



Planning Assessment Report

Development Application DA 40-3-2005

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 40-3-2005. The development application was lodged with the Department by Fox Studios Australia Pty Limited on 3 March 2005 in accordance with the *Environmental Planning and Assessment Act, 1979* (prior to 1 August 2005) ("the Act").

The application seeks consent for demolition of Building 34 within the Working Studio Precinct at Fox Studios Australia and erection of a new building for the continuation of existing uses, being the design, manufacture, decoration, storage and maintenance of sets and props for films.

The Minister is consent authority under Clause 8 of State Environmental Planning Policy No. 47 – Moore Park Showground (SEPP 47).

It is recommended that the development application be determined by **granting consent** subject to conditions.

2 BACKGROUND

2.1 Site Context

The Fox Studios Australia site is identified as Lot 51 in DP 1041134 and is bound by Moore Park Road and Poate Road to the north, Cook Road to the east, Lang Road to the south and Driver Avenue and Paddington Lane to the west. The site is within the City of Sydney local government area. The Working Studio Precinct which accommodates the professional film studios is situated north of the Family Entertainment Precinct.

Fox Studios Australia is surrounded by residential development to the north and east, Centennial Park to the south-east, and the Sydney Cricket Ground and Sydney Football Stadium to the west. Surrounding residential development ranges from single dwellings to two storey detached and semi-detached dwellings, as well as residential flat buildings. Adjacent non-residential uses include a child care centre on Cook Road and a hotel on the corner of Moore Park Road and Regent Street. The nearest residential development to the subject site are two and three storey terraces along the northern side of Moore Park Road.

Building 34, otherwise known as the Kurrajong Pavilion, is located at the northern end of the Working Studio Precinct within the Fox Studios Australia. Building 34 is surrounded by the Fox Studios Australia boundary wall to the north; Buildings 36 and 37 to the east, both of which are used for the design, manufacture and construction of sets, props, models and costumes; the Burma Gardens to the south, Building 33, a former overseer's residence now used as a writer's centre, to the west of the site, and a sandstone outcrop cut face beneath Moore Park Road. A row of Lombardy poplar trees are located along the boundary wall within the Fox Studios Australia boundary.

Vehicular access to the site is via the internal road network off Driver Avenue. The site has an overall fall from north to south of approximately 1.5 metres, falling a further 2.8 metres at a slope of approximately 15° beyond the garden terrace areas of the Burma Gardens.

A location plan is **tagged 'C'**. A site visit was conducted on 17 June 2005. Site photos are **tagged 'D'**.

2.2 Relevant approvals

The following approvals are relevant to Building 34:

Consent	Description
Master plan for Fox Studios Australia approved on 3 May 1996 (DA 1/96)	Building 34 identified as location for a new sound stage building, with pedestrian access to be reoriented from the Burma Gardens area to the east toward Bert Bailey Street. Approved demolition of the Kurrajong Pavilion. A maximum RL of 71.00 metres AHD is identified for the site (condition 8). A minimum 10 metre setback is to be provided between the boundary wall and any building higher than the boundary wall near Furber Lane and Poate Road (Condition 22). Use of the Working Studio Precinct is permitted for 24 hour activities seven days per week (Condition 24). A detailed assessment of the proposal against relevant conditions of the approved Master plan is provided in Section 6.2 of this report.
DA 52/97 approved on 19 December 1997	Amended DA 1/96 with the retention of the Kurrajong Pavilion. Approved the use of the building for storage, craft and set construction workshops and office purposes.
DA 29/98	Amended Condition 4 of DA 1/96 with regard to floor area, as follows: <i>"The total floor area of the development be generally in accordance with the Master plan and shall not exceed 116,904 m². The floor area shall comprise up to a maximum of:</i> ▪ 73,500 m² in the Working Studio Precinct ▪ 43,404 m² in the Family Entertainment Precinct"
DA 187-09-99	Amended Condition 4 of DA 1/96 with regard to floor area, as follows: <i>"The total floor area of the development be generally in accordance with the Master plan and shall not exceed 117,254 square metres. The floor area shall comprise up to a maximum of:</i> ▪ 73,500 m² in the Working Studio Precinct ▪ 43,754 m² in the Family Entertainment Precinct"
DA 189-6-2002 approved on 29 August 2002	Demolition of Building 36 within the Working Studio Precinct and three sheds (Buildings 40, 41 and 42), and the erection of a new craft shop to be used as a craft shop for the design, manufacture, decoration, storage and maintenance of sets, props, models and costumes for films that are being made at the studios

2.3 Existing building and uses

Being approximately 60 metres by 65 metres in plan dimensions, the Kurrajong Pavilion occupies some 1,773 square metres of floor area.

