstow Street wall with Brender Moss building.



7. No.14 (right) and 16 (left) Chepstow Street opposite the subject site

8. No. 18 (right) and No.20 (left) Chepstow Street immediately opposite the subject site



9. View along Chepstow Street looking north



10. Emanuel School Science Block (north of subject site) viewed from Chepstow Street



Site and application history

3.1 Site history

DA/416/1989	Construction of gym/ classroom wing approved 14/4/90
DA/55/1994	Construction of multi-purpose hall/classrooms approved 9/5/94
DA/475/1996	Internal alterations to Brender Moss building, approved 5/12/96
DA/257/1998	Construction of Preschool with 60 children aged between 3 and 5, approved 20/3/98
DA/853/1999	Construction of shade structures for Preschool, approved 25/11/99
DA/1623/1999	Relocation of demountable classrooms on to site, approved 3/2/00
DA/958/2000	Relocation of demountable classrooms on to site, approved 30/11/00
DA/1067/2001	Construction of storage room, approved 11/4/02
DA/311/2002	Demolition of outhouse, approved 20/6/02
DA/1223/2002	Reinstate masonry wall on northern boundary, approved 1/10/03
DA/698/2006	Extension of Preschool, approved 31/10/06
DA/889/2007	Removal of four existing demountable classrooms and

	placement of two storey demountable building with 8 classrooms on the site, approved 23/1/08
DA/608/2008	Construction of new northern boundary wall, approved 5/12/08
DA/657/2008	Construction of temporary fence on Avoca Street frontage, approved 5/12/08
DA/874/2008	Construction of single storey learning centre, approved 5/6/09
DA/891/2008	Construction of 3 storey building adjacent to Chepstow Street frontage, approved 12/5/09
DA/925/2008	Erection of 2 shade structures over existing outdoor seating areas approved 6/4/09.
DA/181/2009	Stage 1 Concept Application for building envelopes and school uses approved 8/2/11
DA/514/2010	Construction of permanent fence on Avoca Street frontage, approved 23/9/10
DA/487/2011	Construction of an elevated deck with store and music practice rooms below, adjacent to the northern edge of an existing sports court and new concrete path, steps and landing at the western end of the storeroom withdrawn 17/10/11
DA/458/2012	Construction of a two level addition to the existing multi-purpose hall containing 4 music rooms and a rehearsal room with new decking and courtyard area adjacent to hall approved 5/3/13

3.1 Application history

The subject application was lodged on 1 November 2012 and notified to surrounding properties as integrated development from 14 November 2012 – 14 December 2012. Accordingly, the plans and supporting documentation were also referred to the Heritage Council of NSW, Council's Building Health and Building officers, Heritage Planner, and Development Engineers for comment.

Council's Development Engineers (in correspondence dated 11 December 2012) requested that the applicant provide additional information with regard to the proposed use and operation of the proposed 220 capacity performance space as the proposal has the potential to increase traffic and parking impacts to the surrounding area. The theatre was not indicated on plans or documentation submitted for the original Stage 1 Masterplan under DA/181/2009 and its potential traffic and parking implications were not considered as part of the previous assessment.

Following further extensive consultation (emails and letters dated from 11 January 2013 - 22 February 2013) between the Applicants and Council Officers in relation to the parking and traffic implications of the proposal. A final information request was made to the applicants on 4 April 2013 following which a draft response was received by Council on 12 April 2013, and a final Parking and Traffic Assessment (dated 18 April 2013) was received by Council on 18 April 2013 and is the subject of the current assessment

A site meeting between Council's Assessment Officer and Heritage Planner, Heritage Officer from the Heritage Branch, and the applicants was held on 11

December 2012. Subsequently, a letter dated 19 December 2012 was received on 20 December 2012 from the Heritage Branch requesting additional information from the applicants with regard to the following matters: -

- The application has not adequately demonstrated that every effort has been taken to canvas options to retain and improve the health and growth prospects of the Bull Bay Magnolia tree adjacent to the Block D classrooms proposed for removal. Further investigation must be undertaken on the above matter (with all options explored and rejected) and that assessment then be submitted to the Heritage Branch.

The tree has been identified as having significance within the *Conservation Management Plan for the Grounds of Emanuel School* prepared by Mayne-Wilson & Associates, dated September 2002 and the *Emanuel School Concept Site Development Plan* (Masterplan) prepared by Baker Kavanagh Architects 2011.

- The Heritage Branch requests that the applicant explores options to retain as much of the original wall as possible, with the minimum amount demolished for construction access only. Achievement of security measures could be undertaken through reinforcement to the inside face of the existing brickwork (similar to that proposed on the south-western corner of Chepstow and Stanley Streets). Opportunities for reusing salvaged brick from sections of wall to be demolished should be discussed.
- Architectural drawings be provided to clarify the extent of the wall demolition and the detailing of the new works (i.e. site plan, internal and external elevations, sections, and materials and finishes).

Subsequently, additional information addressing the above matters was provided to the Heritage Branch for assessment on 22 December 2012 and 20 March 2013. The information was assessed by the Heritage Branch as being satisfactory in relation to these concerns and GTAs were issued on 9 April 2013.

The proposed development

The subject application seeks consent for the following development:

- Removal of existing 'Block D' demountable classrooms;
- Erection of a new part-four (4), part-five (5) storey building with new classrooms, multi-purpose and performance spaces (Block D);
- Replacement of existing brick boundary wall to Chepstow Street adjacent to Block D to match previously reconstructed segments of the wall;
- Associated landscaping works, tree removal and tree replacement; and
- Extension of physical infrastructure and services as required.

The proposed 'Block D' development will incorporate eight new classrooms, two purpose-built art rooms, a multi-purpose learning space, 220-seat performance space, breakout spaces, staff offices and a new gymnasium.

The proposed building has a maximum height above natural ground level of 11.2m. Due to the natural slope of the site, the proposed building sits only 7.8m above natural ground level at its southern end.

The new Block D building also features two terraced landscape areas to the east of the proposed building which will be connected by a new stair case which also provides access to the upper and lower levels of Block D.

The upper landscaped terrace of Block D will connect directly to the space between the Chapel and Novitiate buildings whilst the lower landscaped terrace will provide covered recreation space for students.

The existing boundary wall is required to be demolished in order to provide access to the site for works and reconstructed in a style which is consistent with the previously approved replacement of the Chepstow Street boundary wall adjacent to the science block.

No new vehicular or pedestrian access will be provided to the site under the proposed development. Pedestrian access to Block D will be provided from the existing pedestrian entry points to the school via the internal site circulation areas.

Temporary vehicular access is also proposed from Chepstow Street for the construction phase through the demolished section of boundary wall. The temporary access point will be restored with new landscaping at the completion of works.

The application also seeks to remove and replace two trees identified in the accompanying Arboricultural Impact Assessment, being:

- Tree 2 – Willow Myrtle located west of boundary wall; and
- Tree 4 – Bull Bay Magnolia located south of Block D.

The proposed building will provide four full levels and one part-level (the Lower Ground performance space) with a total gross floor area of 1,389m², thereby providing enough learning space to permit the current removal of both the 'Block D' demountable classrooms and the future removal of the 'Block X' demountable classrooms (which are located to the north of the Novitiate building). The proposed Block D will read as part 2, part 3 storey building when viewed from both the public domain and from within the school, as the ground and lower ground floors be excavated below existing ground level.

A detailed breakdown of the proposed uses by level is provided below:

- Lower Ground – 170m²
 - Main performance space
 - Two unisex toilets

- Break-through link to Science Building car park
- Ground – 533m²
 - Performance space audience seating
 - Gymnasium
 - Multi-purpose learning centre
 - Communications room
 - Breakout spaces
 - Male and female change rooms and toilets
- Level 1 – 411m²
 - Classrooms (bi-fold dividing walls allow configuration as two, three or four rooms)
 - Breakout spaces
 - Flexi-space and forecourt area
 - Male, female and accessible toilets
 - Staff offices
- Level 2 – 306m²
 - Classrooms (bi-fold dividing walls allow configuration as two, three or four rooms)
 - Breakout spaces
- Level 3 – 289m²
 - Two purpose-built art rooms
 - Ceramics and kiln rooms
 - Breakout space
 - Media room
 - Staff office

Notification/advertising

The subject application was advertised and notified as integrated development from 14 November 2012 – 14 December 2012 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans and the EPA Act 1979.

Council has received a total of 6 objections and 14 letters of support in response to the notification/advertising of the DA.

5.1 Objections

6 objections from following properties were received

- PO Box 1331, Randwick NSW 2031
- 8 Chepstow Street, Randwick NSW 2031
- 10 Chepstow Street, Randwick NSW 2031
- 2 Chepstow Street, Randwick NSW 2031

- 28 Stephen Street, Randwick NSW 2031
- 8/22 Cliffbrook Street, Manly NSW 2095

raising the following issues (issues have been grouped to avoid repetition): -

- **A condition of consent should be imposed to require the demolition of Block X prior to occupation of the proposed building so that student numbers remain unchanged**

The subject proposal aims to improve the teaching facilities for the existing school and does not seek to increase the number of pupils in attendance or staff numbers. However, to ensure that the proposal maintains consistency with the Stage 1 Masterplan approval, a suitable condition has been imposed requiring the demolition of the Block X demountable classrooms within 12 months of final occupation of the Block D development.

The cumulative intensity of use and development impacts associated with any future building works on the site have been assessed under the Stage 1 Development Application (DA/181/2009) and considered as part of the adopted Masterplan for the site.

- **The brick Chepstow Street wall should be retained and not be reconstructed**

The Heritage Office of NSW has, in a letter dated 19 December 2012, requested that the applicant explore options to retain as much of the original wall as possible and opportunities for reusing salvaged brick from sections of wall to be demolished be discussed.

Further, it was requested that detailed architectural drawings be provided to clarify the extent of the wall demolition and the detailing of the new works (i.e. site plan, internal and external elevations, sections, and materials and finishes).

The applicant has provided the requested information to the satisfaction of the Heritage Office in written correspondence dated 20 March 2013. The supplementary information has been assessed by the Heritage Office of NSW and no objections were raised. The proposed demolition and reconstruction of a section of the Chepstow Street wall is considered to reasonably integrate with the existing sections of the boundary wall without compromising the visual integrity and heritage significance of the structure.

- **Residents express strong opposition to a new pedestrian entrance from Chepstow Street**

The main entrance to the school is through the entrance at the corner of Stanley and Avoca Streets. Pedestrian access to Block D will be provided from the existing pedestrian entry points to the school via the internal site circulation areas and no new vehicular or pedestrian access will be provided to the site under the proposed development.

A new fire escape door for pedestrian access in emergencies is proposed to be constructed adjacent to the new Block D to the Chepstow Street frontage of the site. A suitable condition of consent has been imposed to ensure that this door is not to be used for general access purposes.

- **Any proposed changes to the public street verge is not supported due to safety and aesthetic reasons**

No changes are proposed to the public street verge, which is to be reinstated to its original condition post construction phase.

- **All construction works should be contained within the boundaries of the site to minimise disturbance to surrounding residents**

Access to the site during construction will be provided directly from Chepstow Street entering onto the ground floor platform with ramping used within the site to access the lower ground floor level during construction until the ground floor is constructed.

The section of the grassed Council verge (which currently does not have a footpath for pedestrian use as there is a footpath available along the western side of Chepstow Street) along the western edge of the Block D construction site/zone will be enclosed with appropriate site fencing.

Site access points are also proposed to be signposted during demolition and excavation stage. During construction, a crane is proposed to be located within the construction zone on Chepstow Street to service the site with deliveries, parking, concrete pumps and trucks as well as a mobile crane.

A detailed construction management plan has been submitted to, as assessed by Council and appropriate conditions of consent have been included in the recommendations to address construction site management issues, such as construction noise emission, construction traffic management, location of stock piled material or the storage and disposal of excavated materials, sediment and erosion control, public safety and perimeter safety fencing.

- **The proposal will result in loss of trees on and around the site**

The proposal has been assessed by the Heritage Council of NSW, Council's Development Engineer and Coordinator - Tree Management. No objections have been raised to the proposed works. Detailed referral comments are extracted in section 6 of this report. Suitable conditions have been imposed to address issues relating to landscaping and tree protection measure.

- **Parts of the proposed building above the height of the Chepstow Street boundary wall should have enclosed stairwells to minimise noise from students (as the science building currently has open stairwells)**

No external stairwells are proposed. The proposal will not result in significant additional noise emission that detrimentally impacts on the surrounding residents as the number of students and staff are not proposed to be increased. Refer to the "Environmental Assessment" section of this report for details.

- **Noise and debris from construction zones (approved and proposed) will have a detrimental impact upon the amenity of surrounding residents**
- **Proposed construction times are excessive and should be limited to week days only**

There are provisions under the Protection of the Environment Operation Act 1997 that protect the amenity of residents in relation to noise and vibration issues. Appropriate conditions have been included in the recommendation to ensure the noise and vibration emissions during the construction of the building and associated site works are carried out within the permitted hours and must not result in an unreasonable loss of amenity to nearby residents.

- **Construction works and equipment may damage adjoining development**

Standard conditions are applied to ensure that construction work on the subject site will not result in adverse impacts to the health and amenity of residents in the surrounding dwellings. Works are subject to compliance with the Building Code of Australia and other policies with regard to construction noise, hours, waste management and minimising dust and debris.

- **The accompanying application form does not appropriately nominate the proposed works as being a change of use and carry out earthworks. The political donations and gifts section has not been completed and no declarations made.**

An amended application form has been received by Council clearly indicating that no reportable political gifts or donations have been made within the past 2 years.

The proposal does not involve a change of use to the existing educational establishment on the subject site. Additionally the earthworks option in the development application form refers to earthworks near the foreshore/watercourse and on public roads. The bulk earthworks are located wholly within the site and not within 40m of a watercourse. As such, these items are not required to be ticked.

