

**Joint Regional Planning Panel
(Sydney East Region)**

JRPP No.	2014SYE061
DA No:	DA/267/2014 – 215 Anzac Parade, Kingsford. NSW. – Alterations and additions to the existing National Institute of Dramatic Art including a 2 storey addition to provide for new tutorial rooms, meeting rooms lift and stair access and associated facilities.
Applicant:	National Institute of Dramatic Arts
Report By:	Mark Swain

Executive Summary

Council is in receipt of a development application (DA) for alterations and additions to the existing National Institute of Dramatic Art including a 2 storey addition to provide for new tutorial rooms, meeting rooms lift and stair access and associated facilities at the abovementioned address.

The application is referred to the Joint Regional Planning Panel for determination, pursuant to Schedule 4A, of the Environmental Planning and Assessment Act 1979 and Part 4 of State Environmental Planning Policy (State and Regional Development) 2011. The development represents a Crown application which has a capital investment value in excess of \$5 million.

The proposal involves development for the purposes of an educational establishment for 50 or more students. The application has therefore been referred to the NSW Roads and Maritime Services in accordance Schedule 3 Traffic Generating Development) of the SEPP (Infrastructure) 2007. The application has also been referred to Sydney Airport Corporation. No fundamental concerns have been raised by any of the authorities.

The proposal was the subject of a prelodgement meeting held between the applicants and Council Officers on 18 March 2014. A number of issues were discussed regarding the future development of the site including potential amenity impacts to residential properties adjoining to the west, potential traffic impacts and the visual impact of the proposal given the prominence of the addition to Anzac Parade.

On the 5 May 2014 the subject application was formally lodged for the development described above and including substantial additional information to address those issues outlined in the prelodgement meeting. The scheme was notified in accordance with Council's requirements from 21 May until 4 June 2014. No submissions were received during this period.

The land is zoned SP2 Infrastructure – Educational Establishment under the Randwick Local Environmental Plan 2012 and proposed development is permissible. The land is affected by 24m and 12m maximum height limits each to a width of 30m as indicated in the body of the report.

The proposed development does not comply with the 12m height limit to the west of the site by virtue of the proposed metal screen wrap which extends to a height of 21.6m although the encroachment into the 30m (12m Maximum building height) zone of only 750mm is considered minor and no adverse impacts are associated with the minor deviation. A request for departure under clause 4.6 of the RLEP accompanies the application which justifies the considered minor departure on this occasion.

The site is within the Kensington Town Centre, as such, Part E2 – Randwick Education and Specialised Health Centre of the Randwick DCP 2013 applies. The proposal satisfies the relevant controls of the DCP and is consistent with the overall objectives for the Education and Health Specialised Centre.

Notwithstanding the departure from the height controls under the RLEP the proposal is generally consistent with the planning controls for this precinct and will have a sustainable impact on the locality.

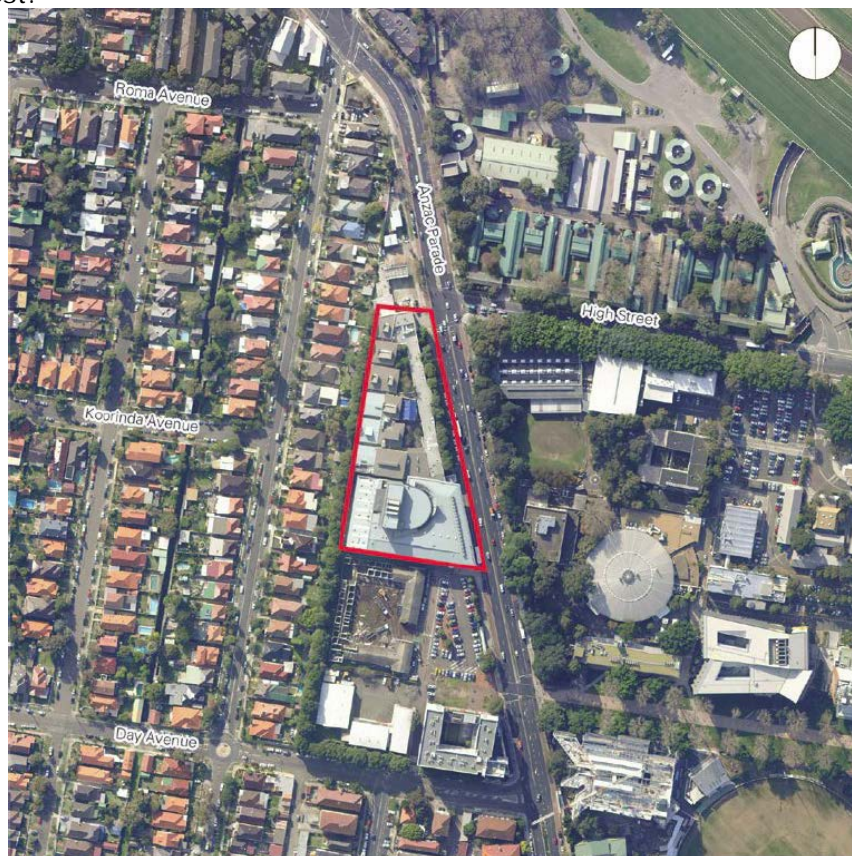
1.0 Site Description and Locality

The site is located on the western side of Anzac Parade in the Randwick Local Government Area (LGA) approximately 5.5km south of the Sydney Central Business District (CBD). The site is located within the Randwick Education and Health Specialised Centre on the western side of Anzac Parade as shown in the aerial photo below in **Figure 2**. The main UNSW Kensington Campus is located opposite NIDA on the eastern side of Anzac Parade.

The site, as part of the UNSW Kensington Campus, is located to the south of the Royal Randwick Racecourse, to the west of the Prince of Wales Hospital Campus / Randwick Health Hub, and between the Kensington and Kingsford town centres on Anzac Parade.

The NIDA site has an area of 10,610m², is legally described as Lot 11 in DP 1062204 and is owned by UNSW and leased to NIDA.

Development to the west consists of low scale residential development comprising predominantly single storey detached dwellings. To the south the site is adjoined by the existing car open car park with Kingsford shopping centre further to the south. To the east the land is opposite the main campus. To the north is small scale commercial development including a service station and Randwick Racecourse in close proximity to the north west.