Originally used by the Royal Agricultural Society for multiple purposes (including horticultural and handicrafts and storage and display of poultry, pigeons and other birds), the building is now used for metal work, set design, light manufacturing and design, painting and other ancillary activities.

3 THE PROPOSED DEVELOPMENT

3.1 *Proposal*

The proposed development seeks consent for the demolition and construction of Building 34, as follows:

- demolition of the existing Kurrajong Pavilion;
- earthworks to level and compact materials on site;
- construction of a new purpose built workshop comprising 3 separate tenancies with mezzanine levels in Units 1 and 3 (access to one mezzanine area shall be available from Unit 2), terraces on the northern side, roller shutters and a large truck turning area on the north eastern side;
- the workshop building will have a maximum height of RL 61.50 and a total floor area of 3,335 square metres;
- the workshop building will comprise a steel workshop, paint/plaster workshop and construction workshop with purpose-built spray painting booths;
- the workshop building shall be constructed of pre-cast concrete panels with a supporting steel frame and a shallow pitched roof;
- replacement of existing retaining wall to the west of the subject site with a new wall of identical height and construction of a balustrade for pedestrian safety;
- stabilisation of the rock face along the northeast perimeter wall of the Fox Studios Australia site;
- removal of seven poplar trees located between the site and the northern boundary wall and replacement with seven deciduous trees;
- additional planting of two deciduous trees in the northern corner of the site;
- planting of four new trees along the boundary with Aussie Stadium;
- planting of four new trees along the rear of Building 33, on the upper terrace;
- removal of four trees along the existing boundary between Building 34 and Building 33 to allow for the construction of the retaining wall, and replacement with new trees; and
- planting of eleven new trees and under-storey shrubs on either side of the Burma Stair above the upper terrace of the Burma Gardens.

There is no proposed change to the use of the building.

The proposed plans are **tagged 'E'**.

3.2 *Building design*

The design of Building 34 has been chosen to complement existing sound stages and workshop buildings. Design features to note include:

- door and roller shutters at ground level to provide access;
- windows at upper levels to maximise natural light and ventilation;
- internal stair access to mezzanine levels;
- roof ventilators and horizontal air grilles to provide natural airflow;
- sealed concrete slab;
- metal deck construction roof with translucent panels for natural light.

3.3 Pedestrian access

It is proposed to alter the existing pedestrian access to the site from the Burma Gardens toward Bert Bailey Street, east of the subject site.

3.4 Stormwater disposal

Two detention tanks are to be located adjacent to the building to capture stormwater which shall be used to irrigate the existing and proposed landscaping. Excess stormwater shall be directed to new connections to the existing stormwater system.

3.5 Asbestos removal

Building 34 contains some asbestos laden materials which shall be removed prior to demolition of the building.

3.6 Comparison of existing, approved and proposed schemes

A comparison of the existing building to the proposed design and approved DAs is shown in the following table:

Feature	Existing	Master Plan (DA 1/96)	DA 52/97	Proposed
Demolition	N/A	Approved	Building approved to be retained	Demolition
Floor area / building footprint	1,773m ²	Maximum floor area set in Working Studio Precinct – see Section 6.2	N/A	3,335m ²
Maximum height	RL 56.36 (Approx 7m)	RL 71.00 (22m)	N/A	RL 61.50 (11.5m)
Setback	>30 metres	Minimum 10m setback between the boundary wall & any building higher than the boundary wall near Furber Lane & Poate Road	N/A - Approved retention of Kurrajong Pavilion	Building 34 is separated from Furber Lane & Poate Rd by Building 36. Building line varies from 8m to 10m from Moore Park Road boundary. Therefore, the condition within the Master Plan relating to setbacks does not apply to the subject DA.
Materials	Steel-framed, timber clad	N/A	N/A	Pre-cast panels, supporting steel frame, metal deck shallow pitched roof
Use	Metal work, set design, light manufacturing and design, painting, ancillary activities	Approved Building 34 as a sound stage	Approved use for storage, craft and set construction workshops and office purposes.	Current uses are not proposed to change. Such uses include the design, manufacture, decoration, storage and maintenance of sets and props for films; carpentry, metal fabrication, joinery, set finishing, prop and model making; purpose-built spray painting booths.