Council officers have undertaken their own analysis of the site and application and have not relied solely upon the information provided by the applicant in the assessment of the application.

- **The building is insufficiently detailed in the plans**

The submitted plans and accompanying supporting documentation is considered to be adequately detailed to allow for a full and proper assessment of the proposal.

- **Construction access should not be via Chepstow Street. The application fails to demonstrate why the Chepstow Street location is the most appropriate location for construction traffic**
- **The proposal will further exacerbate parking and traffic congestion in the area during construction**

Appropriate conditions have been imposed requiring the submission of a detailed Construction Site Traffic Management Plan for approval by Council, prior to

commencement of any site work to ensure that safety and amenity for surrounding properties and traffic is maintained at all times.

The proposal does not seek to increase the number of students or staff within the school and it is unlikely that the replacement of the existing Block D demountable classrooms with permanent classrooms will result in any significant increase in parking/traffic pressure in the immediate area. However, Council raised concerns regarding the establishment and use of the proposed 220 capacity performance space within the new Block D development which was not indicated for provision during the Stage 1 development application.

The school has since provided additional information to Council addressing these issues and further indicated that the intention of the new performance space is to provide an alternative venue for existing events and does not seek to increase the combined peak capacity of the existing and proposed performance spaces.

Accordingly, a suitable condition has been included within the recommendation to require the submission of an Operational Plan of Management to Council for approval for the performance spaces within the school prior to occupation of the development. Subject to compliance with this condition of consent, the proposal and supporting/supplementary information is considered to satisfy Council's requirements in relation to traffic and parking generation and does not contravene the overall objectives of the Masterplan or Council's DCP – Parking.

For detailed discussion of parking and traffic implications as a result of the proposed development, refer to sections 6.1 and 8.1 of this report.

5.2 Letters of support

The letters of support were received from the residents of

- 135 Clovelly Road, Randwick NSW 2031
- 1/1 Dutruc St, Randwick NSW 2031
- 23 Avoca St, Randwick NSW 2031
- 23 Avoca St, Randwick NSW 2031
- 97 Clovelly Road, Randwick NSW 2031
- 69 Market Street, Randwick NSW 2031
- 165 Darley Road, Randwick NSW 2031
- 165 Darley Road, Randwick NSW 2031
- 20 Hunter Street, Dover Heights NSW 2030
- 12 Spencer St, Rose Bay, NSW 2029
- 48 Market Street, Randwick NSW 2031
- 2 Fraser Street, Randwick NSW 2031
- 8 Astolat Street, Randwick, NSW 2031

outlining the following points: -

- The proposal enables removal of the demountable currently occupying the site

- Allows more play space to be provided for our children on an otherwise constrained site
- Facilitates some leveling of the existing steep pathways, making access across the campus easier
- Respectfully showcases the existing heritage buildings, and continues the school's policy of considerably adapting and re-using heritage assets
- The new building does not include parking out of respect for the school's Chepstow Street neighbours

Comment: Noted

Technical officer and external comments

The application has been referred to the relevant technical officers, including where necessary external bodies and the following comments have been provided:-

6.1 Development Engineers comment

The development application was referred to Council's Development Engineering Department primarily in relation to stormwater drainage and landscaping. No objection is raised to the proposed development subject to conditions of consent. The comments are detailed below:

An application has been received for removal of existing "Block D" demountable classrooms at Emanuel School, construction of new part 4, part 5 level building adjacent to Chepstow Street with classrooms, multi purpose and performance spaces, replacement of portion of Chepstow Street boundary wall, landscaping and associated works (Heritage Item; consent is also required from NSW Department of Environment & Heritage) at the above site.

This report is based on the following plans and documentation:

- *Architectural Plans by Baker Kavanagh dated 25 October 2012;*
- *Statement of Environmental Effects by JBA dated October 2012*
- *Detail & Level Survey by Denny Linker & Co.*
- *Additional Parking and Traffic Assessment dated 18 April 2013.*

Parking Comments

There is no proposed increase in staff or student numbers however concerns have previously been raised by the Development Engineer that the creation of the 220 seat in conjunction with use of the existing performance spaces on the site has the potential to increase the demand for on-street parking. Concern was also raised that the proposed 220 seat theatre was not proposed as part of the original Masterplan for the site approved under DA/181/2009 and so the traffic and parking implications of the theatre were not considered as part of the assessment for the Stage 1 Masterplan.

There was not sufficient information submitted with the present application to assess the traffic and parking impacts and additional information in regards to the use of the various performance spaces was requested in email dated 11th December with further information request in memo dated 18th February 2013.

In response, the applicant has submitted detailed information on the use of the existing performance spaces and proposed use of the 220 seat theatre.

Existing Situation

The Emanuel School currently has two main spaces which are capable of hosting performances being the Multi Purpose hall (MPH) with a capacity of 600 people and the Performing arts Centre (PAC) with a capacity of 120 people.

The MPH is used for large assemblies and performances with seating also capable of being expanded into the adjacent basket ball court. The report states that 1300 people recently attended the schools 25th anniversary celebration. Due to the size of the theatre medium sized performances are not ideal as the space is “too big”. The MPH was approved in 1994 with 12 carspaces provided (for staff) in an adjacent carpark. These were relocated underground in conjunction with the construction of the adjacent Science Block which was approved by Council in 2008. A copy of the traffic & parking assessment for the science building is provided as attachment B in the current study.

The PAC has a stage but no permanent seating and can accommodate temporary seating to 120 people. Due to the theatre’s small size medium sized performances are forced to perform in the MPH.

The report states that in 2012 the MPH was used approximately 30 times while the PAC was used 22 times with simultaneous use occurring on 5 occasions. The school also makes their facilities available for community use approximately 3 times a year

The school currently uses the newsletter to direct students and parents to park in Market Street and Avoca Street for day time and evening events.

Proposed development of 220 seat theatre

The proposed 220 seat theatre with fixed seating is intended to provide a suitable intermediate facility which is capable of many of the performances currently performed in the PAC and MPH. The report states that;

“The school does not envisage that the use of the Block D performance space will intensify its evening performance schedule in any way”

The school intends to use the space to accommodate existing evening events rather than to expand peak capacity. It is important to note the school is not seeking to increase staff or student numbers as part of this application.

Parking Survey

In further support of the proposal the applicant has also supplied data from a 2011 parking study showing there are 388 spaces in close proximity to the site. On the night of the survey there was a single event underway being a Yr 9 parent teacher meeting.

The survey indicated that there were 150-200 spaces were available/

The report conclusions include;

- *The proposed Block D performance space will not generate any additional performances or additional patrons (i.e. it will accommodate existing events generated by the curriculum of the unaltered student population) and will therefore not increase the demand for on-street parking.*
- *The simultaneous use of the Block D performance space (220 seats) within the context of the existing operation of the PAC and the MPH (600 seats) will not result in any substantial impact on street parking demands as it is unlikely that the capacity in all three venues would ever be fully occupied under the schools 725 student cap.*

Development Engineer's assessment

The submission of the additional information has generally satisfied the concerns of the Development Engineer and based on the submitted information Development Engineering will not object to the provision of the 220 seat theatre.

It should be noted however that a favorable assessment is heavily reliant on the stated future intended use of the 220 seat theatre being accurate and in accordance with the information provided. If the intended use of the 220 seat is ever proposed to expand peak capacity rather than to accommodate existing evening events, this would be of concern to Development Engineering. Accordingly, a suitable condition has been included within the recommendation to require the submission of an Operational Plan of Management to Council for approval for the performance spaces within the school prior to occupation of the development. The plan is required to demonstrate that the use of the new performance space within Block D in combination with the Multi Purpose Hall (MPH) and Performing Arts Centre (PAC) does not increase the peak capacity of the combined performance spaces beyond existing levels.

Drainage Comments

On site stormwater detention is required for this development.

The concept drainage plans indicate drainage is to be discharged to the existing stormwater detention tank within the site. The tank has likely not been designed to accommodate additional inflow into the tank and comply with Council's storage up to the requirements.

The Planning Officer is advised that the submitted drainage plans should not be approved in conjunction with the DA, rather, the Development Engineer has included a number of conditions in this memo that relate to drainage design requirements. The applicant is required to submit detailed drainage plans to the certifying authority for approval prior to the issuing of a construction certificate.

Geotechnical Comments

The Geotechnical report indicates that seepage water is likely to be present on the site especially during periods of wet weather. All basement structures are therefore to be adequately tanked and water proofed with adequate provision for

the seepage water to drain around the structure to ensure it does not dam or affect the movement of groundwater through the development site. Certification will also be required prior to the issuing of an occupation certificate. Appropriate conditions have been included in this report.

Landscape Comments

Along the length of Council's Chepstow Street verge, there is a row of trees that are an established element in this streetscape, and comprise from the southern edge of the proposed works, a small, recently planted *Cupaniopsis anacardioides* (Tuckeroo), an 8m tall *Banksia integrifolia* (Saw Toothed Banksia, Tree 3 in the Arborists Report), followed by two *Olea europaea* subsp. *Africana* (Wild Olives), both of around 5 metres in height, which while will all remain unaffected by the works, will still require minimal protection measures as a precaution, with relevant conditions provided.

Further to their north, there is a large and mature *Agonis flexuosa* (Willow Myrtle, Tree 2), of 10m x 10m, with an immense DBH of 1600mm, whose canopy encroaches partially into the site, as well as over Chepstow Street, and while covered by the TPO due to its location on public property, appears only in fair health and poor condition due to the presence of past damage, decay and senescence.

Despite the presence of the existing brick boundary wall/fence, as well as structures within the site which may have acted as a physical barrier to prevent root growth, the Arborists Report has identified that the new works will be offset only 3.2m from this tree, which will result in a major encroachment (29.9%) of both its TPZ & SRZ.

A re-design would not allow construction to proceed whilst still retaining the tree, and given its unsafe condition, short life expectancy, and the presence of other trees to its north and south, which will minimise any visual impact on the streetscape, its removal is supported, but will be at the applicant's cost, with a loss of amenity not imposed for the reasons outlined above. Council's coordinator - Tree Management supported this recommendation in an email dated 25 February 2013.

Proceeding further north there is another Wild Olive which will remain unaffected, then another mature 10m x 10m *Agonis flexuosa* (Willow Myrtle, Tree 1), adjacent the existing vehicle crossing, which despite also being in poor condition, will only have a 1% encroachment of its TPZ given the works are sited some 12.5m away, so will remain unaffected by these works. For this reason, removal at the applicant's cost could not be justified, so relevant protection conditions have been applied.

Within the site, in an area where fill appears to have been imported and the original soil levels raised, there is a mature and significant *Magnolia grandiflora* (Bull Bay Magnolia, Tree 4) of 12m x 12m which is covered by the provisions of Council's TPO, appeared in fair health and condition, and is visible from Chepstow Street.

A 1.6m high retaining wall has been constructed immediately to the north and east of its trunk, which has drastically restricted its natural root development, which affects its ongoing stability, and as the new building is shown as encroaching significantly (24.4%) into its TPZ, at an offset of only 2.9m, consent has been granted for its removal, on the basis that an advanced replacement of the same species is provided in its place in this same area of the site, as has been shown on the submitted Landscape Plan, sheet L-03.

To its east, in an area enclosed by concrete footpaths and paving, with a sandstone block garden wall just to its north, there is a mature Schinus terebinthifolius (Brazilian Pepper Tree, Tree 5) that measures 12m x 12m, is covered by the TPO, and is considered a rare species, and significant as a landscape feature in the context of the school grounds due to its gnarled trunk and branches.

The new building will be setback 6.6m from this tree, representing a TPZ encroachment of 13.5%, with more than 10% considered major by AS 4970-2009, so must be mitigated by improvements or increased setbacks elsewhere.

The Arborist has identified this tree as being suitable for retention, and has stated that the building design was modified during the earlier stages to reduce the extent of encroachment, with specific measures imposed as conditions in this report so as to minimise impacts during construction, including the use of contiguous piers, hand-dug trenches, and periodic inspections by the Arborist, with trunk and branch protection also required as the TPZ fencing could not completely exclude this tree from the works due to its location.

The submitted landscape scheme shows an increase in planted material that will enhance the appearance of the works and the school, so must be implemented as part of any approval.

Should the application be approved the appropriate nominated conditions shall apply.

6.2 Building Services and Environmental Health Comments

The development application was referred to Council's Building Services and Environmental Health sections. No objection is raised to the proposed development subject to conditions of consent.

6.3 Heritage Planner

The development application was referred to Council's Heritage Planner for assessment. No objection is raised to the proposed development subject to conditions of consent.

Heritage comments

The Emanuel School site is listed as a heritage item under Randwick LEP 1998 and is occupied by three heritage items, "Aston Lodge", and the former Little Sisters of the Poor Chapel and Novitiate. The site is also within the North

Randwick Heritage Conservation Area. The Randwick Heritage Study Inventory Sheet for the Novitiate notes that the building was constructed in 1936 and “dominates the local townscape despite the surrounding brick wall. Considerable historical interest and essentially unaltered. A good example of its period.” The Randwick Heritage Study Inventory Sheet for the Chapel notes that it was built in 1921 and is “a good example of its period and the Spanish Mission style. Special historical interest”. The site is also listed on the State Heritage Register. The heritage listings for the site will be maintained under Randwick LEP 2012.

Approvals

As the site is listed on the State Heritage Register, any development generally needs to be the subject of an Integrated Development Application or a separate prior application under S60 of the Heritage Act. It is unclear whether the applicant has undertaken liaison with the Heritage Office in relation to the design of the proposal.

Proposal

The proposal is for construction of a new classroom building adjacent to the western (Chepstow Street) boundary to the site. The site for the new building is currently occupied by a two storey demountable classroom building. The new building is to be located between the existing art centre to the north and the existing science centre to the south. The arts centre is housed in a brick building which was originally constructed as a laundry for the former convent. The science centre is a recent building comprising three levels over basement carparking.