 The Site

Figure 1: Site Plan (Source JBA)
Figure 2 – Location Plan
Source: JBA

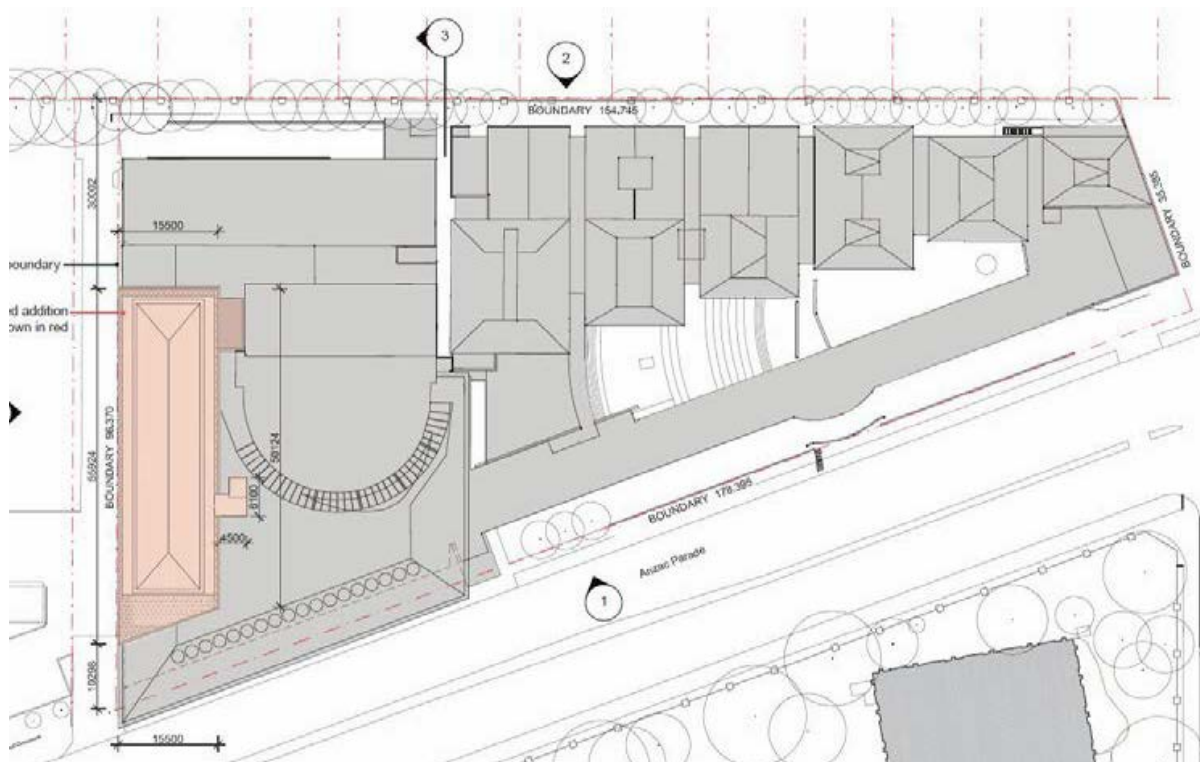


Figure 2: Site Plan Showing Proposed Addition (Source JBA)

2.0 Relevant History

The following consents are relevant to the application:

Application	Detail	Decision
DA/633/2012	Alterations and additions to the existing James Fairfax Foyer within the NIDA premises including a new upper level addition, a new lift, a new mezzanine level and 4 new tutorial/rehearsal rooms	Approved by JRPP 5 December 2012
DA/908/2011	Alterations to the National Institute of Dramatic Arts (NIDA) including provision of new office space, upgrade of existing offices, construction of 4 tutorial rooms, a rehearsal space, widen existing egress path, extend existing roof walkway system, install skylights, and install light suspension system	Approved by Council's Planning Committee 10 April 2012.
DA/909/2011	Installation of a shade structure over the existing Amphitheatre courtyard at the National Institute of Dramatic Arts (NIDA).	Approved under delegation, 11 January 2012.
DA/114/2011	Building works within NIDA precinct at UNSW including mezzanine floor in lighting studio on level 1, mezzanine floor in design studio 3 on level 2, mezzanine floor in workshop area on ground floor, internal work to parade theatre, air conditioning unit for rehearsal room 8 and access bridge and walkways connecting existing roofs.	Approved under delegation, 9 May 2011.

Application	Detail	Decision
DA/317/2010	Increase in number of patrons for the NIDA Parade Playhouse from 185 patrons to 285 patrons. No construction was proposed.	Withdrawn on 20 October 2010, following concerns over parking and traffic.
DA/207/2010	Temporary canvas sign to northern face of existing NIDA building.	Approved under delegation, 14 April 2010.
DA/569/2009	Construction of additional signage on the northern wall of the NIDA Theatre and above the stage door.	Approved under delegation, 4 November 2009
DA/545/2007	Upgrade of National Institute of Dramatic Art (NIDA) including internal work to the scenery workshop, parade space, parade studio, property workshop and storage area with windows and stairs.	Approved under delegation, 4 September 2007
DA/410/2007	Provision of new external illuminated signage to existing NIDA building.	Approved under delegation, 26 July 2007
DA/1634/1999	Construction of new Theatre Complex - 750 seat Auditorium, 100 seat Director's Theatre, Television & Sound Stage, a Performing Arts Library, work- shop areas & car parking.	Approved by Health Building and Planning Committee 4 April, 2000.

The proposal was the subject of a prelodgement meeting on 18 March, 2014. Based on the preliminary information submitted, the following issues were raised:

- *The general compliance of the scheme with the relevant built form controls is noted. Appropriate calculations and breakdowns should be presented within any formal DA scheme. Shadow diagrams have not been provided and will be necessary on lodgement;*
- *Council's primary concern with the scheme exists in potential amenity related impacts that may eventuate to low-density residential development to the west of the site. A primary objective of the scheme should seek to minimise any impact of bulk and scale, shadow, privacy and operational impacts upon these sites;*
- *An assessment of urban design and visual impact will be necessary given the scheme stands to make a prominent addition to Anzac Parade. The assessment should identify rationale and design response to the Parade Theatre building and surrounding development. Clear delineation should be made between the proposed artwork element achieving articulation and visual interest, as opposed to performing a billboard or signage function. Finishes schedules and artwork detail to the façade should be made clear;*
- *The design of the addition reads as a clear increase in capacity. The matter of intensification has not been addressed in Pre DA documentation and requires close consideration prior to lodgement, given this will introduce additional planning considerations;*
- *The uses of proposed internal spaces should be made clear on lodgement. Acoustic issues may become an issue should the development be inclusive of music rooms or the like, or in the instance additional plant and equipment are to be provided externally. An acoustic report will be necessary on lodgement.*

All matters have been attended to in the submitted application and are addressed in the body of this report.

3.0 The Proposed Development

The application seeks approval for construction and use of a two storey roof addition located on the southern part of the site, to house the NIDA Graduate School, as well as other minor modification to facilitate the delivery of the alterations and additions. Specifically, the application seeks approval for:

- The construction and use of two new levels above the existing library at the southern end of the NIDA site including:
 - Level 3 – construction of a new level including four tutorial rooms (with flexible spacing arrangement,) balcony to the western elevation, plant/services, amenities, fire stairs, circulation space, and extension of the existing lift and foyer; and
 - Level 4 - construction of a new level including four tutorial rooms (with flexible spacing arrangement), space for plant/services, fire stairs and amenities, circulation, and the extension of the existing lift and foyer.
- Modifications to the existing building to facilitate the addition of two levels including:
 - Ground and First Floor – Upgrade of existing lift accesses from the main foyer and enclosure of existing fire stairs along the southern boundary of the site; and
 - Level 2 – modifications to the library level providing upgrades to the existing lift and construction of new stairs to access level 3. Other modifications including the creation of three meetings rooms, librarian office, work room and storage, reception and student common.
- Upgrade and extension of services and structure; and
- Construction of patterned perforated anodised aluminium screening to wrap the additional levels.