3.7 Heritage significance

Master Plan heritage items

The following items are considered to be of some or more significance, as identified in the Moore Park Conservation Strategy prepared for Fox Studios Australia and the Heritage Council of New South Wales, by Godden Mackay Pty Ltd and dated December 1995 ("Conservation Strategy"):

Item	Significance / Issues	Management Strategy (as defined in the Conservation Strategy)
Built		
Kurrajong Pavilion (Building 34)	Some <i>Functionally unsuitably for economic re-use by Fox Studios Australia</i>	Record fabric and remove
Cottage (Building 33)	Some <i>Architectural: an example of simple federation style cottage</i>	Retain, conserve and use for child care facilities
Roads		
Illawarra Avenue (R13)	Some <i>Part of early street system in Cattle area</i>	Retain
Landscape		
Burma Gardens (Kurrajong Lawn) (L8/A1)	Considerable	Retain
<i>Populus nigra</i> 'Italica' (L8/T11-T22)	Some <i>Aesthetic Moore Park Rd Streetscape Associated with former picnic grounds</i>	Retain
Sandstone Outcrop cut face (L8/N1)	Exceptional	Retain and conserve landform
Picnic Area adjacent to Woodchopping Stadium (L7/G4)	Considerable <i>Open space Association with the setting of the Woodchopping Stadium and former Burma Pavilion Some mature plantings</i>	Retain
Boundary Wall – Moore Park Road (W/E16)	Some <i>Part of group</i>	Retain
Street Furniture		
Sewer Vent (SF3)	Some <i>Historical street element</i>	Retain

Environmental Planning Instrument (EPI) heritage items

The following items are identified in the South Sydney Local Environmental Plan (LEP) 1998 as local heritage items:

- the Olympic Hotel, located at 308 Moore Park Road, Paddington, is a two-storey Federation hotel, dating from 1909;
- Veralum, located at 284 Moore Park Road, is a two-storey Victorian terrace, dating from 1873.
- Busby's Bore.

3.8 Additional information

The original Statement of Environmental Effects (SEE) was supplemented with additional information to address specific matters raised by the Department on 11 March 2005. Submitted on 11 April 2005, this information addressed additional car parking at the north of the site along the boundary fence, and included plans showing an overlay of the existing and proposed building and as approved by the master plan, along with shadow diagrams. This documentation along with the original SEE and plans was placed on exhibition with the DA on 4 May 2005.

4 STATUTORY FRAMEWORK

4.1 Statement of permissibility

The site is covered by State Environmental Planning Policy No. 47 - Moore Park Showground (SEPP 47) and the Minister is the consent authority for development on the site pursuant to Clause 8 of the policy. SEPP 47 permits, with development consent, a range of uses including demolition, a film and television studio and film related development. The proposal is permissible with consent from the Minister.

The consent role under SEPP 47 has since been, in part, transferred to the State Environmental Planning Policy (Major Projects) 2005 (MP SEPP). City of Sydney is now the consent authority for development pursuant to Part 4 of the Act. However, as the subject DA was lodged prior to the gazettal of the MP SEPP on 29 July 2004 and due to existing transitional arrangements that exist under the Act, the assessment of the subject DA has been carried out under Part 4 of the Act. Accordingly, the Minister is the consent authority in this instance.

4.2 Instrument of consent and other relevant planning instruments

4.2.1 SEPP 47

Under clause 15 of SEPP 47 in assessing DAs, the Minister must consider a range of matters that are, in his opinion, relevant to the proposed development. The DA has been evaluated in accordance with the matters for consideration listed under Clause 15 of SEPP 47 (**tagged 'F'**). These matters must be considered in addition to the heads of consideration under section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act). All relevant matters under SEPP 47 and the EP&A Act are addressed in this report.

4.2.2 Master Plan for Part of the Moore Park Showground (DA 1/96)

The overall development concept for the Showground site is contained in the Master Plan for part of the Moore Park Showground (DA No.1/96) which identified a Film Studio Precinct and a Family Entertainment Precinct within the boundaries of Fox Studios Australia. The Master Plan DA was granted consent by the Minister, effective from 3 May 1996. The Master Plan specified permissible land uses, floor space, height and parking controls. A copy of the original and updated master plan maps are **tagged 'G1'** and **'G2'** respectively.

4.2.3 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 9 of SEPP 55 makes any remediation activity where consent is required under a Sydney Regional Environmental Plan or State Environmental Planning Policy State significant development. Under Clause 9, the subject development is classified as Category 1 development.