The new building is to comprise four levels generally consisting of two above ground levels at the southern end of the building and four above ground levels at the northern end of the building. Forecourt/terrace areas are proposed at the top three levels of the building which also provide access to the new learning areas. A opening for fire egress purposes is proposed in the Chepstow Street boundary wall, which is also to be reconstructed.

Background

The proposal has been the subject of a formal prelodgement meeting (PL/44/2012) at which it was noted that the development application submission should address compliance of the new building with Master Plan controls. Concerns were raised in relation to potential impacts of the proposed building on views to the heritage items, and in relation to the loss of existing landscape elements resulting from significant changes to ground level. A meeting has apparently also been held with the Heritage Branch of the Office of Environment and Heritage.

Submission

The application is accompanied by a thorough Heritage Impact Statement prepared by Weir Phillips Architects and Heritage consultants, which makes reference to the Conservation Management Plan for the site was prepared by Clive Lucas Stapleton and Partners in 1999 and the Conservation Management Plan for the Grounds of the School was prepared by Mayne Wilson and Associates in 2002. The HIS provides site and significance assessment for each

of the affected Precincts (5, 6, 7 and 9), as well as for specific built elements including the former Laundry building, Aston Lodge, the former chapel, the former Novitiate and the Chepstow Street boundary wall (drawn from the 2002 CMP).

The HIS (referring to the 2002 CMP) notes that the integrity of Precincts 5, 6, 7 and 9, in the western part of the site is mixed. The principal buildings from the main period of significance of the site remain as well as their associated retaining walls, with the existing demountable being constructed on a platform formerly used as a basketball court, convent fowl yards, and possibly an early tennis court. The driveway running through precinct 6 dates from at least the 1930s, but a number of walking paths have been lost as well as landscaping to the north of the former Novitiate building, and some paving, retaining walls, garden terraces, garden beds, and part of the rustic grotto. Most concreting and native planting is comparatively recent.

The site has been enclosed by high masonry boundary walls since the 1940s, but the Chepstow Street wall has low integrity as the upper and lower parts have been reconstructed. In terms of View Corridors, the HIS notes that significant views to and from the site are in a wide arc from the north west to the north east from Queens Park and Centennial Park. The HIS also assesses immediate streetscape views noting 'slot' views from Chepstow Street towards the upper parts of the north and west elevations of the former Chapel and Novitiate, but that the principal buildings on the site have the main heritage buildings on the site are oriented with their principal elevations to the east and/or north. The HIS addresses the Effect of Works, including the new Block D, the associated terraces and boundary wall reconstruction, and compliance with Master Plan controls.

The HIS notes that the proposed building complies with the Master Plan Built Form Parameters for Height and Length, and is sufficiently set back from the former Chapel and Novitiate buildings. In relation to Master Plan: Existing Views, the HIS notes that the 'slot' views of the buildings which will be reduced have not been identified by the Master Plan, and that the proposed building is located outside the identified principal view corridors into and out of the site. The HIS notes that the proposed building will not be visible from the eastern side of the principal heritage buildings on the site. The HIS considers that the massing and scale of the building has been articulated and will sit comfortably in the context of adjacent buildings along the Chepstow Street boundary. The HIS notes that the existing Brazilian Pepper Tree which is identified in the Master Plan as being of high significance is to be retained, but a significant Bull Bay Magnolia is to be removed due to poor health.

While the 1992 CMP recommended maintaining the landform of the place, the HIS considers that altering the landform in this part of the site is acceptable for a number of reasons. The HIS considers that the affected area is to the rear of the main heritage buildings and not visible from outside the site, and that landscape elements which are to be removed are identified in the CMP as being of low or moderate significance. The HIS argues that these elements do not contribute to the interpretation of the site, and that the proposed terrace provides a response to the topography of the site. The HIS notes that the intersection between the

terrace and the former Novitiate has been carefully detailed to minimise impact, and the proposed landscaping scheme will contribute to the general setting. In relation to Master Plan: Pedestrian Movement and Access the HIS notes that the terrace will maintain and improve pedestrian access and circulation patterns in this part of the site.

In relation to the reconstruction of the Chepstow street boundary wall, the HIS considers that the proposed works are consistent with previous works to strengthen and upgrade the boundary walls and will be reconstructed to match existing. In relation to impact of the proposal on the heritage conservation area, the HIS considers that the proposed building is in keeping with the character of buildings along the Chepstow Street boundary and is suitable in massing and height.

Historic development pattern on the site

Since the construction of Aston Lodge in 1865 the site has gradually been developed with more and larger buildings. The 1891 Water Board diagram indicates Aston Lodge as the only building on a large site stretching west to include almost all the land as far as Wentworth Street which at that time formed the boundary of the Centennial Park Lands. The 1930 aerial photographs indicate the Chapel, as well as the construction of buildings along the western boundary of the site including the Laundry. The 1942 aerial photographs indicate the Novitiate, as well as the construction of additional buildings in the northern part of the site including the gatehouse. This early development generally comprised key buildings centrally placed in the northern half of the site, with open space in the southern half of the site and along its eastern (Avoca Street) edge and generally low, narrow buildings along the western (Chepstow Street) edge.

Master Plan controls

More recently the site has seen taller and wider development along the western boundary of the site and partial infill of formerly open space to the south. A Master Plan for the site was received in March 2009. The Master Plan includes a Heritage diagram indicating a Zone for New Development and Spatial Edges; a Proposed Built Form Parameters Plan indicating a Potential 12m Height Envelope Reflecting Zone 2C Opposite; and a Staging diagram indicating Proposed Buildings and Structures. The Zone for New Development extends along the southern and western boundaries of the site, extending on the western boundary to the edge of the eastern wall of the multipurpose hall. The Potential 12m Height Envelope extends as far north as the top of the stairs in front of the former Novitiate.

Footprint and envelope of proposed building in relation to the former Novitiate and former Chapel

The 1999 CMP considers the novitiate building to be rare in Randwick and the adjoining locality of Waverley in view of its scale, siting and architectural quality, and the former chapel to be representative of a number of Inter War chapels of comparable aesthetic quality associated with Roman Catholic estates in Randwick. The former novitiate building is a three and four storey structure, while the former chapel is of a similar scale and bulk, but located on a higher part of the

site. Level 1 of the proposed building will be at a similar height to the ground floor level of the former Novitiate and the overall height of the new building will be somewhat below the third floor level of the former Novitiate. The new building will have a similar height to the adjacent Art building to the south (1m below ridge height and 2m above eaves height) and will be around half a level higher than the existing demountable building and adjacent Science building to the north. The proposed building is one to two to three levels higher than the Chepstow Street boundary wall. It is noted that the development includes around 2 levels of below ground floor space, minimising the scale and bulk of above ground elements.

The main footprint of new building at levels 2 and 3 is to be set back from the western walls of the former chapel and novitiate buildings by around 16m, with the ground level and parts of level 1 having a reduced set back of around 3m. The new building will be considerably further from the former Novitiate building than the adjacent Science building. The new building is of similar width but somewhat longer than the existing demountable building. The building envelope and footprint are generally consistent with Master Plan controls including the Zone for New Development, the Proposed Built Form Parameters Plan and the Potential 12m Height Envelope Reflecting Zone 2C opposite. The proposed footprint retains a sufficient setback from the former chapel and novitiate to avoid impact on their immediate setting and is of a height and bulk which will not challenge the dominance of the forms of the adjacent heritage buildings.

Views towards the former Novitiate building and former Chapel

The 1999 CMP identifies the principle views to the place as being from the heights of Woollahra, Bondi Junction and Waverley, and from the low lying watershed of Queens and Centennial Parks, with the main view components being the upper wall and roof forms of the former novitiate and chapel. The 2002 CMP includes an objective of restoring the presentation of the key heritage buildings to the east. The Views diagram contained in the Master Plan identifies upper level views to and from the Novitiate extending in an arc from the north east around to the west north west. Due to the height of trees on the lower part of the site, only the top floor of the former Novitiate building is visible from a distance from a northerly direction. A greater proportion of this elevation of the building is visible from a distance from a north westerly direction.

The former novitiate and chapel are relatively long and narrow buildings with their largest elevations facing north and south, and much smaller eastern and western elevations. The eastern and western elevations however feature complex decoration including rendered detailing and mouldings to openings. The western elevation of the chapel is set back from Chepstow Street and screened by street tree planting, while the western elevation of the novitiate is still visible from outside the site, between the Art building and the demountable building. It appears that the existing view of the top storey of the Novitiate building will be blocked by the proposed building.

It is noted that key heritage buildings on the site, "Aston Lodge", and the former Chapel have their main elevations facing towards the north and east. The identified principle views from the north east to the west north west will not be affected by the proposed building. The Master Plan controls which have been

established seek to retain views of the key heritage buildings from the east, including the entry elevation of the former Chapel and the return verandah elevation of “Aston Lodge” and to recover views from the north east by removal of temporary buildings along the eastern boundary. The Master Plan Built Form Parameters therefore seek to concentrate new development along the western/Chepstow Street boundary of the site, recognising this area as a traditional zone for service buildings, adjacent to the rear of the key heritage buildings on the site.

The form of the proposed new building, like the recent Science building to the north, provides a backdrop to the former chapel and novitiate buildings. The east elevation of the new building which faces the heritage buildings consists of the part two and part three level structure screened by deep access balconies. The balcony balustrades comprise a combination of solid masonry and glass. A perforated screen element with an applied graphic is proposed for the blank eastern wall of the access stair in the southern half of the building. It is considered that the proposed building will provide a reasonably recessive backdrop to the adjacent heritage buildings. A consent condition should be included to ensure that the proposed perforated screen is recessive in colour.

Views from the adjacent heritage conservation area

The height of the proposed new building is consistent with the Master Plan 12m Height Envelope, resulting in a two to three storey building which is compatible with the scale permissible in the 2C zone opposite. The bulk and scale of the building is articulated by the face brick boundary wall, the rendered and painted masonry base and the metal profile wall cladding to the top floor.

Changes to existing site levels

The drawings show large forecourt/terrace areas at level 1 and level 2. These terraces levels relate to and extend the levels of existing terraces adjacent to the former Chapel and Novitiate buildings, but will remove sloping pathways and fine grained terraces as well as plantings, garden beds and retaining walls. It is noted that landscape elements in this part of the site have been substantially modified over time, and that current landscape elements do not particularly contribute to the landscape setting of the key heritage buildings on the site. The edge of the terrace adjacent to the former Novitiate building has been carefully considered to minimise physical and visual impact.

Changes to Chepstow Street boundary wall

The 1999 CMP considers the boundary walls, together with the laundry and gate lodge are institutional type elements which are considered rare in Randwick as an ensemble in non-government ownership. Only one pedestrian opening is proposed in the boundary wall which is required for fire egress purposes. This door and opening should be detailed in a similar way to the egress door for the adjacent Science building. An appropriate consent condition should be included. The reconstruction of the Chepstow Street wall is apparently required for structural reasons and should be carried out to the same standard as the reconstructed wall adjacent to the Science building.

6.4 External authority comments

The application was referred to the following external referral agencies:

- The Heritage Council of New South Wales

6.4.1 The Heritage Council of New South Wales

Section 91 Environmental Planning and Assessment Act 1979 - Integrated Development - The proposal is an “integrated development” as the proposed development involves alterations to a listed Heritage Item and is an integrated development in accordance with Section 91A of the Environmental Planning and Assessment Act 1979 and requires heritage approval from the Heritage Branch under the Heritage Act 1977.

The application was referred to the Heritage Branch on 5 November 2012 and subsequently, GTAs were received by Council on 9 April 2013. As such, pursuant to Clause 70(1)(a) – ‘Notification of general terms of approval’ as outlined by the Environmental Planning and Assessment Regulation 2000 which states that:

- (1) *An approval body that has received a development application from a consent authority must give written notice to the consent authority of its decision concerning the general terms of approval in relation to the development application (including whether or not it will grant an approval):*
(a) within 40 days after receipt of the copy of the application.

the application is recommended for approval and copies of all submissions received, as well as a copy the determination will be forwarded to the Heritage Branch, as the approval body.

Relevant comments provided by the Heritage Branch have been extracted below and nominated conditions of consent have been included within the recommendations section of this report.

INTEGRATED DEVELOPMENT APPLICATION: NSW HERITAGE COUNCIL GENERAL TERMS OF APPROVAL

EMANUEL SCHOOL, 20 STANLEY STREET, RANDWICK – SHR NO. 00386

Proposal: Removal of 'Block D' demountable classrooms at Emanuel School, construction of a new part 4, part 5 level building adjacent to Chepstow Street with classrooms, multi purpose and performance spaces, demolition and reconstruction of a section of the Chepstow Street boundary wall, landscaping, removal of trees and associated works.

IDA Application No. DA/702/2012 received by the NSW Heritage Council on 14 November 2012.

Information received with IDA application:

- Statement of Environmental Effects, prepared by JBA, dated October 2012.
- Heritage Impact Statement, prepared by Weir Phillips, dated October 2012.
- Arboricultural Impact Assessment, prepared by Arboreport, dated 29 October 2012.
- Geotechnical Report, prepared by Jk Geotechnics, dated 24 October 2012.
- Stormwater Concept and Hydraulic Plans, prepared by Whipps Wood Consulting, dated 18 October 2012.
- Construction Management Plan, prepared by the Emanuel School, dated 31 October 2012.
- Waste Management Plan, prepared by Baker Kavanagh Architects, undated.
- Ecologically Sustainable Development Statement, prepared by Jones Nicholson Pty Ltd, dated 26 October 2012.
- Building Code of Australia Assessment Report, dated 30 October 2012.
- Sample of School Communications, prepared by the Emanuel School, undated.
- Initial Protection Guidelines, prepared by M.I.P Security, dated 21 October 2012.
- Architectural drawings, nos.
 - DA000 (Rev A) – Cover page/Location Plan
 - DA011 (Rev A) – View Analysis Study 01
 - DA012 (Rev A) – View Analysis Study 02
 - DA101 (Rev A) – Demolition Plan
 - DA102 (Rev B) – Lower Ground Level Plan
 - DA103 (Rev B) – Ground Level Plan
 - DA104 (Rev B) – Level 1 Plan
 - DA105 (Rev B) – Level 2 Plan
 - DA106 (Rev B) – Level 3 Plan
 - DA107 (Rev B) – Roof Plan
 - DA200 (Rev B) – Elevations 01
 - DA201 (Rev B) – Elevation 02
 - DA300 (Rev B) – Sections 01
 - DA301 (Rev B) – Sections 02
 - DA500 (Rev A) – Materials and Finishes
 - All dated 25 October 2012, and prepared by Baker Kavanagh Architects.
- Landscape drawings, nos. L-01, L-02, and L-03, all revision C, dated 29 October 2012, prepared by Eco Design.
- Heritage Study, prepared by Baker Kavanagh Architects, dated 18 September 2012.
- Letter from JBA dated 22 February 2013;
- Letter from JBA dated 20 March 2013.