The proposed additions to NIDA will primarily be utilised by students and staff of NIDA Graduate School. The delivery of the proposed additions will allow for the following anticipated Masters of Fine Arts Courses:

- Master of Fine Arts (Cultural Leadership);
- Master of Fine Arts (Creative Producing);
- Master of Fine Arts (Design for Performance);
- Master of Fine Arts (Movement);
- Master of Fine Arts (Voice); and
- Master of Fine Arts (Acting);

These courses will be offered between 8:30am and 6:00pm Monday to Friday. The proposed additions will also be utilised by NIDA Open Courses which run in the evenings, after 6:30pm and on weekends between 10am and 6:30pm.

The following table details the proposed use by level:

Level	Uses/Alterations
Level 2	Library (existing) meeting rooms x 3, librarian office, reception, work and storage rooms, student common, new stairs to level 3, small balcony
Level 3	Student Common, 4 x tutorial rooms, facilities, plant, eastern balcony and circulation, circulation
Level 4	Student Common, 4 x tutorial rooms (with moveable partition wall for moveable space, facilities, and circulation) facilities, plant, circulation and storage

Table 1: Proposed Uses by Level (Source JBA)

3.1 Numerical Summary

The following table sets out a numerical Summary of the proposed alterations and additions:

Component	Proposal
Site area	10,610m ²
GFA (of addition only)	1,208m ² (604m ² per level) –
Maximum Height	RL 49.1 (21.6m)
Car Parking	0 additional
Boundary Setbacks	
▪ South	0m – built to existing building line below
▪ East	10.3m
▪ West	30m (29.3m to the architectural Roof feature/screening)

Table 2: Numerical Summary of Proposed Development (Source JBA)

4.0 Clause 4.6 Exception to Development Standard

The proposal includes a metal sheet wrap around the proposed addition which in part extends into the 12m height limit section towards the rear (west) of the site shown on the zoning map below:



Figure 3: Height Controls Map RLEP (Source JBA)

The height controls from Anzac Parade consist of a maximum height of 24m to Anzac Parade (for a 30m width) under the RLEP, a maximum of 24m under the DCP for the internal portion and a 12m maximum height (for a 30m width) under the LEP. The

proposed development is of a maximum height of 21.6m. Whilst the proposed building is entirely within the respective 24m height zones, the proposed metal sheet wrap extends into the 12m height zone by 750mm resulting in a rear setback to the western boundary of 29.25m in lieu of 30m to any development to a maximum height of 24m. The extent of the departure is shown in the following diagrams:

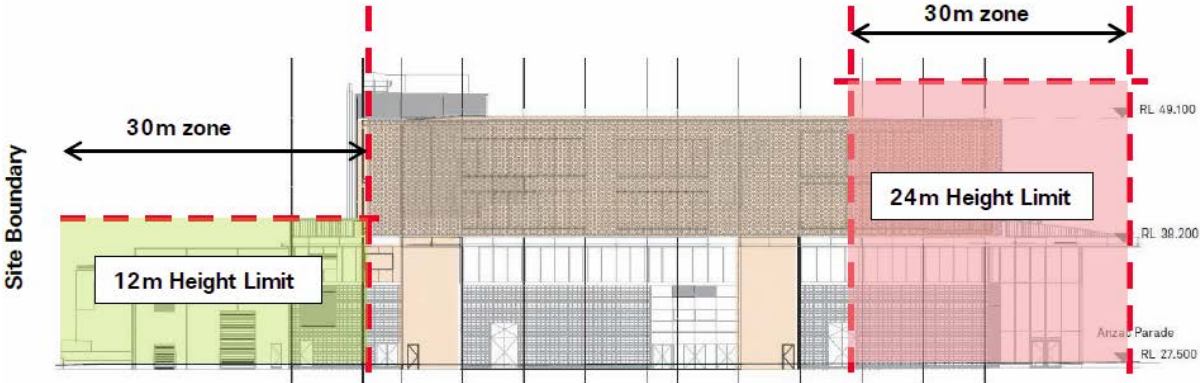


Figure 4: Southern Elevation Showing Proposed Addition (Source JBA)

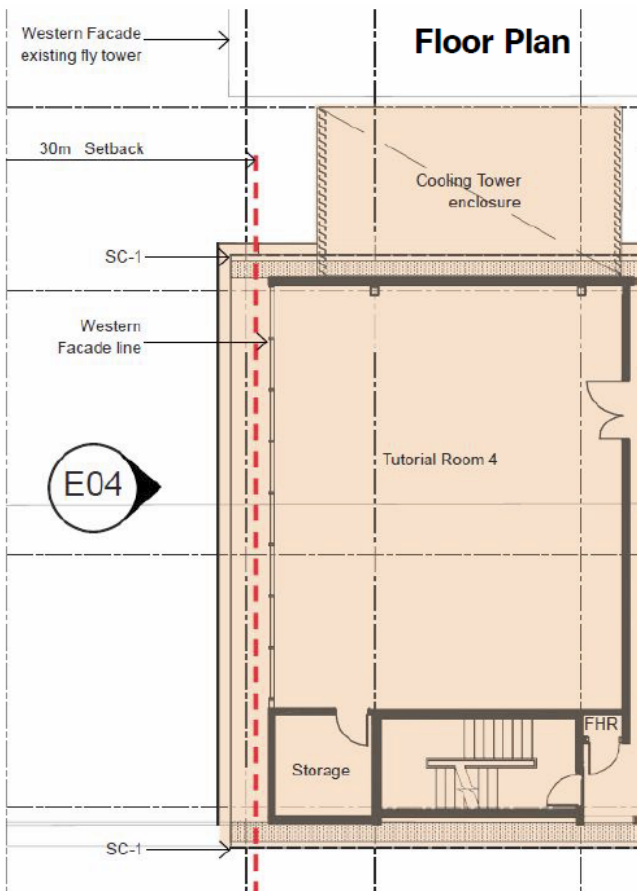


Figure 5: Floor Plan Showing 750mm encroachment into 12m Height Zone (Source JBA)

4.1 Request to vary development standard

The proposal contravenes the maximum height of buildings development standard contained in clause 4.3 of RLEP 2012. The applicant has submitted a written request seeking to justify the contravention of the standard pursuant to Clause 4.6 of RLEP 2012.

Height

The proposed variation is summarized in the table below:

	Floor Space Ratio (FSR)
Development Standard	12m
Proposal	21.6
Excess above RLEP Standard	180%

Assessment against the applicant's written justifications for the contravention of the development standard

Pursuant to clause 4.6(3) of RLEP 2012 development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Further, the consent authority must be satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The concurrence of the Director-General of the Department of Planning and Infrastructure must also be obtained for development that contravenes a development standard. However, pursuant to the Notification of assumed concurrence of the Director-General under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument contained in Planning Circular PS 08-003 (dated 9 May 2008) the concurrence of the Director-General of the Department of Planning and Infrastructure under clause 4.6(4)(b) of RLEP 2012 may be assumed in certain cases.

In relation to the matters required to be demonstrated by subclause (3) there are various ways that may be invoked to establish that compliance with a development standard is unreasonable or unnecessary as discussed by Chief Justice Preston of the NSW Land and Environment Court in the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827. Although the *Wehbe* case was decided in relation to State Environmental Planning Policy No 1—Development Standards ("SEPP 1") and not clause 4.6 of RLEP 2012 it remains of some assistance in relation to identifying the ways in which an applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case.

Has the applicant's written request adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

In the *Wehbe* case Justice Preston said the most commonly invoked way to establish that compliance with a development standard is unreasonable or unnecessary is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The objectives of the height standard are set out in clause 4.3 (1) of RLEP 2012 as follows:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- (b) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (c) *to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

The applicant's written justifications in the main outline the following key arguments for the departure from the standard:

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

As stated above, under the provisions of LEP 2012 development on the site is afforded a maximum height of 12 and 24 metres within a 30 metres setback off both the western and eastern site boundaries, respectively. The balance of the site centrally is not subject to any height controls.

The proposed development is compliant with the 24m height control, but exceeds the 12m height control for only the portion of the building that comprises the metal screen building wrap at its western elevation. That is, the wrap's design provides for a blade-like finish extending some 700mm into the 12m height zone at the southern and northern elevations and in plan between these elevations.

When considering whether a development standard is appropriate and/or necessary, one must take into account the nature of the proposed variation, the site specific context, and the design of the proposed development. Each of these matters is discussed below.

3.1 Nature of Variation

As discussed above, the variation is only 700mm into the 12m height zone and results in a height exceedence within this 700mm depth of about 9.6m. That is the top of the roof and building wrap is approximately at RL49.1, some 9.6m above the 12m height zone RL of 39.5m.

No additional building footprint or floorspace arises from the variation. Only the building wrap and blade-like forms exceed the 12m height limit.

3.2 Site Specific Context and Design of the Proposed Development

Site context is a key consideration when determining the appropriateness and necessity of a development standard. As stated in the SEE and HASSELL's Architectural Design Statement:

The concept for the new addition to the building in the composition of the architecture is to express it as a distinct form, articulated separately above the strong horizontal datum of the existing roof form. Its materiality and detail echo the elements on the existing roof and fly tower, and are deliberately distinguished from the veil surrounding the auditorium of the theatre. A metal screen wraps around the northern and southern facades reinforcing its reading as part of the roof-scape, providing sun shading while maximising internal views and daylight as required. In a similar manner to the existing roof a shadow gap will separate it from the masonry base. This screen has a perforated surface with subtle patterning making reference to the creative activities and culture within.

The building wrap's intent is to unify the addition and provide a distinct form. The finish of the wrap seeks to provide an aesthetic visual interest and refinement, whilst functionally providing for sun-shading within the upper floor and screening at the sides of both floors.

In light of the above, the requirement to strictly adhere to a numerical development standard for building height is considered both unreasonable and unnecessary in this instance.

There are sufficient environmental planning grounds to justify contravening the development standard.

The proposed development will not result in any significant adverse impacts as:

- the deviation above the maximum height limit is only over a significantly small fraction of the site's area and provides no additional sense of bulk or scale of development due to its wrapped form extending a mere 700mm into the adjacent 12m height zone from a portion of the site not subject to height controls;
- the use is permitted on the site;
- the development is suitable for the size and dimensions of the site;
- the proposal incorporates generous and compliant height-based setbacks;
- the design solution, including the building wrap, exhibits design excellence and allows for a high amenity teaching and learning space for NIDA; and
- no overshadowing impacts result from the proposal and the deviation from the standard.

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Table 1 below demonstrates that the proposed development is in the public interest as it is consistent with both the zone and development standard objectives of the LEP.

Table 1 – Consistency with the relevant LEP Building Height objectives

LEP CI	Objective	Proposal
Clause 4.3 – Building Height	a) to ensure that the size and scale of development is compatible with the desired future character of the locality,	The bulk, size and scale of the development is substantially unaltered by the building wrap and blade-like elements. The development in its entirety is substantially compliant with all relevant controls and standards and meets Council's objectives for the desired future character of the locality, including the teaching and learning roles provided for by UNSW and NIDA and providing for an interface with nearby residential development.
	(b) to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,	The development's form and scale does not impact upon any heritage items or conservation areas. The variation from the height standard is negligible and will not impact adversely on any heritage considerations.
	(c) to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.	As above, the bulk, size and scale of the development is substantially unaltered by the building wrap and blade-like elements. The blades and wrap would contribute to reducing amenity impacts by improving privacy from some views from the addition. Views and overshadowing arising from the variation to the standard are unaltered in relation to the overall development and its addition.

It is considered that the proposal is satisfactory and strict compliance with the maximum height is unreasonable and unnecessary in the circumstances of the case for the following reasons:

- The size and scale of the proposed addition relates well to the main NIDA building in a manner which is generally consistent with the DCP controls and the identified desired future character of the area.
- The subject site is not a heritage item or within a heritage conservation area.
- The extent of the departure on this occasion is such that the end development will be indiscernible from a compliant form of development. Furthermore, it will not

adversely impact on the amenity of adjoining or neighbouring land in terms of visual bulk, loss of privacy, overshadowing or views.

In conclusion, the applicant's written request has successfully demonstrated that compliance with the development standard in question is unreasonable or unnecessary in the circumstances of the case.

Has the applicant's written request adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard?

The proposal has been carefully designed to achieve the planning objectives for the locality and to fit in with the scale and character of development in the immediate context, whilst minimising potential adverse impacts on surrounding properties.

The applicant's written request has successfully demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

The objectives of the height standard are as follows:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- (b) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (c) *to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

The proposed alterations and additions result in an end development of a size and scale compatible with the existing NIDA complex and the desired future character of the locality as envisaged under Council's controls. The analysis contained within the plans of proposal and the Statement of Environmental Effects indicates the development will not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.

Based on the above assessment, it is considered that the proposed development is consistent with the objectives of the height standard.

The objectives for development within the zone in which the development is proposed to be carried out (SP2 Special Infrastructure Educational Establishment) are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To facilitate development that will not adversely affect the amenity of nearby and adjoining development.*
- *To protect and provide for land used for community purposes.*

It is considered that the proposed development is consistent with the objectives that are relevant because it provides important additional educational infrastructure and is sympathetic to the existing residential environment and built form to the west and will not have any unacceptable impacts on the amenity of residents.

The proposed development is considered to be in the public interest because it is consistent with the objectives of the standard and the relevant objectives for development within Zone SP2 Special Infrastructure Educational Establishment.