Additional information requested: 19 December 2012 & 4 March 2013

Date additional information received: 22 February 2013 & 20 March 2013

Date notification of submissions received: 1 March 2013

As delegate of the NSW Heritage Council, I have considered the above integrated development application. In accordance with Section 91A of the *Environmental Planning and Assessment Act 1979*, the NSW Heritage Council informs Randwick City Council that the following terms of approval are proposed to be granted:

6.4.2 Joint Regional Planning Panel

Pursuant to Schedule 4A, Clause 6 of the Environmental Planning and Assessment Act, 1979, educational facilities with a capital investment value of more than \$5 million are regionally significant. As such, the application is referred to the Joint Regional Planning Panel (JRPP) for determination as the consent authority

Relevant Environmental Instruments

The site is zoned Special Uses 5 under Randwick Local Environmental Plan 1998 (Consolidation) and the proposal is permissible with Council's consent.

The Randwick Local Environmental Plan 2012 was gazetted on 15 February 2013. Clause 1.8A of the RLEP 2012 requires that a development application lodged but not finally determined prior to the appointed day will continue to be assessed and determined under the provisions of the Randwick Local Environmental Plan 1998 (Consolidation) that was in force immediately before the commencement of this plan. The subject application was lodged on 1 November 2012, and is therefore subject to the savings provision. Further, when determining an application to which this clause applies, the consent authority must have regard to the provisions of this plan as if it had been exhibited under the Act but had not been made.

The Development Application has been assessed in accordance with the provisions of the following relevant planning documents:

- Environmental Planning and Assessment Act 1979, as amended
- Environmental Planning and Assessment Regulation 2000, as amended
- Heritage Act 1977
- Randwick Local Environmental Plan (Consolidation) 1998
- Randwick Local Environmental Plan 2012
- Randwick Development Control Plan – Parking
- Draft North Randwick Heritage Conservation Area Development Control Plan 1998
- Randwick Section 94A Development Contributions Plan
- Building Code of Australia

The following relevant clauses of the Randwick Local Environmental Plan (Consolidation) 1998 apply to the proposal (and are addressed in detail in Section 7.1 below):

- Clause 17 - Zone No 5 (Special Uses Zone)
- Clause 22 – Services
- Clause 37A - Development in Special Uses Zone
- Clause 40 - Earthworks
- Clause 41A - Site Specific Development Control Plans
- Clause 43 – Heritage Conservation

An assessment of the proposed development under the planning controls is provided in Sections 7.1 and 8 of this report.

7.1 Randwick Local Environmental Plan 1998

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

- **Clause 17 Zone No 5 (Special Uses Zone)**

The proposed continued use of the site falls within the definition of “educational establishment” under the LEP and is a permissible use within the Special Uses Zone. The relevant objectives of the zone are addressed as follows:

The objectives of Zone No 5 are:

- (b) to accommodate development for educational, religious, public transport or similar purposes on both publicly and privately owned land, and*
- (c) to enable associated and ancillary development, and*
- (d) to allow for a range of community uses to be provided to serve the needs of residents, workers and visitors, and*

The proposal is consistent with the relevant objectives of the Special Uses Zone as it allows for the continued use of the privately owned site for educational purposes and continues to serve the needs of local residents.

- **Clause 22 Services**

Clause 22 of the RLEP 1998 (Consolidation) stipulates that the Council may grant consent to the carrying out of development on any land only where it is satisfied that, when relevant to the proposed development, adequate facilities for the supply of water and for the removal or disposal of sewage and drainage are available to that land to ensure that adequate provision is made for the supply of water, and for sewage and drainage services.

The site is adequately serviced at present. Appropriate conditions have been included with any consent to address the adequate provision of civil and utility services.

- **37A Development in Special Uses Zone**

Clause 37A ensures that consideration is given to the impact of development proposals within the Special Uses Zone on other development and uses in the locality to reduce the potential for adverse impact on nearby development and on the amenity and character of the locality.

Under this Clause, Council may grant consent to the development of land within Zone No 5 only if it is satisfied that the proposed development is compatible with the character of the locality and will not adversely affect the amenity of nearby and adjoining development.

The proposed Block D redevelopment is considered to accord with provisions of this Clause in that:-

- The proposed built form parameters contained in the Stage 1 Masterplan for the site have been designed in accordance with urban design and heritage principles and informs the current development proposal to ensure appropriate compatibility and relationship with adjoining development.
- The application does not propose any increase in pupil numbers above the level at which the school is presently operating.
- A detailed traffic management plan has been submitted and assessed by Council addressing the traffic and parking issues in the area resulting from the operation of the school. The TMP has been approved by both Council Officers and the Randwick Traffic Committee.
- The general use and building envelope for 'Block D' has already been assessed in accordance with clause 37A and approved under Development Consent DA/181/2009 as being compatible with the character and amenity of the locality.
- The proposed architectural design, materials and colours of the new building are compatible with existing development within the school addressing Chepstow Street and will not have any adverse visual impacts on the streetscape, heritage buildings or the surrounding heritage conservation area.
- A detailed preliminary Construction Management Plan has been submitted and a final CMP is also required to be submitted to Council's satisfaction prior to the issuing of a Construction Certificate to ensure that impacts upon the amenity of surrounding residents during the construction period are appropriately managed
- As will be discussed in the "Environmental Assessment" section of this report, the proposed development will not result in unreasonable impacts on the amenity of the adjoining residences.

- **Clause 40 Earthworks**

Clause 40 requires Council to consider the likely impact of any earthworks on the existing drainage patterns and soil stability in the locality, and the effects of the works on the likely future use of the land.

The proposal will involve significant excavation up to 9.m to accommodate the subterranean performance space, gym, offices and associated facilities. The applicant has submitted a Geotechnical Investigation Report for the site (prepared by Jeffery and Katauskas Pty Ltd - Geotechnical and Environmental Engineers, report No. 26087LBrpt, dated 24 October 2012 and received by Council on 1 November 2012). The report indicates that seepage water is likely to be present

on the site. All basement level structures are therefore to be adequately tanked and water proofed with adequate provision for the seepage water to drain around the structure to ensure it does not dam or affect the movement of groundwater through the development site. Certification will also be required prior to the issuing of an occupation certificate. Appropriate conditions have been included in this report. Accordingly, the proposal is acceptable in relation to the provisions of Clause 40.

- **Clause 40A(1) - Site Specific Development Control Plans**

Clause 40A(1) of RLEP 1998 provides that consent may be granted to a development application made in respect of a site consisting of more than 10,000m² only if: (a) a site specific development control plan has been adopted, unless the proposed development is of a minor nature only or is ancillary to the current use of the land, or adequate guidelines and controls applying to the land are already in place.

Amendments to Environmental Planning and Assessment Act (Section 83C) in September 2005 provided for staged development applications to be lodged as an alternative to the preparation of Masterplans/DCPs for such sites. Accordingly, the Emanuel School was the subject of a Master Plan prepared by CityPlan Heritage approved by Randwick City Council in February 2011 under a Stage 1 DA (DA/181/2009). Under the Stage 1 approval, development envelopes and impacts associated with any future building works on the site were considered as part of the adopted Masterplan for the site.

The subject application seeking to remove the existing Block D demountable classrooms and construct a new part 4, part 5 level building with classrooms, multi purpose and performance spaces and the replacement of portion of Chepstow Street boundary wall and associated works does not contravene the general design guidelines and objectives of the Masterplan in that: -

- The proposed works continue to respond to and compliment the existing heritage fabric and built form of the School.
- The proposal is consistent with the built form envelope approved under the Stage 1 development consent.
- The proposed colours and materials do not detract from the building fabric.
- The proposal retains existing vehicular access from Chepstow Street and does not include any pedestrian access (with the exception of an emergency fire exit) to Chepstow Street ; and
- The amenity of the public domain is retained.
- The subject application includes a 220 capacity performance theatre which did not form part of the original Stage 1 Masterplan application under DA/181/2009. Notwithstanding this, the intent of the Stage 1 consent was to allow for the establishment of classrooms within the Block D development and the current proposal remains consistent with the Masterplan in that classrooms still form the main component/use of the development with other areas such as gym, breakout area, staff offices etc serving to facilitate the classrooms and their associated activities. Further, the performance space is

entirely below ground and does not alter the physical building envelope envisaged by the Stage 1 approval. The proposal continues to achieve consistency with the approved built form controls and subject to compliance with the relevant conditions of consent, will not result in any unacceptable impacts in terms of traffic and parking generation.

- **Clause 43 – Heritage Conservation**

When determining a development application required by this clause, the Council must take into account the extent that the works will have upon the significance of any heritage item or the conservation area.

The Emanuel School site is listed as a heritage item (Inventory No. 398: former Little Sisters of the Poor Chapel, Novitiate and “Aston Lodge”) and within the North Randwick Heritage Conservation Area under Randwick Local Environmental Plan 1998 (Consolidation). The site is also listed on the State Heritage Register.

The Randwick Heritage Inventory provides the following statements of significance:

Aston Lodge

Excellent example of Mid-Victorian architecture designed by Edmund Blacket. Colonial Georgian features dominate, with Victorian verandah. Considerable historical interest. Part of outstanding Aston Lodge group. Hardly altered.

Little Sisters of the Poor Novitiate

Part of the historic “Aston Lodge” group. This building dominates the local townscape despite the surrounding brick wall. Considerable historical interest and essentially unaltered. A good example of its period.

Little Sisters of the Poor Chapel

Part of the historic “Aston Lodge” group. Good example of its period and the Spanish Mission style. Special historical interest.

As detailed in section 6 of this report, the application has been referred and considered by The Heritage Office of NSW and Council’s Heritage Planner. Advice has been provided that there are no objections to the proposal. For heritage comments, refer to section 6 of this report.

7.2 Randwick Local Environmental Plan 2012

The Randwick Local Environmental Plan 2012 is a matter for consideration in the assessment of the subject development application under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended).

The following table considers the proposed development having regard to the zoning provisions and development standards contained in RLEP 2012 that are of relevance to the subject development application:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Zoning:	The site is zoned SP2 Infrastructure		Yes. The use of the site as an educational establishment is permissible in the zone.
Permissible under the proposed zoning?			
Lot Size (Minimum)	Existing allotment	Yes	
Clause 5.10 - Heritage conservation	<ul style="list-style-type: none">Heritage ItemHeritage Conservation AreaIn vicinity of draft item or area <p>The objectives of this clause are as follows:</p> <ol style="list-style-type: none">To conserve the environmental heritage of RandwickTo conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and viewsTo conserve archaeological sitesTo conserve Aboriginal objects and Aboriginal places of heritage significance <p>The proposed development will be in keeping with the relevant objectives of the clause 5.10 of the RLEP 2012</p>		
Clause 6.11 - Design excellence	<p>The objective of this clause is to deliver the highest standard of architectural and urban design. This clause applies to development involving the construction of a new building or external alterations to an existing building:</p> <p>(a) on a site that has an area of 10,000 square metres or greater, or</p> <p>(b) on land for which a development control plan is required to be prepared under clause 6.12, or</p> <p>(c) that is, or will be, at least 15 metres in height.</p> <p>Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the proposed development exhibits design excellence.</p> <p>Amendments to Environmental Planning and Assessment Act (Section 83C) in September 2005 provided for staged development applications to be lodged as an alternative to the preparation of Masterplans/DCPs for such sites. Accordingly, the Emanuel School was the subject of a Master Plan prepared by CityPlan Heritage approved by Randwick City Council in February 2011 under a Stage 1 DA (DA/181/2009). Under the Stage 1 approval, development envelopes and impacts associated with any future building works on the site were considered as part of the adopted Masterplan for the site.</p> <p>The proposed Block D delivers a high quality built form and represents a significant improvement from the existing demountable classrooms on the site. The design carries positive architectural merits, continues the rhythm of the built form carried on from the Stage 1 plan and the science block located immediately to the north.</p> <p>The proposed Block D translates as a 2-3 storey building and</p>		

	maintains visual consistency with surrounding development whilst substantially improving the internal circulation and landscaped open space to provide usable recreation/ play space. As such, the proposal is considered to demonstrate consistency with the Stage 1 approval and therefore satisfies the relevant provisions of this clause.
Clause 6.12 - Development requiring the preparation of a development control plan	<p>The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan and applies to sites with areas of over 10,000smq.</p> <p>Under this clause, development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or guidelines and controls similar to those mentioned in subclause (4) already apply to the land.</p> <p>Amendments to Environmental Planning and Assessment Act (Section 83C) in September 2005 provided for staged development applications to be lodged as an alternative to the preparation of Masterplans/DCPs for such sites. Accordingly, the Emanuel School was the subject of a Master Plan prepared by CityPlan Heritage approved by Randwick City Council in February 2011 under a Stage 1 DA (DA/181/2009). Under the Stage 1 approval, development envelopes and impacts associated with any future building works on the site were considered as part of the adopted Masterplan for the site.</p> <p>The subject application seeking to remove the existing Block D demountable classrooms and construct a new part 4, part 5 level building with classrooms, multi purpose and performance spaces and the replacement of portion of Chepstow Street boundary wall and associated works does not contravene the general design guidelines and objectives of the Masterplan.</p>

7.3 Heritage Act 1977

Section 57(1)(e) of the *Heritage Act 1977* (the Heritage Act) requires that a person may not carry out any development in relation to land that comprises a place listed on the State Heritage Register without approval of the Heritage Council of NSW. The Emanuel School site is listed on the State Heritage Register; therefore, approval of the Heritage Council is required to be obtained. The application was referred to the Heritage Branch on 5 November 2012 and subsequently, General Terms of Approvals (GTAs) were received by Council on 9 April 2013.

Division 5 of the *Environmental Planning and Assessment Act 1979* includes special procedures which allow approvals required under section 58 of the Heritage Act to be obtained as part of a Development Application. In accordance with these procedures, this Development Application has been referred to the NSW Heritage Council for assessment and recommended conditions. Relevant comments have been extracted within section 6 of this report.

Policy Controls

8.1 Development Control Plan - Parking

The relevant objectives of the DCP – Parking include:

- *To promote sustainable transport options for development, particularly along transport corridors, in commercial centres and strategic/key sites.*
- *To manage the provision of car parking within the broader transport network.*
- *To support integrated transport and land use options which can demonstrate shared and effective car parking provision with car share facilities, motorbikes/scooters, bikes and links to public transport.*
- *To ensure car parking facilities, service and delivery areas and access are designed to enhance streetscape character and protect pedestrian amenity and safety.*

The Emanuel School currently has two main spaces which are capable of hosting performances being the Multi Purpose hall (MHP) with a capacity of 600 people and the Performing arts Centre (PAC) with a capacity of 120 people.

Although the application indicates that there is to be no increase in staff or student numbers, concerns have previously been raised by Council that the creation of the 220 seat in conjunction with use of the existing performance spaces on the site has the potential to increase the demand for on-street parking. Concern was also raised that the proposed 220 seat theatre was not proposed as part of the original Masterplan for the site approved under DA/181/2009 and so the traffic and parking implications of the theatre were not considered as part of the assessment for the Stage 1 Masterplan.

Additional information relating to the use of these spaces and its implications on existing parking/traffic conditions was requested by Council's Development Engineer on 11 December 2012 and again on 18 February 2013.

In response, the applicant has submitted detailed information on the use of the existing performance spaces and proposed use of the 220 seat theatre concluding that: -

- The proposed Block D performance space will not generate any additional performances or additional patrons (i.e. it will accommodate existing events generated by the curriculum of the unaltered student population) and will therefore not increase the demand for on-street parking.
- The simultaneous use of the Block D performance space (220 capacity) within the context of the existing operation of the performing arts centre (120 capacity) and the multi purpose hall (600 capacity) will not result in any substantial impact on street parking demands as it is unlikely that the capacity in all three venues would ever be fully occupied under the schools 725 student cap.

The applicant has also indicated that any provision of on-site car parking within the Block D building footprint would require the excavation of a third basement level for car parking, which would have a finished floor level some ten metres below the ground level at the existing Chepstow Street site boundary. The cost of which would be significant with greater construction impacts (due to the need for extensive excavation into sandstone bedrock. Providing vehicular access would also prove to be unfeasible as the manoeuvring areas and grade requirements for an access ramp would consume a substantial portion of the floor space available within the building. The alternative option of providing breakthrough access from a Block D basement car park to the existing Science Block car park which exits to Chepstow Street would similarly require substantial reconfiguration of Block D and would increase vehicular movements along Chepstow Street.

The school has indicated that the intention of the new performance space is to provide an alternative venue for existing events and does not seek to increase the combined peak capacity of the existing and proposed performance spaces.

Accordingly, a suitable condition has been included within the recommendation to require the submission of an Operational Plan of Management to Council for approval for the performance spaces within the school prior to occupation of the development. The plan is required to demonstrate that the use of the new performance space within Block D in combination with the Multi Purpose Hall (MPH) and Performing Arts Centre (PAC) does not increase the peak capacity of the combined performance spaces beyond existing levels.

Subject to compliance with this condition of consent, the proposal and supporting/supplementary information is considered to satisfied Council's requirements in relation to traffic and parking generation and does not contravene the overall objectives of the DCP – Parking.

8.2 Development Control Plan - North Randwick Heritage Conservation Area

The site is also within the North Randwick Heritage Conservation Area. The Draft North Randwick Heritage Conservation Area DCP was prepared in January 1998 and has been incorporated into the Draft Comprehensive Comprehensive DCP which was adopted as an interim planning policy to coincide with the commencement of the RLEP 2012 on 15 February 2013.

The DCP does not include any provisions that are specific to the Emanuel School and the controls predominately relate to residential development. The height of the proposed new building is consistent with the Masterplan 12m building height envelope, resulting in a part 2 part 3 storey building which is compatible with the scale of the nearby Residential 2C (medium density) zone. The bulk and scale of the building is articulated by the face brick boundary wall, the rendered and painted masonry base and the metal profile wall cladding to the top floor. The proposal is therefore considered to generally be in accordance with the provisions for heritage conservation as outlined in the DCP and does not compromise the

heritage significant of the surrounding conservation area and its residential qualities.

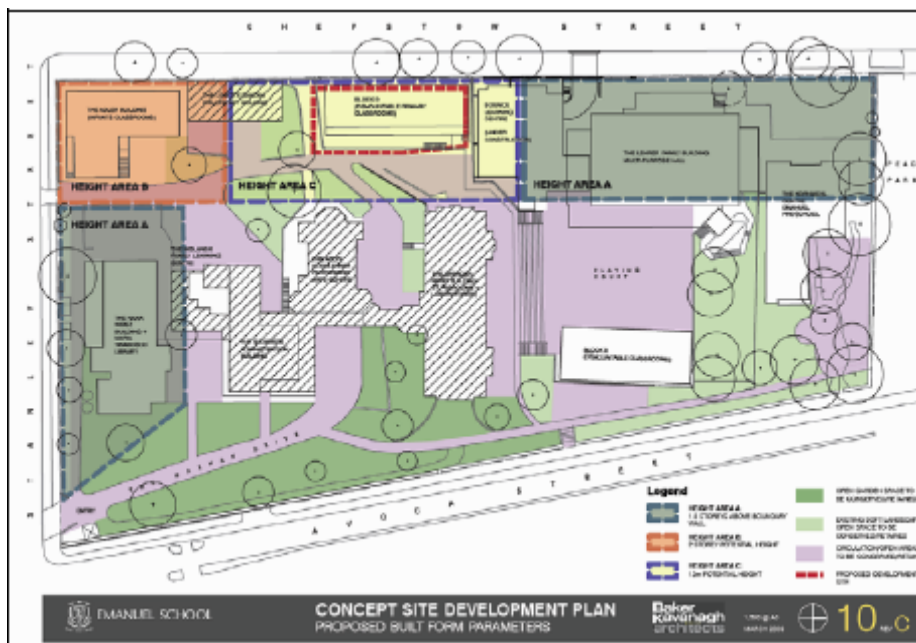
8.3 Stage 1 Masterplan (DA/181/2009)

A an overview of the proposal's compliance with the conditions of consent as contained in DA/181/2009 for the stage 1 Masterplan approval is provided in the following table. For detailed assessment of the proposed redevelopment of Block D against the provisions of the Masterplan, refer to discussion below.

Condition	Comment	Complies
1-5: Consistency with approved plans	The proposal demonstrates compliance with the approved building envelope, built form (in particular the 12m height limit for Block D), circulation, landscaping and heritage controls as outlined in the Stage 1 Masterplan approval.	Yes
6: Enrolment Limit (maximum 725 students)	No change is proposed to maximum number of pupils.	Yes
7: Heritage Impact Assessment to be submitted for all future Stage 2 development applications for the site.	A detailed heritage impact assessment prepared by Wier Phillips Architects & Heritage Consultants dated October 2012 and received by Council on 1 November 2013	Yes
8: Documents to be submitted for future Block D redevelopment: – Shadow Diagrams – Sustainable Building Report – View Loss Analysis	Detailed shadow diagrams, sustainable building report and view loss analysis have been submitted as supporting documents to the current development application.	Yes
9: Required for all Stage 2 development applications (where applicable): Elevations and sections showing: – Ground Levels as at 15/01/2010 – Finished Ground Level – Height from natural ground level – External finishes schedule	The plans and supplementary documentation accompanying this current DA clearly indicate the information required under condition 9 of the Stage 1 consent.	Yes
10: Staging Plan	Previously provided.	Yes
11: Traffic Management	A Traffic Management Plan (TMP) was submitted to Council following the determination of the Stage 1 development consent and referred to and approved by the Randwick Traffic Committee meeting on 13 November 2012. An additional Parking and Traffic Assessment (dated 18 April 2013) specific to the Black D redevelopment proposal was received by Council on 18 April 2013 and forms the subject of the current assessment	Yes

12: Alignment levels for property boundaries	Refer to site survey.	Yes
13: Public Utility Assessment	Required prior to Construction Certificate only.	Yes
14: Electrical services	No substation upgrades proposed or required under this DA.	Yes
15: Stormwater Drainage Concept Plan	<p>Stormwater and hydraulic services drawings have been prepared for the proposed development by Whipps Wood Consulting and submitted to Council as part of the current proposals.</p> <p>However, the submitted stormwater drainage plans have not been approved as part of this development consent. A suitable condition has been included to require amended calculations and plans with levels reduced to Australian Height Datum in relation to site drainage to be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development.</p>	Yes
16: Waste management plan	A Waste Management Plan has been prepared by Baker Kavanagh Architects in accordance with Council's Waste Management Guidelines and submitted as part of the subject proposal.	Yes
17: Landscape Plans	Landscaping plans prepared by Ecodesign have been submitted with the current application.	Yes

The approved Stage 1 Masterplan provides the framework for future development on the site, including building envelopes, uses and pupil numbers.



The figure above depicts the approved built form parameters for development on the site as detailed in the Stage 1 Masterplan. Development zones are divided into three with the following potential heights applying:

- Height Area A: 1.5 storeys above boundary wall.
- Height Area B: 2 storey potential height.
- Height Area C: 12 metre potential height.

Under the Masterplan, the only significant new building is envisaged for the site is Block D, which replaces demountable classrooms currently located in this position on the site. It was considered at the time of assessment that a height limit of 12m the general building location is appropriate.

Documentation provided with the current Block D redevelopment application details the existing built form on the site, heritage buildings, landscaping and internal public domain areas. The following details are also provided of:

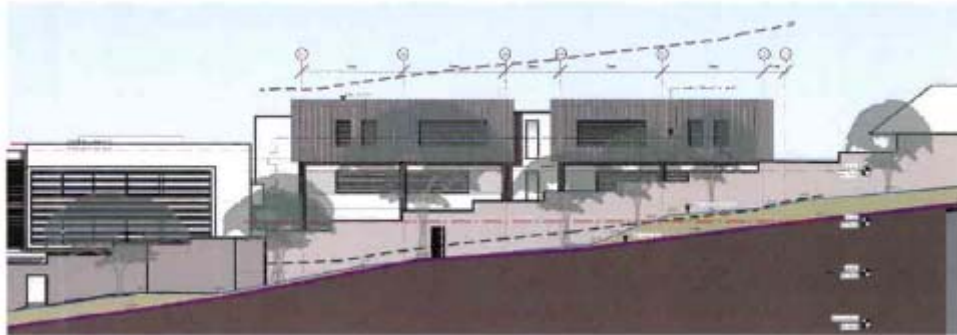
- Architectural plans of the proposed built form
- External finishes
- Landscaping
- Pedestrian movement within the site and access to the site
- Sectional views of the site and streetscape views
- Shadow diagrams
- Sustainable building report
- Parking and traffic assessment
- Heritage impact statement
- Geotechnical report
- Arborist report
- Stormwater Concept and Hydraulics Plans
- Construction Management Plan
- Site Waste and Minimisation Management Plan
- Building Code of Australia Statement

Building envelope and design

The proposed building has a maximum height of between 7.8m and 11.2m above natural ground level and represents a significant improvement in built form in comparison to the existing demountable classrooms present on the development site. The proposed development is consistent with the built form envisaged under the Stage 1 Development Consent and continues the rhythm of the built form approved in the Stage 1 Development Consent and evident in the Science Block located immediately to the north.

The proposed Block D will read as a two to three storey building when viewed from surrounding streets and is visually consistent with existing building heights within the vicinity of the site along Chepstow and Stanley Streets. Similarly, the building massing and setback is consistent with the building envelope approved in the Stage 1 Development Consent.

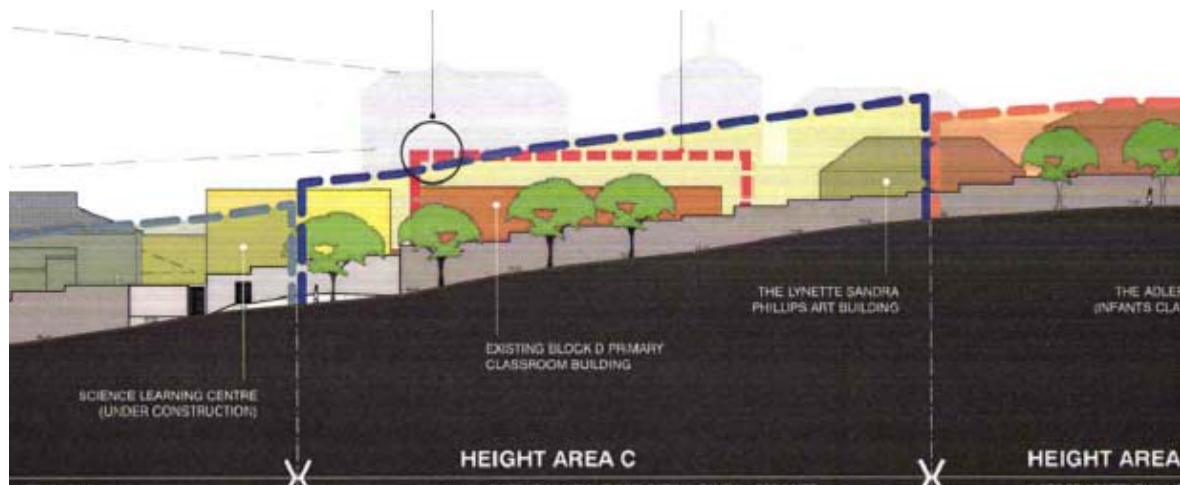
The figure below indicates the proposed built form as seen from Chepstow Street.