Does the Council have delegation to exercise the concurrence function of the Director-General of the Department of Planning and Infrastructure for development that contravenes a development standard? If so:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and**
- (b) the public benefit of maintaining the development standard.**

Comments:

Pursuant to the Notification of assumed concurrence of the Director-General under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument contained in Planning Circular PS 08-003 (dated 9 May 2008) the concurrence of the Director-General of the Department of Planning and Infrastructure under clause 4.6(4)(b) of RLEP 2012 may be assumed to the granting of development consent to the development that contravenes the development standard for the maximum allowable FSR of buildings in clause 4.4 of RLEP 2012.

Variation from the adherence to the numerical height standard will not be detrimental to the orderly use of the site and there is no public benefit in maintaining the development standard in this instance.

The proposed development and variation from the development standard does not raise any matters of significance for State or regional environmental planning. However, strict adherence to the numerical standard will be unnecessary in this case for maintaining the special educational infrastructure forms envisaged under the LEP for the site and locality.

5.0 Notification/ Advertising

The subject development was advertised/notified to surrounding landowners for a period of 14 days between 21 May 2014 and 4 June 2014 in accordance with Council's DCP. As a result of no submissions were received.

6.0 Technical Advice: Internal and External

Development Engineering Comments

The development application was referred to Council's Development Engineering Unit primarily in relation to traffic and parking and stormwater and drainage. No objections have been raised subject to the attachment of standard conditions.

Building Services Comments

The development application was referred to Council's Building Services Unit primarily in relation to BCA matters. Subject to the attachment of standard conditions, no objections was raised to the proposal.

7.0 Comments from External Authorities

The application was referred to the following external referral agencies:

- Sydney Airport Corporation
- Roads and Maritime Services

7.1 Sydney Airport Corporation

The application was referred to the Sydney Airport Corporation Limited as the proposed height of the building would potentially result in permanent obstruction of controlled airspace. Any obstruction of this airspace requires approval under the Airports (Protection

of Airspace) Regulations 1996. No objections have been raised by SACL to the erection of the development to a height of 49.4 metres above Australian Height Datum (AHD).

7.2 Roads and Maritime Services

The application was referred to RMS for comment, given its proximity to a classified road. The RMS referred the application to the Sydney Regional Development Advisory Committee.

The RMS provided advisory comments to Council dated July 2013, as detailed below:

Roads and Maritime has reviewed the development application and provides the following advisory comments to Council for its consideration of the development application:

1. Roads and Maritime has no approved proposal that requires any part of the subject property for road purposes.

Roads and Maritime has no objections to the proposed development on property grounds provided all new buildings or structures are erected clear of Anzac Parade road reserve (unlimited in height or depth)

2. The proposed development should be designed such that road traffic noise from Anzac Parade is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
3. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Anzac Parade.
4. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

5. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
6. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
7. All costs associated with the development are to be at no cost to Roads and Maritime.

The above conditions have been included in the recommendation.

8.0 Environmental Planning and Assessment Act, 1979

• Section 79C- Evaluation

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

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

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

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

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

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

9.0 Relevant Environmental Instruments and Policy Controls

9.1 Environmental instruments

The following statutory Environmental Planning Instruments apply in the assessment of the proposed development, and are addressed in detail in Section 8 of this report:

- State Environmental Planning Policy (State and Regional Development) 2011
- Randwick Local Environmental Plan 2012

An assessment of the proposed development in relation to the above statutory instruments is provided in Section 8 of this report:

9.1.1 State Environmental Planning Policy (State and Regional Development) 2011

The application is referred to the Joint Regional Planning Panel for determination, pursuant to Schedule 4A, of the Environmental Planning and Assessment Act 1979 and Part 4 State Environmental Planning Policy (State and Regional Development) 2011. The development has a capital investment value in excess of \$20 million.

9.1.2 Randwick Local Environmental Plan 2012

The subject site is zoned SP2 Special Infrastructure Educational Establishment under the Randwick Local Environmental Plan 2012.

The objectives of the zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To facilitate development that will not adversely affect the amenity of nearby and adjoining development.*
- *To protect and provide for land used for community purposes.*

The proposal is permissible in the zone with Council's consent and consistent with the zone objectives.

Clause 4.3 Height of Buildings

Clause	Requirement	Proposal	Compliance
4.3 Height of buildings	Maximum 24m and 12m respectively. (See Figure 3 Height Controls Map)	21.6m	Yes for that part of the building within the 24m height zone and No for that part of the building within the 12m height zone. Clause 4.6 variation request submitted and supported. See section 4 above.

Clause 4.4 Floor Space Ratio

There is no maximum floor space ratio for the site under the RLEP.

Clause 6.4 Stormwater Management

Refer to Council's Engineers assessment at Section 6.

Clause 6.8 Airspace operations

Clause 6.8 of Randwick LEP aims to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport.

The proposed modifications to the previously approved alterations and additions will not penetrate the Limitation or Operations Surface of the Sydney (Kingsford Smith) Airport. Refer to Airspace Referral assessment at Section 7.

Clause 6.11 Design Excellence

Clause 6.11 states:

Design excellence

- (1) *The objective of this clause is to deliver the highest standard of architectural and urban design.*
- (2) *This clause applies to development involving the construction of a new building or external alterations to an existing building:*
 - (a) *on a site that has an area of 10,000 square metres or greater, or*
 - (b) *on land for which a development control plan is required to be prepared under clause 6.12, or*
 - (c) *that is, or will be, at least 15 metres in height.*
- (3) *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.*
- (4) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) *how the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites,*
 - (d) *whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*

- (e) whether the proposed development detrimentally impacts on view corridors and landmarks.

The applicant has provided an architectural design statement as part of the application. Specifically, the provisions of clause 6.11 are addressed as follows in the SOEE:

Table 4 – Clause 6.11 – Design Excellence provisions

Clause	Response/assessment
a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	As demonstrated in the Architectural Drawings (Appendix A) and Architectural Design Statement (Appendix C), the design, material and detailing of the proposed additions is high quality, and considerate of the context and proposed uses.
b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The form of the additional building elements have been carefully considered and design by HASSELL who have been involved in the design of the existing buildings present on the NIDA site. The additions serve a function proposed to house needed education space for NIDA will not detract from the amenity or quality of the public domain. Consistent with the Randwick DCP 2013, the additions is considered to contribute to visual interest of the iconic NIDA buildings.
c) how the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites,	As outlined in the Architectural Design Statement (Appendix C), the concept for the element in the composition of the architecture is to express it as a distinct form, articulated separately above the strong horizontal datum of the existing roof form. This distinct expression is considered to provide an appropriate relationship, respectful of the integrity of the existing building on the site. Given the significant separation of the addition and facade treatment proposed, the additions are considered to establish an appropriate relationship between NIDA and neighbouring residential uses.
d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,	The proposal has been designed to maximum solar access and energy efficiency whilst ensuring privacy and suitable internal amenity for the proposed uses. A National Construction Code - Section J Report (Appendix H) is also provided, demonstrating the proposal compliance with energy targets.
e) whether the proposed development detrimentally impacts on view corridors and landmarks.	The proposed additions do not detrimentally impact any existing view corridors or landmarks. The respectful setback of the addition from the eastern (Anzac Parade) building line, also ensures the addition is read as a separate and additional element to the building below.