Western elevation of the proposed development as seen from Chepstow Street

As depicted in the Site Section and Streetscape plan approved under DA/181/2009, the Concept Site Development Plan (CSDP) breaks down potential buildings heights into three areas:

- Area A : 1.5 storeys above boundary wall;
- Area C: 12m – reflecting the 12m height applying to the portion of Chepstow Street opposite located in the Residential 2C zone;
- Area B: 2 storey potential height limit.



The proposed building is located within the Height Area C and is subject to the 12m height limit. The existing science learning centre is also partially located within Area C and has a height comparable to the subject building.

The design scheme incorporates a flat roof, which although is not consistent with the pitched roof form of the buildings in the immediate vicinity, will reduce the overall height and bulk of the structures. The flat roof configuration will also allow the building to achieve a height that is commensurate with that of the adjacent multi-purpose hall. The proposed development is considered to be of a visual bulk, which is consistent with the existing institutional buildings on the site.

The proposed building is of a contemporary design and features a neutral palette of grey and dark blue painted masonry walls and aluminium louvres along the

western elevation in order to minimise the visual presence of the building when viewed from Chepstow Street. These materials are continued around to the eastern elevation, which faces the interior of the school, however, this facade will be punctuated by a number of brightly coloured feature walls and graphics to add interest to the play areas. The proposed aluminium shading devices deliver a horizontal emphasis in the façade composition and would reduce the perceived height of the building.

The building façade provides a balance between horizontal and vertical and solid and lightweight elements to create visual interest and relief and is considered to carry considerable architectural merit.

The proposed contemporary architectural style is considered to appropriately differentiate itself from the historic buildings on the site. The proposal adopts a neutral external colour palette in light to medium tone, and is compatible with the existing buildings within the school as well as the masonry boundary walls.

The ground floor level of the building will be screened by the masonry boundary wall. And it is considered that the overall design approach is sympathetic to the scale and detailing of the existing residential developments on the opposite side of Chepstow Street, and is satisfactory in urban design terms.

Heritage considerations

As detailed in section 6 of this report, Council's heritage planner and the Heritage Branch of the Heritage Council of NSW are satisfied that the proposed development demonstrates consistency with the provisions of the Masterplan. The proposal confirms to the general height and building envelopes controls as approved under the Stage 1 consent and demonstrates adequate sensitivity to the heritage items on the site (buildings and landscape items), better embodies the conservation principles identified in previous documents and relates well with the adjacent heritage conservation area.

Aston Lodge is considered to be of exceptional heritage significance whilst the Chapel and the Novitiate buildings are considered to be of high heritage significance. All buildings are significant for the aesthetic qualities and for their historical association with former occupants. The HIS accompanying the development application finds that the proposed development of Block D will have an acceptable impact upon the grouping of significant heritage building as it:

- is consistent with the development parameter established under the approved Stage 1 Development Consent which gives effect to previous heritage assessments of the site;
- The building complies with the Masterplan built for parameters for height and length, and is sufficiently set back from the former Chapel and Novitiate buildings.
- the proposed massing and scale minimises the visual presence of the building in comparison to the heritage items;

- demonstrates contemporary form and detail which clearly distinguishes the contemporary site elements from the heritage elements, which is a key principle of heritage conservation; and
- will not be visible within the principal addresses of the heritage buildings;

In addition to the above, the HIS finds that whilst the proposed terraced landscape area departs from the recommendation in the 1999 Conservation Management Plan to maintain site levels, the proposed development will nonetheless have an acceptable impact as it:

- improves circulation patterns and maintains pedestrian access to the heritage buildings, thereby improving the circulation around and appreciation of the heritage buildings;
- will not impact upon the principal elevations of the heritage buildings;
- replaces circulation and recreation spaces that have been heavily modified since the development of the original heritage buildings, and as a result have little relationship with the heritage significance of these items; and
- maintains some understanding of the topography which has influenced the development of heritage building levels.

Landscaping and circulation

It is considered that the proposal will provide a suitable landscape ambience within the site and represents a substantial improvement to the internal circulation and landscaped open space.

Site levels between the existing Block D demountables, the Chapel and Novitiate buildings have been altered significantly from the original ground levels in these areas, creating poor outcomes for this space in terms of circulation, recreation and heritage interpretation. The new Block D building provides for the establishment of two terraced landscape areas to the east of the proposed building which will be connected by a new stair case and accessible lift which also provides access to the upper and lower levels of Block D.

The upper landscaped terrace of Block D will connect directly to the space between the Chapel and Novitiate buildings and will provide a cohesive and useable recreation space and curtilage to these heritage buildings. This approach will provide a stronger visual relationship between the heritage buildings and the rest of the school, whilst ensuring that heritage fabric and important views to the buildings are protected.

The lower landscaped terrace will provide covered recreation space for students, which is particularly valuable in periods of inclement weather, with the uncovered areas providing a landscaped linkage through to the northern recreational spaces within the school.

Masonry boundary wall

The site has been enclosed by high masonry boundary walls since the 1940s, but the Chepstow Street wall has low integrity as the upper and lower parts have been reconstructed. The wall is considered to be significant in its aesthetic contribution to the streetscape and historic role in defining the edge of the site. However, the fabric of the wall itself has been substantially altered over time.

The application proposes the demolition and reconstruction of a section of the Chepstow Street boundary wall adjacent to the Block D site to provide temporary vehicular access required during construction.

The application proposes the retention method of concrete backfilling for 10.5 metres out of the 42 metre length proposed to be modified as a result of the development while using concrete reinforced wall calf with bricks for the reconstruction for the remaining 31.5m

This section of wall is proposed to be reconstructed in a style is consistent with previously approved replacement of the Chepstow Street boundary wall adjacent to the Science Block to the north.

No new vehicular or pedestrian access will be provided to the site under the proposed development and pedestrian access to Block D will be provided from the existing pedestrian entry points to the school via the internal site circulation areas.

The proposed works to the Chepstow Street boundary wall is not considered to contravene the general design guidelines and objectives of the Masterplan in that:

- The proposed works continue to respond to and compliment the existing heritage fabric and built form of the school.
- Consistent with section 3.1.2 – Built Form, the proposed alterations to the existing building fabric (replacement of windows with doors) have been designed such that they compliment the existing building.
- The proposed colours and materials do not detract from the building fabric.
- The proposal retains existing vehicular access and pedestrian egress from Chepstow Street; and
- The amenity of the public domain is retained.

The proposal has been referred and considered by Council's Heritage Planner and The Heritage Office of NSW and advice has been provided that there are no objections to the proposal.

Appropriate conditions have been included to ensure proper execution of wall demolition works. Subject to compliance with relevant conditions of consent, it is considered that adverse impacts on the visual character of the masonry wall will be minimised.

Energy efficiency

The design scheme incorporates substantial glazed windows on the western (Chepstow Street) elevation to maximise natural lighting of the interior space.

Horizontal louvres and shading devices will be installed over the windows to minimise glare and low-angle afternoon sun during the summer seasons. Appropriate screening devices are also provided on the northern and eastern elevations.

The proposal is considered to have provided adequate measures to maximise energy efficiency.

Safety and security

The proposed building contains windows on the western elevation that overlooks Chepstow Street. The development is considered to improve casual surveillance of the public domain and hence security of the area.

Privacy

The nearest residential properties are located on the opposite (western) side of Chepstow Street. The carriageway of Chepstow Street is approximately 8m in width, and is flanked by wide grass verges on either side. Established trees are present along the eastern side of the street. Therefore, the proposed west-facing windows are not considered to result in unreasonable privacy impacts on the surrounding residences.

Noise

The nearest residential properties are located on the opposite (western) side of Chepstow Street. The carriageway of Chepstow Street is approximately 8m in width. Grass verges of approximately 4m to 5m flank the carriageway on either side. Taking into consideration the front setbacks of the proposed building and the residential premises, there is a separation distance of approximately 16m at a minimum between the development and the local residences.

Block D classrooms will mainly be occupied during school hours, which are 8:00am to 4:00pm, Monday to Friday and the majority of function spaces capable of accommodating a large congregation of people are located entirely below ground.

The subject site has been continuously used as a school for 24 years. Noise emission from normal school operation should be considered a normal, expected outcome in the locality. Given the substantial separation distance of the school from the surrounding dwellings, the development is not considered to result in unreasonable impacts on the local residents.

Light overspill

The development includes glazed windows on the Chepstow Street elevation. The design incorporates louvre screens over the windows, which will filter the light emission from the interior. In conjunction with the existing established trees along the eastern side of the street, the proposal is not considered to significantly impact on the residential amenity.

Traffic/parking/servicing

Refer to section 6.1 and 8.1 of this report for detailed discussion on traffic and parking implications.

Solar access

According to the submitted shadow diagrams, the expected shadow impacts of the Block D classrooms on the winter solstice are as follows:

- 9:00 am: shadows cast on the grass nature strip and carriageway of Chepstow Street and within the subject site;
- 12:00 noon: shadows move from Chepstow Street and fall back on the subject property;
- 3:00 pm: shadows fall on the eastern part of the subject site.

Shadows cast by the proposed development are generally contained within the subject site, with only minimal overshadowing of the Chepstow Street verge immediately adjacent to the site at 9am on 21 June. The extent of overshadowing is limited to a verge area which is generally not use by the public due to its slope, and overshadowing occurs only for a short period of time between 9am and noon in the worst-case analysis.

Therefore, the proposed building will not result in any significant impacts on the surrounding residential properties and the public domain in mid winter.

Views

The proposed development has implications on the views currently obtained from Chepstow Street properties as well as from the Heritage Items on the subject site.

The following paragraphs provide a four-step analysis of view loss established in the NSW Land and Environment Court case, *Tenacity v Warringah Council* (2004).

Step 1: *“The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.”*

The HIS accompanying the development application notes that significant views to and from the site are in a wide arc from the north west to the north east from Queens Park and Centennial Park. The HIS also assesses immediate streetscape views noting ‘slot’ views from Chepstow Street towards the upper parts of the north and west elevations of the former Chapel and Novitiate, but that the principal buildings on the site have the main heritage buildings on the site are oriented with their principal elevations to the east and/or north.

The primary views potentially affected are those of residential dwelling houses and apartments located opposite the site on Chepstow Street.

Views to the subject site are generally heavily obstructed. Whilst some views of the Chapel building within the site are available they are obstructed and are 'glimpses'. Those dwellings that have the least obstructed views, and hence the greatest potential to be affected by the proposed development, also benefit from significant and relatively unobstructed views towards Centennial Park and the Sydney CBD, including the Sydney Harbour Bridge.

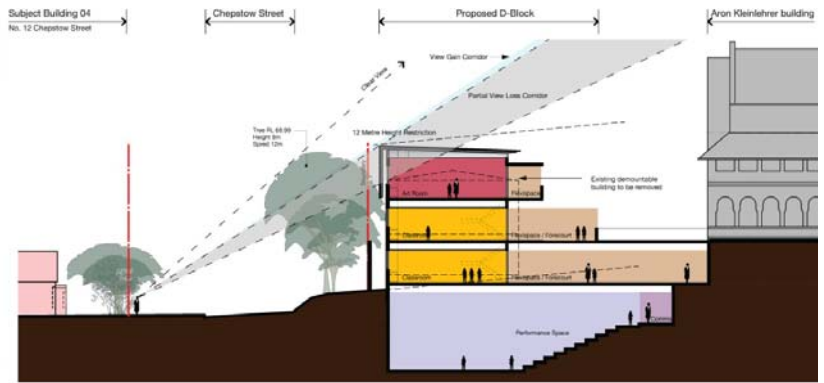
These views, however, are not identified as significant views by the Masterplan, and the proposed Block D building is located outside the identified principal view corridors into and out of the site.

Step 2: *"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic."*

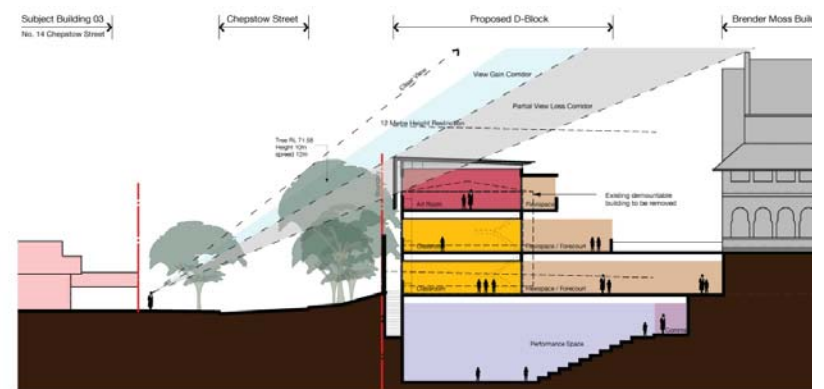
Existing views to the subject site currently partially or fully obstructed. The views to the school site are landwards, and are not water or district views and mainly consist of glimpses of the school buildings. The Chapel building, although significant, is not considered to be 'iconic' as defined by the Planning Principle. The photographs (shown on the left hand side of each image) below depict existing views to the school from adjoining sites and view analysis diagrams prepared by the applicant demonstrating existing site lines to and from the subject site.

Partially obstructed views to the school site are obtained primarily from No.16 Chepstow Street. The eastern apartments within No. 16 Chepstow Street are multi-aspect dwellings and have windows to habitable rooms that are north facing. These north facing windows provide significant and largely unobstructed district views towards the Sydney CBD, including Centennial Park and the Harbour Bridge which are by no means impeded by the proposal. As such, the eastern views to the subject site are glimpses of the existing school buildings as compared to their northern views which these dwellings benefit from.

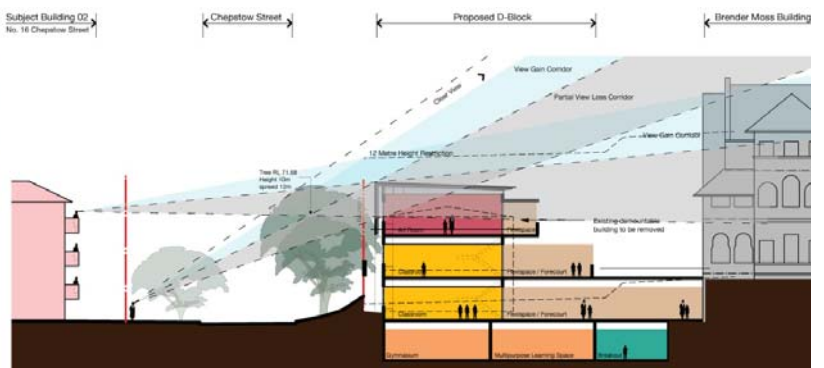
Partially obstructed views to the school buildings are obtained from the balconies of No.16 Chepstow Street. These balconies have estimated dimensions of 1.5 metres by 3 metres. Heavily obstructed views of the schools buildings from No.14 and No.18 Chepstow Street may also be obtained from habitable rooms.



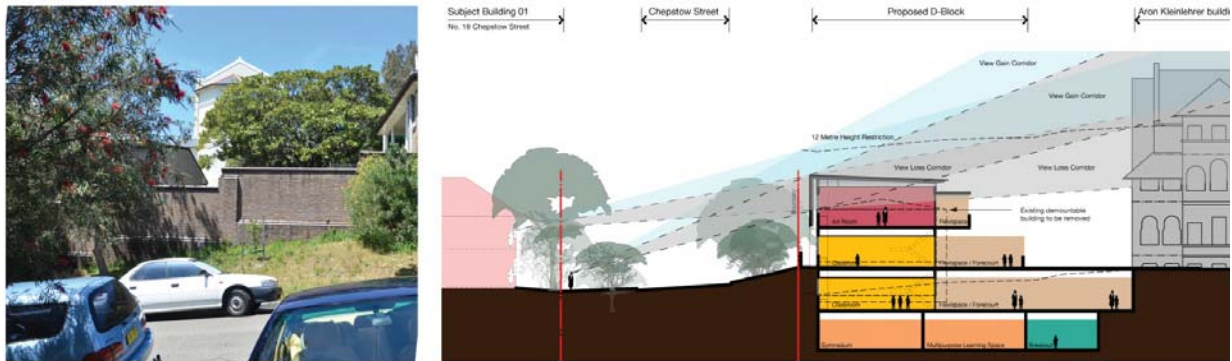
View analysis of relationship to No. 12 Chepstow Street



View analysis of relationship to No. 14 Chepstow Street



View analysis of relationship to No. 16 Chepstow Street



View analysis of relationship to No. 18 Chepstow Street

Step 3: *“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”*

The partially obstructed views to the subject site are not likely to be impacted by the proposed development to any significant degree, as the proposed building will be similar in street frontage length and will remain below the height of the street trees that currently obscure these views.

Step 4: *“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”*

The building envelope controls, including building height, for the Block D site were established under the Stage 1 consent. These controls were established with regard to the relevant planning controls and environmental impacts, including heritage and visual impact.

The proposed building has been designed to achieve a lower profile within the site and sits comfortably below the maximum height limit, thereby providing improved views towards the Chapel and Novitiate buildings.

The proposed building complies with the Masterplan built form parameters in terms of height and building length, and is sufficiently set back from the former

Chapel and Novitiate buildings. Further, the massing and scale of the building has been articulated and will sit comfortably in the context of adjacent buildings along the Chepstow Street boundary. Therefore, the proposal is considered satisfactory having regard to the protection of significant view corridors.

8.4 Section 94 Contributions Plan

The Section 94A Development Contributions Plan, effective from 2 July 2007, is applicable to the proposal. In accordance with the Plan, the following monetary levy is required:

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$6,709,673	1%	\$67,096.73.

Section 79C Considerations

The following sections summarise the assessment of the proposal in terms of the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
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	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the “Policy Control” section of this report.
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 Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including	The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
environmental impacts on the natural and built environment and social and economic impacts in the locality	The proposed development is consistent with the dominant character in the locality. The proposal is not considered to result in detrimental social or economic impacts on the locality.
Section 79C(1)(c) – The suitability of the site for the development	As detailed in this assessment, the site is considered to be suitable for the existing and continued future use for educational purposes, subject to proposed conditions of approval.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	Refer to section 5 of this report for detail discussion.
Section 79C(1)(e) – The public interest	The continued use of the site for educational purposes is considered to be in the public interest subject to adequate management of any impacts arising from that use. It is considered that impacts of the proposed development have been adequately addressed in the application and controlled by way of proposed conditions of consent.

Conclusion

The subject application proposes the removal of the existing "Block D" demountable classrooms at Emanuel School, construction of new part 4, part 5 level building adjacent to Chepstow Street with classrooms, multi purpose and performance spaces, replacement of portion of Chepstow Street boundary wall, landscaping and associated site works.

The Emanuel School is the subject of a Master Plan prepared by CityPlan Heritage approved by Randwick City Council in February 2011. This Stage 1 Concept Application for building envelopes and school uses was approved by Council on 8 February 2011 subject to 17 conditions of consent relating to matters including (but not limited to) heritage, traffic management, staging plan, utility assessment, waste and drainage plans, landscape plans, and specific Block D controls.

Significant to the redevelopment of Block D, conditions 7 and 8 required any future development proposal to be accompanied by:

- Shadow diagrams, showing existing and future shadow lines at 9:00am, 12 noon and 3:00 pm on 21 June.
- A sustainable building report.
- View loss analysis.

- The preparation and submission of a comprehensive Traffic Management Plan (TMP) with any development application.

These documents have been provided as part of the current development proposal and have been assessed accordingly.

A key issue was identified during the assessment of the proposal relating to the establishment and use of the proposed 220 capacity performance space within the new Block D development on existing parking/traffic conditions in the area.

The performance space was not included within the Stage 1 development application and concerns have previously been raised by Council that the creation of this space in conjunction with use of the existing performance spaces on the site has the potential to increase the demand for on-street parking, for which the implications were not considered as part of the assessment for the Stage 1 Masterplan.

The school has since provided additional information to Council addressing these issues and further indicated that the intention of the new performance space is to provide an alternative venue for existing events and does not seek to increase the combined peak capacity of the existing and proposed performance spaces.

Accordingly, a suitable condition has been included within the recommendation to require the submission of an Operational Plan of Management to Council for approval for the performance spaces within the school prior to occupation of the development. The plan is required to demonstrate that the use of the new performance space within Block D in combination with the Multi Purpose Hall (MPH) and Performing Arts Centre (PAC) does not increase the peak capacity of the combined performance spaces beyond existing levels.

Subject to compliance with this condition of consent, the proposal and supporting/supplementary information is considered to satisfied Council's requirements in relation to traffic and parking generation and does not contravene the overall objectives of the Masterplan or Council's DCP – Parking.

The proposal demonstrates consistency with the relevant planning considerations and general design guidelines and objectives of the Masterplan in that: -

- The proposed works continue to respond to and compliment the existing heritage fabric and built form of the School.
- The proposal is consistent with the built form envelope approved under the Stage 1 development consent.
- The proposed colours and materials do not detract from the building fabric.
- The proposal retains existing vehicular access from Chepstow Street and does not include any pedestrian access (with the exception of an emergency fire exit) to Chepstow Street ; and
- The amenity of the public domain is retained.

The Heritage Branch of the Heritage Council of NSW and Council's Heritage Planner are satisfied that the proposed development demonstrates consistency with the provisions of the Masterplan. The proposal confirms to the general height and building envelopes controls as approved under the Stage 1 consent and demonstrates adequate sensitivity to the heritage items on the site (buildings and landscape items), better embodies the conservation principles identified in previous documents and relates well with the adjacent heritage conservation area.

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

1. 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:

Plan	Drawn by	Dated	Received
DA102 (Rev B)	Baker Kavanagh Architects	25.10.12	1 November 2012
DA103 (Rev B)			
DA104 (Rev B)			
DA105 (Rev B)			
DA106 (Rev B)			
DA107 (Rev B)			
DA200 (Rev B)			
DA201 (Rev B)			
DA300 (Rev B)			
DA301 (Rev B)			
DA500 (Rev A) – Material and finishes			

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

2. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
3. The Block "X" demountable classrooms adjacent to Avoca Street shall be demolished within 12 months of final occupation of the new Block "D" classrooms.
4. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.
5. The proposed fire egress door fronting Chepstow Street shall be constructed of metal panels and finished with dark brown or earth colour, in lieu of an open, palisade type design and match as closely as possible the existing egress door for the adjacent Science building, in terms of materials and detailing. Details demonstrating compliance with this requirement shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
6. The proposed perforated screen to the eastern wall of the access stair is to be recessive in colour to ensure that the proposed building forms a neutral backdrop to the former chapel and former novitiate buildings. Details of compliance are to be included in the construction certificate.
7. Nothing in this Development Consent permits or implies the construction of any footpaths, pedestrian ramps and/or stairs within Council's landscape strip immediately outside the subject site.
8. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place, unless being specifically approved in this Consent.

The following conditions are applied to meet the requirements of the Heritage Council of New South Wales

9. All work shall be carried out in accordance with the following documentation:
 - a. Heritage Impact Statement, prepared by Weir Phillips, dated October 2012.
 - b. Architectural drawings, nos.
 - DA000 (Rev A) – Cover page/Location Plan
 - DA011 (Rev A) – View Analysis Study 01
 - DA012 (Rev A) – View Analysis Study 02
 - DA101 (Rev A) – Demolition Plan

- DA102 (Rev B) – Lower Ground Level Plan
- DA103 (Rev B) – Ground Level Plan
- DA104 (Rev B) – Level 1 Plan
- DA105 (Rev B) – Level 2 Plan
- DA106 (Rev B) – Level 3 Plan
- DA107 (Rev B) – Roof Plan
- DA200 (Rev B) – Elevations 01
- DA201 (Rev B) – Elevation 02
- DA300 (Rev B) – Sections 01
- DA301 (Rev B) – Sections 02
- DA500 (Rev A) – Materials and Finishes

All dated 25 October 2012, and prepared by Baker Kavanagh Architects.

c. Landscape drawings, nos. L-01, L-02, and L-03, all revision C, dated 29 October 2012, prepared by Eco Design.

Except as amended by the conditions of this consent:

Chepstow Street boundary wall:

10. Detailed drawings of the section of Chepstow Street wall to be demolished and reconstructed shall accompany the Section 60 application.

Site Protection and Works:

11. Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

Replacement tree

12. A replacement Magnolia tree shall be planted following removal of the existing Magnolia tree in accordance with the approved landscape plan.

Tree Protection

13. 5. All recommendations contained within the Arboricultural Impact Assessment prepared by Arboreport, dated 29 October 2012, must be implemented prior to and during construction.
14. At a minimum, site inspections shall be carried out by a qualified arborist at the following critical stages during construction:
 - Installation of tree protection measures;
 - Excavation within the identified tree protection zone; and
 - Landscaping works within the identified tree protection zone.

The arborist shall monitor tree health, structure and stability and the effectiveness of the tree protection measures. All site inspections shall be documented and reported to the satisfaction of the NSW Heritage Branch.

Nominated Heritage Consultant:

15. All heritage work shall be supervised by a qualified heritage consultant to ensure that the impact of the works on the heritage significance of the building is minimised and all work has been carried out in accordance with the approved documentation and the conditions of this consent.
16. All heritage work shall be carried out by suitably qualified tradesmen with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradesmen.

Archaeology:

17. The Applicant must ensure that if intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with S146 of the NSW Heritage Act. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
18. The Applicant must ensure that an appropriately qualified and experienced archaeologist is on call during the excavation works to ensure that if unexpected archaeology is discovered, they can be managed in accordance with the above condition.
19. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately. The Excavation Director must inform the Office of Environment and Heritage in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Compliance

20. Following the determination of the development application by Randwick City Council, an application under Section 60 of the *NSW Heritage Act 1977* must be submitted to and approved by the NSW Heritage Council.

External Colours, Materials & Finishes

21. The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application.

Section 94A Development Contributions

22. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$6,709,673 the following applicable monetary levy must be paid to Council: \$67096.73.

The levy must be paid in cash, bank cheque or by credit card prior to a construction 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

23. 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*.

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.

The following conditions are applied to provide adequate security against damage to Council's infrastructure:

Security Deposit

24. 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*:

- \$4000.00 - 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 an occupation certificate or completion of the civil works.

Sydney Water

25. 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.

Street Tree Removal

26. The applicant shall submit a total payment of **\$827.75 (including GST)** being to cover the cost for Council to:

- a. Remove, stump-grind and dispose of the existing mature *Agonis flexuosa* (Willow Myrtle, Tree 2) from the Chepstow Street verge, roughly opposite no.14, so as to accommodate the proposed works as shown; and;
- b. Supply and install 1 x 45 litre street tree, *Cupaniopsis anacardioides* (Tuckeroo), back on the verge, in the same location.

The contribution shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development.**

The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for removal of the street tree, prior to the commencement of site works, as well as upon completion, to arrange for planting of the replacement tree.