Comments:

Concerns were raised in the prelodgement meeting regarding the rationale and design response to the Parade Theatre building and surrounding development. Clear delineation was requested between the proposed artwork element achieving articulation and visual interest, as opposed to performing a billboard or signage function.

The proposal includes substantial additional information and plan documentation which clarifies the rationale and design response to the theatre building and that the southern façade of the metal screen wrap will not be utilized for any form of advertising or billboard purposes. The design also receives comment in the DCP section of this report.

The proposed development with elaborated detail adequately addresses the concerns previously raised.

Clause 6.12 Requirement for preparation of a site specific Development Control Plan

The above clause requires the preparation of a site specific DCP for sites over 10,000m² or identified on Council's Key Sites maps as "DCP Required" unless:

- (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or*
- (b) guidelines and controls similar to those mentioned in subclause (4) already apply to the land, or*
- (c) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.*

Section E2 Randwick Specialised Health and Education Centre of the comprehensive DCP 2013 suffices for the purposes of clause (a) above.

9.2 Policy Controls

The following policy controls apply in the assessment of the proposed development and are elaborated upon in the section below:

- Randwick Comprehensive Development Control Plan 2013
- Randwick City Council Section 94A Development Contributions Plan.

9.2.1 Part E2 – Randwick Education and Health Specialised Centre

This DCP is applicable to the subject site by virtue of its location within the UNSW Campus. The DCP contains a range of and campus design principles, performance criteria and provisions designed to shape the campus experience. Specifically, the 10 design principles are as follows:

- Sustainability
- Sense of place
- Legibility
- Knowledge clusters and hubs
- Landscape
- Buildings
- Housing
- Retail and services
- Recreation and cultural facilities
- Transport.

The following information is provided in relation to the relevant components of the DCP.

Section 4.2.1 – Sustainability

A section J report accompanies the application which confirms that the building has been adequately designed in accordance with the National Construction Code (NCC) including glazing of external walls in conformity with the deemed to satisfy criteria of the NCC. The proposal is consistent with the intent and objectives of section B3 – 3 of the DCP in ensuring that the construction and the operation of the development minimises the adverse impacts to the built and natural environment.

The proposed development is also consistent with the Environmental Management Plan for the UNSW campus and satisfies the objectives and controls within the DCP.

Section 4.2.1 – Sense of Place

The proposed development involves the retention of the principal access point to the NIDA building, functional public areas on the ground floor and involves an additional 2 floors of tutorial and ancillary rooms including internal alteration to the lift from the ground floor level and provision of fire stairs.

The building is setback at least 10.298m from Anzac Parade to allow for a stepped presentation of the addition to the Streetscape. No existing landscaping is impacted by the proposal.

Section 4.2.3 Legibility

The proposal will provide principally for anticipated Masters Programs as part of the NIDA graduate School. The development will provide for additional supportive gathering places in the form of tutorial and ancillary rooms that will allow for informal and formal gathering and instruction without compromising existing spatial connections and thoroughfares.

The proposed elevation to Anzac Parade as a combination of glazing and the metal screen wrap will provide a positive interface with the public domain. To the south and existing car park area the development will present as an acceptable albeit bold structure with heightened visual interest by way of the metal screen wrap.

Section 4.2.6 - Buildings

Section 4.2.6 of the DCP acknowledges that Anzac Parade can visually support taller buildings along the main street to a height of 24m, with a visual transition between heights of buildings on Anzac Parade and the heights of buildings 'behind' the main street to a maximum of 12m within 30m of the rear boundary to the west adjoining low density residential properties. The proposed addition rises to 21.6m in height in accordance with this limitation with the exception of 700mm of the proposed metal screen wrap which extends into the 12m height zone. The impact in this regard is considered sustainable and the request for departure dealt with in Section 4 of this report is supported on this occasion.

The proposal is accompanied by an Architectural Design Statement which verifies that the proposed additions are consistent with the Master Plan Study carried out by Hassell in 2013 and the design has been led by Ken Maher who designed the stage 2 NIDA additions. The resultant integration of the proposed addition both with the existing NIDA buildings and as an architectural expression in its own right is considered acceptable.

An Access Report accompanies the application which documents compliance with the relevant statutory guidelines.

Section 4.2.10 Transport and Parking

The DCP acknowledges the intention to reduce private vehicle usage and dependence and improving public transport infrastructure over time and in accordance with the Transportation Strategy prepared for the UNSW Campus.

The site is currently serviced by excellent bus services and the imminent construction of the Eastern Suburbs Light Rail connection will contribute to this end.

Concern was raised at prelodgement stage as the increase in student and staff numbers presented was vague at best. The proposal clarifies an intended increase of potentially 200 students and some 6 additional staff over a 7 year period however with numbers more in the order of an additional maximum of 50 students at any one time at completion of capacity.

The application is accompanied by a Transport Assessment Report which advocates no additional parking based on additional onsite parking provision elsewhere available within the Campus and the intended improvements to public transport infrastructure.

This aspect receives further comment in section 6 of this report. For the reasons outlined in that section the proposal is supported.

9.2.2 Randwick Section 94A Development Contributions Plan

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

Category	Cost	Applicable Levy	S94A Levy
Development cost more than \$200,000	\$13,618,997.00	1.0%	\$136,189.97

The applicant has requested that Council waive the section 94 contribution in this instance.

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

The applicant has cited 2 previous consents as precedents for the waiving the section 94 contribution. Notwithstanding, the provisions of Randwick Section 94A Development Contributions Plan have been applied with reasonable consistency to applications relevant to the University and more specifically, the NIDA campus. These include, but are not limited to the following NIDA applications:

- **DA/908/2011** - Approved by Council's Planning Committee 10 April 2012.
- **DA/909/2011** - Determined under delegated authority on 11 January 2012;
- **DA/114/2011** - Determined under delegated authority on 9 May 2011;
- **DA/545/2007** - Determined under delegated authority on 4 September 2007.
- **DA/633/2012** – Determined by JRPP 5 December, 2012.

Therefore, the imposition of Section 94A Development Contributions on the subject application is consistent with previous decisions of Council and is considered appropriate and reasonable. A condition has been recommended to this effect that has been agreed to by the applicant and provides for the provision of public domain works with the University and Hospital Precinct.

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

9. Environmental Assessment

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any	N/A.