Street Tree Protection

27. In order to ensure retention of the various trees along the Chepstow Street verge adjacent the works, being from south to north, a small, recently planted *Cupaniopsis anacardioides* (Tuckeroo), a *Banksia integrifolia* (Saw Toothed Banksia, Tree 3 in the Arboricultural Impact Assessment by Arboreport, dated 29/10/12, "*the Arborists Report*"), two *Olea europaea subsp. Africana* (Wild Olives), then to the north of tree 2, another *Olea europaea subsp. Africana* (Wild Olive), and lastly, an *Agonis flexuosa* (Willow Myrtle, Tree 1) adjacent the existing vehicle crossing in good health, the following measures are to be undertaken:

- a. The requirements of **point 6, Tree Management**, and **point 10, Recommendations**, contained in the Arborists Report shall be

complied with at all times throughout the course of the works.

- b. An AQF Level V Arborist (who is also a registered member of a nationally recognized organization/association, *“the site Arborist”*) must be engaged for the course of the works for the purpose of performing, implementing and monitoring the Tree Protection Measures described in the Arborists Report and these conditions of consent so as to ensure the preservation of those trees both within the site and on Council’s verge.
- c. All documentation submitted for the Construction Certificate application must show the retention of these six street trees, with the position and diameter of both their trunks and canopies to be clearly and accurately shown in relation to the works.
- d. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property, must be located as close as possible to the site boundary along Chepstow Street, then along the side of the existing crossing at the northern edge of the works.
- e. Any other excavations associated with the works within their TPZ’s shall be undertaken in accordance with **point 10.6, Excavation within the TPZ** of the Arborists Report.
- f. Each tree is to be physically protected by the installation of **Tree Protection Fencing (TPF)** as specified in point **10.3 of the Arborist Report**, as well as **point 10.4, Trunk and Root Zone Protection**.
- g. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- h. The applicant is not authorised to perform any other works to these trees, and shall contact Council’s Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, and must only be performed by, or under the direct supervision of Council, with the applicant required to cover all associated costs with such work, to Council’s satisfaction, prior to the issue of a Final Occupation Certificate.
- i. Any roots encountered during the course of the approved works must be cut cleanly by hand, by the site Arborist, with the affected area backfilled with clean site soil as soon as practically possible.
- j. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$2,000.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction**

Certificate being issued for the development, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of these trees.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to the trees at any time during the course of the works, or prior to the issue of a Final Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

Tree Protection within site

28. In order to also ensure retention of the *Schinus terebinthifolius* (Brazilian Pepper Tree, Tree 5 located within the site, beyond the southeast corner of the existing/proposed building, towards the Aron Kleinlehrer Performing Arts Centre in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of this tree, with the position and diameter of both its trunk and canopy to be clearly and accurately shown in relation to the proposed works, with only the site Arborist authorised to perform any works to this tree.
 - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar will need to be located outside its calculated SRZ, shown on the Tree Location Plan by Arboreport, sheet T-01, revision C, dated 29.10.12.
 - c. Any other excavations associated with the works within its TPZ shall be undertaken in accordance with **point 10.6** of the Arborists Report, **Excavation within the TPZ**, with a stabilised excavation method such as contiguous piling, which will not require battering back of the face of excavation to be used for any works in this area.
 - d. This tree is to be physically protected by the installation of **Tree Protection Fencing (TPF)** as specified in point **10.3** of the Arborist Report, as well as **point 10.4, Trunk and Root Zone Protection**.
 - e. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.

- f. If the existing walls of the garden area where this tree are growing are to be replaced or formalised, temporary shoring must be provided (in consultation with the site Arborist) for the time between demolition and re-construction so as to prevent collapse of the exposed soil profile and potential de-stabilisation of this tree.
- g. Removal and replacement of the concrete surfacing surrounding this tree must be undertaken under the supervision of the site Arborist, as well as in accordance with point 10.8, Pavements, in the Arborists Report.
- h. Any roots encountered during the course of the approved works must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible, as per point **10.9, Pruning**, of the Arborists Report.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia & Relevant Standards

- 29. In accordance with section 80A (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).

Access & Facilities

- 30. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.

Design Alignment levels

- 31. The proposed fire egress exit onto Chepstow St shall be designed to ensure the exit level is approximately 100mm above the existing adjacent natural surface levels on Council's street verge. Plans submitted for the construction certificate shall demonstrate compliance with this requirement.

Stormwater Drainage

32. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
33. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.

- b) The stormwater must be discharged (by gravity) to Council's underground drainage system in Chepstow Street or Stephen Street reserve via a new and/or existing kerb inlet/drainage pit.
- c) An on-site stormwater detention system must be provided to ensure that the maximum discharge from the redeveloped portion of the site does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

- d) Determination of the required cumulative storage (in the on-site detention system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- e) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- f) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's

drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
 - The pit being constructed from cast in-situ concrete, precast concrete or double brick.
 - A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
 - A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
 - The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
 - A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
 - Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".
- i) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.
- (In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).*
- j) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)

- iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
 - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
 - v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
 - l) Mulch or bark is not to be used in on-site detention areas.
 - m) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.

Site seepage

34. Sub-soil drainage (from site seepage) must comply with the following requirements:

- a) Sub-soil drainage must not be connected or discharged directly or indirectly to Council's street gutter or underground drainage system.
- b) Adequate provision is to be made for the seepage/ground water to drain around the basement levels of the building (to ensure the basement levels will not dam or slow the movement of the ground water through the development site).
- c) Sub-soil drainage systems (if provided) must comply with one or more of the following requirements:-
 - i. Any seepage water and sub-soil drainage systems must be restricted from entering the basement areas of the building and the stormwater drainage system, by tanking/waterproofing the basement areas of the building.
 - ii. Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
- d) Details of the proposed stormwater drainage system including methods of sub-soil drainage, tanking/waterproofing (as applicable) must be prepared or approved by a suitably qualified and experienced *Professional Engineer* to the satisfaction of the

Certifying Authority and details are to be included in the **construction certificate**..

35. All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as required by these conditions of development consent. Details are to be included in the relevant construction certificate and landscape plans.

Ground Anchors

36. Should ground anchors be required under Council's Chepstow Street verge written approval must be obtained from Council's Development Engineering Coordinator for the installation of any ground or rock anchors with full details to be provided in the construction certificate documentation to the satisfaction of Council.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the '*Principal Certifying Authority*', as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Certification and Building Inspection Requirements

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

- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and

- d) at least two days notice must be given to the Council, in writing, prior to commencing any works; and
- e) the relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the Principal Certifying Authority and Council.

Construction Site Management Plan

38. A *Construction Site Management Plan* must be developed and implemented throughout the site works, to Council's satisfaction. 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 Principal 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.

Construction Noise & Vibration Management Plan

39. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.

- a) 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.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

Public Liability

- 40. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifying Authority and Council.

Construction Traffic Management

- 41. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Chepstow Street for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

42. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

Public Utilities

43. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the principal certifying authority prior to the commencement of any demolition, excavation or building works.

44. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections during Construction

45. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

Building & Demolition Work Requirements

46. All demolition and building work and associated activities must be carried out in accordance with the following requirements:

- Work Health & Safety Act 2011 & Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Requirements, Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- The Protection of the Environment Operations (Waste) Regulation 2005
- DECC/EPA Waste Classification Guidelines
- Randwick City Council's Asbestos Policy

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.

It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

47. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA) and Council, not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

Removal of Asbestos Materials

48. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- The requirements of WorkCover NSW and Randwick City Council's Asbestos Policy.
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority and Council.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal Certifying Authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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.

Excavations, Back-filling & Retaining Walls

49. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the *Principal Certifying Authority*.

Support of Adjoining Land

50. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

Sediment & Erosion Control

51. 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 must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Principal Certifying Authority and Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

52. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*

- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

Temporary Site Fencing

53. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:

- Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- All site fencing and hoardings must 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.
- An overhead ('B' Class) type hoarding is required to be provided to protect the public (unless otherwise approved by Council) if:
 - materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
 - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
 - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
 - as may otherwise be required by WorkCover, Council or the PCA.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *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.

Public Safety & Site Management

54. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- b) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- c) 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.
- d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
- e) Bulk bins/waste containers 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 in a public place can be made to Council's Health, Building and Regulatory Services department.
- 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.

Site Signage

55. A sign must be erected and maintained in a prominent position on the site for the duration of 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”.

Restriction on Working Hours

56. 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, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 1.00pm only Saturday - No work permitted Sunday & public holidays - No work permitted
Additional requirements for all development	<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.

Survey Requirements

57. A Registered Surveyor’s check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):
- prior to construction (pouring of concrete) of footings and boundary retaining structures,
 - prior to construction (pouring of concrete) of each floor slab,
 - upon completion of the building, prior to issuing an *Occupation Certificate*,
 - as otherwise may be required by the *Principal Certifying Authority*.

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the Principal Certifying Authority for the development.

Building Encroachments

58. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

Road/Asset Opening Permit

59. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- a) A *Road / Asset Opening Permit* must be obtained from 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.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.

- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Roadway

- 60. As it is necessary to excavate below the level of the base of the footings of the adjoining roadway, the person acting on the consent shall ensure that Council is given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Stormwater Drainage

- 61. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

- 62. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Tree Removal

- 63. Approval is granted for removal of the *Magnolia grandiflora* (Bull Bay Magnolia, Tree 4) located within the site, due to its direct conflict with the southern edge of the new building as shown, but is subject to the replacement of the same species that is shown in this same area on sheet L-03 by POD, rev C, dated 29.10.12, being increased from 45 litre to 100 litre pot/bag size at the time of planting.

Tree Pruning

64. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the *Schinus terebinthifolius* (Brazilian Pepper Tree, Tree 5) that is being retained within the site, to the southeast of the proposed works, only where needed so as to avoid damage to the tree; or; interference with the works.
65. Pruning can only be undertaken by the site Arborist; or; where being performed under direct supervision, the practising Arborist must hold a minimum of AQF Level III in Arboriculture, and is to be performed 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).

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

66. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

Operational Plan of Management

67. Prior to issuing an interim or final Occupation Certificate, an Operational Plan of Management for the performance spaces within the Emanuel School shall be submitted to Council for approval. The plan shall demonstrate that the use of the new performance space within Block D in combination with the Multi Purpose Hall (MPH) and Performing Arts Centre (PAC) does not increase the peak capacity of the combined performance spaces beyond existing levels.

Fire Safety Certificates

68. Prior to issuing an interim or final Occupation 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 Certificate.

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

Structural Certification

69. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council.

Noise Control Requirements & Certification

70. The use of the development and 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.

71. A report or correspondence must be obtained from a qualified Acoustic Consultant if new plant and equipment is installed to the building which is located within 20m of a dwelling.

The report/correspondence is required to demonstrate that noise emissions satisfy the relevant noise criteria specified in Council's conditions of consent and the NSW Office of Environment and Heritage (EPA) Industrial Noise Policy.

Waste Management

72. 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.

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 Council prior to commencing operation of the business.

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.

73. Any liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department (i.e. via a grease trap) and details of compliance are to be submitted to the certifying authority prior to the commencement of any works.

Council's Infrastructure, Vehicular Crossings & Road Openings

74. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer 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.
75. 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 occupation 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.
76. The naturestrip upon Council's footway 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 installed prior to the issue of a final Occupation Certificate.

Sydney Water Requirements

77. A section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing an *Occupation Certificate*.

Stormwater Drainage

78. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
79. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and

- Details of any pumping systems installed (including wet well volumes).
80. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

81. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional Engineer, to the satisfaction of the Principal Certifying Authority confirming that the basement tanking/waterproofing and any sub-soil drainage systems (as applicable) have been provided in accordance with the conditions of consent and relevant Standards.

Landscaping

82. Prior to issuing a Final (or any type of Interim) Occupation Certificate/s, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming that landscaping at this site has been installed substantially in accordance with the Overall Landscape Plan, Landscape Concept Levels 1-2, sheets L01-3, revision C, dated 29/10/12 by Eco Design, as well as the relevant conditions of consent, with the owner required to implement strategies to ensure that it is maintained in a healthy and vigorous state until maturity.
83. That part of the nature-strip upon Council's Chepstow Street 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, at the applicant's expense, prior to the issue of a Final Occupation Certificate.

Tree Works Certification

84. Prior to issuing a Final (or any type of Interim) Occupation Certificate/s, certification from the site Arborist must be submitted to, and be approved by, the PCA, confirming that all works and conditions relating to the preservation of trees (protection, root and crown pruning and similar) were adhered to throughout the course of the works, with a record of the dates they attended the site (as required by points 6.3 and 6.4 of the Arborists Report) and the type of works that were performed to be included.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Operation and Management of Performance Spaces

85. The operation of the performance spaces within the Emanuel School shall be in accordance with the approved Operational Plan of Management as required under condition No. 67 of this consent.

Fire Safety Statements

86. 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.

Operational Requirements

87. The written approval of council must be obtained prior to the installation of any cooling towers.

Stormwater Detention/Infiltration System

88. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

Emergency exit door

89. The fire escape door proposed on the western side of the new section of Chepstow Street wall is to be used for emergencies only and is not to be used for general access purposes at any time.

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 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.

- A2 Building or excavation work must not be commenced until;

- A Construction Certificate has been obtained from an Accredited Certifier or Council
- An Accredited Certifier or Council has been appointed as the Principal Certifying Authority for the development
- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.

- 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. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- 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 The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to

proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A7 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).

- A8 Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

- A9 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.
- A10 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.

- A11 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*.
- A12 A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used for any of the purposes detailed below:
- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
 - Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
 - Licensed premises, places of public entertainment and hotels
 - Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
 - Cooling Towers or Warm Water Systems
 - External plant and equipment not encompassed in the consent
 - Business providing any form of sexual service (i.e. brothel or the like).

Business premises which are used for any of these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

- A13 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.
- A14 Any 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.
- A15 Street numbering must be provided to the front of premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development.

- A16 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A17 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.
- A18 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.