Section 79C 'Matters for Consideration'	Comments
draft environmental planning instrument	
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the “Policy Control” section of this report above for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Environmental Planning and Assessment Regulation 2000 have been addressed by the recommended conditions.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not assessed within the body of this report, are addressed below.</p> <p>The proposed development is consistent with the educational function of the wider UNSW Campus, and is not considered to result in detrimental social or economic impacts.</p>
Section 79C(1)(c) – The suitability of the site for the development	The subject site is located within an established university campus and has convenient access to the local and regional road network. The site has appropriate size and dimensions and is considered to be suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	See Part 5 of this report. No submissions received.
Section 79C(1)(e) – The public interest	The proposed amendments to the approved plans will not result in any unreasonable environmental, social or economic impacts on the locality. Therefore, the development is considered to be in the public interest.

9.1 Site planning, height and setbacks:

The proposal will increase the height of the southern section of the existing NIDA building to a total of 2.16m with a slight increase for the low rise pitch of the upper level and the lift overrun. The building is setback 10.298m from Anzac Parade and 29.25m from the western boundary. The steel metal wrap is set to the southern boundary of the site adjacent to the existing open car park area. The additions are positioned to interact acceptably with the public domain and the residential properties to the west.

9.2. Solar Access

Concern was raised at prelodgement stage regarding potential for adverse impact on adjoining properties to the west particularly by way of overshadowing, proximity and dominance of the proposed addition as well as potential privacy impacts.

In terms of overshadowing, shadow diagrams indicate that the addition will cease to cast a shadow over the properties to the west at approximately 9.30am allowing well in excess of the DCP minimum sunlight access during the winter solstice.

Similarly shadows over Anzac Parade will not occur until afternoon hours resulting in a reasonable provision of sunlight access to the public domain proximate to the site.

9.3. Privacy

The Statement of Environmental Effects (SOEE) includes a privacy impact analysis which documents that the overlooking from the first of the proposed additional levels will be impeded to living areas of dwellings to the west by an existing parapet wall behind the proposed addition. Furthermore, the capacity for overlooking from the uppermost level will be at a distance of approximately 50m to the rear living areas of dwellings to the west which is also currently screened by substantial vegetation at the rear of these properties which will not be impacted by the proposed development. Given the physical distance any additional privacy impact is considered sustainable. It is finally noted that no submissions were received in relation to the proposed development.

The following photo and diagram demonstrates the acceptable conditions:

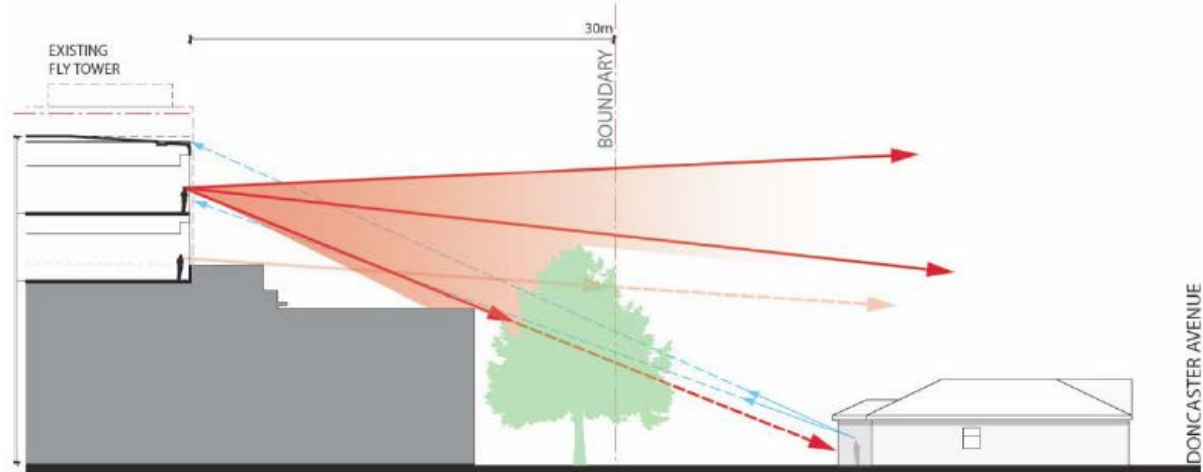


Figure 6: Sight Lines and Separation (Source JBA)



Figure 7: Photomontage showing existing vegetation at rear of properties fronting Doncaster Avenue (Source JBA)

9.4. Visual Impact

The SOEE contains an analysis of the visual impact of the proposed building given the iconic status of the existing NIDA development.

Concern was expressed at the lack of detail at prelodgement stage having regard to the prominence of the addition when viewed from the public domain most evidently from Anzac Parade travelling north and the potential for use of the façade for advertising purposes.

The application is accompanied by an Architectural Design Statement which clarifies the design intent and rationale of the addition in relation to the existing NIDA building. The following is a summary statement from the SOEE in relation to the design.

The proposed addition has been designed as a development of an existing iconic building of the UNSW Kensington campus, in accordance with the provisions of the DCP. The proposal will increase visual legibility of the campus from Anzac Parade and serve as a well-articulated gateway to western end of the campus.

Details of finishes and materials provided with the application which clarifies that the proposed metal screen wrap will not be utilised for any form of advertising and that the development will present as a bold addition to the existing building with unavoidable but sustainable visual impacts to the public domain and surrounding properties. It is further noted that the proposed addition should be viewed in the context of development of a similar height permitted immediately opposite the site under the DCP which will evolve as part of the UNSW Master Plan. The photomontage below shows the visual impact.



Figure 8: View of Existing Development from Eastern Side of Anzac Parade (Source JBA)



Figure 9: View of Proposed Development from same vantage point (Source JBA)

9.5 Noise Impact

Potential concern regarding noise impacts from the proposed development was identified at prelodgement stage.

The application is accompanied by an acoustic report addressing impacts including, which documents acceptable acoustic conditions with respect to the internal amenity of the proposed development from construction noise including the impact on the nearest residential receivers in Doncaster Avenue.

Subject to the adherence to the recommendations included in the report, this aspect poses no constraints to the proposed development.

9.6 Eastern Suburbs Light Rail Construction

The SOEE identifies that the proposed construction of this project anticipated late this year is likely to coincide with the early stages of construction of the proposed development.

Coordination in relation to the disruption associated construction activities will be the responsibility of the NIDA Project Management Team.

Relationship to City Plan

The relationship with the City Plan is as follows:

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

Conclusion

The proposed development complies with the objectives and performance requirements of relevant State and Local planning controls with the exception of a minor departure

from the height controls which is justified in the circumstances given the negligible additional impacts associated with the non-compliance.

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

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

Recommendation

That the Joint Regional Planning Panel, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/2672014 for alterations and additions to the existing National Institute of Dramatic Art including a 2 storey addition to provide for new tutorial rooms, meeting rooms, lift and stair access and associated facilities at No. 215 Anzac Parade, Kensington, subject to the following 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:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
DA -100 Rev Issue for DA	Hassell	31.3.2014
DA -101 Rev Issue for DA	Hassell	31.3.2014
DA -102 Rev Issue for DA	Hassell	31.3.2014
DA -103 Rev Issue for DA	Hassell	31.3.2014
DA -104 Rev Issue for DA	Hassell	31.3.2014
DA -105 Rev Issue for DA	Hassell	31.3.2014
DA -150 Rev Issue for DA	Hassell	31.3.2014
DA -151 Rev Issue for DA	Hassell	31.3.2014
DA -200 Rev Issue for DA	Hassell	31.3.2014
DA -201 Rev Issue for DA	Hassell	31.3.2014
DA -202 Rev Issue for DA	Hassell	31.3.2014
DA -203 Rev Issue for DA	Hassell	31.3.2014
DA-970 Digital Sample Board	Hassell	30.4.2014

REQUIREMENTS BEFORE CROWN BUILDING CERTIFICATION

The following conditions of consent must be complied with before a Crown building approval/certification is given under section 109R of the *Environmental Planning & Assessment Act 1979*. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the Crown building approval/certification.

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.

The following conditions are applied to address the requirements of the Roads and Maritime Services (RMS):

2. Roads and Maritime Services has not approved proposal that requires any part of the subject property for road purposes.

Roads and Maritime Services has no objections to the proposed development on property grounds provided all new buildings or structures are erected clear of Anzac Parade road reserve (unlimited in height or depth)

3. The proposed development should be designed such that road traffic noise from Anzac Parade is mitigated by durable materials in order to satisfy the requirements for habitable rooms under clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
4. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Anzac Parade.
5. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime Services for approval, prior to the commencement of any works.

Details should be forward to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime Services approval is issued. With regard to Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2766 or Fax: 8849 2766

6. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to issue of a construction certificate.
7. All costs associated with the development are to be at no cost to Roads and Maritime.

Any enquires in relation to this matter should be directed to the nominated Transport Planner Ravi Ravendra on telephone (02) 8849 2540.

8. Approval from the Sydney Airport Corporation in regard to the height of the proposed development and crane operations during construction is to be obtained prior to the erection of the any temporary or permanent construction cranes.

Long Service Levy Payments

9. 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*, as applicable.

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.

Section 94A Development Contributions

10. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$ 13,618,997, the following applicable monetary levy must be paid to Council: \$ 136,189.97 for public domain works within the University of New South Wales and Hospitals Precinct.

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

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

Security Deposit

11. 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*:

- \$5000.00 - 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 completion of the civil works.

Stormwater Drainage

12. Stormwater runoff from the redeveloped portion of the site must be discharged through the existing site stormwater drainage system. The crown certificate plans must document the existing site stormwater drainage system and demonstrate compliance with this requirement.

Electricity Substation

13. The applicant must liaise with Ausgrid prior to obtaining a crown certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

Sydney Water

14. 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 relevant certifying body must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

15. Approval from the Sydney Airport Corporation in regard to the height of the proposed development and crane operation during construction is to be obtained prior to the issue of the Crown Building Certification.

REQUIREMENTS TO BE INCLUDED IN THE CROWN BUILDING APPROVAL

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the Crown building approval plans and associated documents 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 State's Building Laws

16. In accordance with clause 227 of the *Environmental Planning & Assessment Regulation 2000*, all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

Access & Facilities

17. 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) Standards 2010, relevant Australian Standards and conditions of consent.

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 appointed building Certifier, 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

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

- a) Crown building work must not be commenced unless the building work is certified by or on behalf of the Crown, in accordance with the provisions of section 109R of the *Environmental Planning & Assessment Act 1979*.

A copy of the approval or certification and 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 suitably qualified person (e.g. Accredited Building Certifier) must be appointed to carry out the necessary building inspections and to issue any relevant approvals or certificates prior to occupation of the building.

Construction Site Management Plan

19. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective 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.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

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

Demolition Work Plan

20. 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 include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste materials
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the, 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.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

Notes

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

Construction Noise & Vibration Management Plan

21. A Construction Noise & Vibration Management Plan, prepared in accordance with the Office of Environment & Heritage/Environment Protection Authority 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 Office of Environment & Heritage/Environment Protection Authority Guidelines for

Construction Noise and Assessing Vibration and Councils conditions of consent.

- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) 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.

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.

Public Liability

- 22. 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 Council.

Public Utilities

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

Construction Traffic Management

- 25. 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 construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Any proposed Works Zone
- 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 & Maritime Services, 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
26. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

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

27. The building works must be inspected by a suitably qualified person (e.g. accredited building certifier), to monitor compliance with the relevant standards of construction, Council's development consent and the Crown building approval/certification.

Building & Demolition Work Requirements

28. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:

- Work Health and Safety Act 2011 & Regulations
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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.

Removal of Asbestos Materials

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

- Occupational Health & Safety legislation and WorkCover NSW requirements
- 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 Council.

- 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 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 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.

Dust Control

- 30.** 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

- 31.** 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:

- a) 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.
- b) 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.

- c) 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.
- d) An overhead ('B' Class) type hoarding is required is 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 Crown.

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

32. 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

33. 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
- name, address and telephone number of the project manager or other person responsible for the management of all site activities,
- a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

34. 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

35. 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:

- upon completion of the building, prior to issuing an *Occupation Certificate*,
- as otherwise may be required by the building certifier.

The survey documentation must be forwarded to the Council.

Building Encroachments

36. 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

37. 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.

The owner/builder 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 for the development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

REQUIREMENTS PRIOR TO THE ISSUE OF A CROWN COMPLETION 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.

Certification Requirements

38. A Certificate or Statement must be obtained from the appointed building certifier (or other suitably qualified person) prior to any occupation of the building, which confirms that the development is suitable for occupation having regard to the provisions of the Building Code of Australia.

Fire Safety Certification

39. 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. The *Fire Safety Certificate* must be consistent with any relevant *Fire Safety Schedules* which forms part of the building approval/certification.

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

Structural Certification

40. 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. A copy of which is to be provided to Council.

Sydney Water Certification

41. 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.

A copy of the Section 73 Certificate must be submitted to the Council.

Noise Control Requirements & Certification

42. 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.

43. A written report/statement must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and confirms that noise and vibration from all plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment and Heritage (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the Council prior to occupation of the development.

Council's Infrastructure, Vehicular Crossings, street verge

44. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
45. 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 Civil Works Application Form, prior to a Crown Completion Certificate being issued for the development, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

Stormwater Drainage

46. The applicant shall submit to the relevant certifying body and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the relevant certifying body.

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.

Fire Safety Statements

47. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) is required to be provided to the Council.

The *Fire Safety Statement* is required to 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* which forms part of the Crown building approval/certification.

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* is required to be displayed in the building entrance/foyer at all times and a copy is to be forwarded to Fire & Rescue NSW.

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 Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The relevant 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 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 application for Crown building approval or a construction certificate.
- A3 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
- A4 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).
- A5 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.
- A6 The necessary development consent and certification must be obtained for any proposed *cooling towers* and external plant and equipment, if not included in this consent.
- A7 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council's Building Approvals & Certification team on 9399 0944.
- A8 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
- A9 Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.
- A10 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.
- A11 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.
- A12 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.