4.3 Other provisions

Although not a statutory document, the Moore Park Showground Conservation Strategy ("Conservation Strategy"), prepared for Fox Studios Australia and the Heritage Council of NSW by Godden Mackay Pty Ltd (December 1995) identifies the significance of individual items within the Moore Park Showground and the associated need to remove or retain certain elements for future development, adaptation and use of the site. The impact of the proposed development on these items is considered in Section 6.2 of this report.

5 CONSULTATION

5.1 Exhibition

The application was notified, in accordance with the Environmental Planning and Assessment Regulation 2000 ("the Regulation") and SEPP 47 including:

Notifications – landowners/occupiers	3 Local residents' associations 33 Local landowners/occupiers on Poate Road, Furber Road, Furber Lane, Cook Road 10 Strata/owners' corporations
Newspaper advertisements	Advertised in Wentworth Courier on 4 May 2005.
Site notices	A site notice was not placed on site.
Exhibition dates	Start: 5 May 2005 End: 6 June 2005
Exhibition venues	▪ Information Centre, 20 Lee Street Sydney ▪ One Stop Shop, City of Sydney, 456 Kent Street, Sydney

A total of 15 submissions were received from the public and agencies regarding the application. Of the public submissions received, 7 supported the application and 4 objected to it.

5.2 Public consultation

The following table summarises the issues raised in public submissions:

Issue	Number of times issue raised
Heritage – Busby's Bore	2
Overshadowing of Burma Gardens and Building 33	1
Building height	1
Bulk and scale / building footprint	1
Visual impact on streetscape and heritage buildings on Moore Park Road	1
Neighbourhood amenity	3
Removal of trees	2
Operational noise	3
Air quality / odour impacts	6
Contamination	3
Asbestos	3
Materials and chemicals used during operation	3
Ecologically Sustainable Development	1

These issues are considered in detail in Section 6.2 of this report. A summary of submissions received is **tagged 'H'**.

5.3 Referrals

5.3.1 Integrated Approval Bodies

The application was lodged as an integrated development application as an approval may be required under Section 57 of the Heritage Act 1977 for works within the curtilage of a listed item on the State Heritage Register. Referral to the NSW Heritage Office was triggered by the uncertainty of the location of the proposed building works in relation to the presence of Busby's Bore and an associated vertical shaft (Shaft 15) close to the footprint of the proposed building. Any work within the curtilage requires approval under Section 60 of the *Heritage Act 1977*.

The application was referred to the NSW Heritage Office on 3 May 2005 seeking General Terms of Approval (GTAs). The NSW Heritage Office, on behalf of the Heritage Council of New South Wales, requested on 18 May 2005 that the precise location of Shaft 15 and the associated tunnel be determined and any necessary modifications to the design of the building be made, prior to consideration of the DA proposal.

Investigations were undertaken by the applicant (refer to section 6.2 of this report) and the results sent to the Department on 25 July 2005. These results were referred to the NSW Heritage Office for review on 3 August 2005. The NSW Heritage Office did not respond to the referral and hence, no GTAs were issued to the Department.

5.3.2 Council

The application was referred to City of Sydney Council on 4 May 2005 in accordance with Clause 14 of SEPP 47. Council responded on 6 June 2005. Issues raised by Council are discussed in detail in Section 6 of this report.

5.3.3 Other Agencies

The application was referred to the following agencies on 4 May 2005:

- NSW Roads and Traffic Authority (RTA)
- Department of Environment and Conservation (NSW) (DEC)
- Centennial Park and Moore Park Trust (CPMPT)
- NSW Rural Fire Services (RFS)

Submissions were received from all agencies. Issues raised by agencies are discussed in Section 6 of this report and summarised under tag 'H'.

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act

6.1.1 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with Section 79C of the Act. Significant issues are discussed below in Section 6.2, and, where relevant, a detailed assessment is provided as noted in the table below.

The subject site is considered suitable for the proposed development. Submissions have been considered and issues raised in submissions are discussed in Section 6.2. On balance, the proposed development is considered to be in the public interest.

Instrument / Policy	
State Environmental Planning Policy No. 47 – Moore Park Showground [s79C(1)(a)(i)]	Tagged 'F'
MATTERS PRESCRIBED IN THE REGULATION [s79C(1)(a)(iv)]	Tagged 'F'

6.2 Issues

6.2.1 Master Plan

Issue: Master Plan, building footprint, height and solar impacts

Raised by: Urban Assessments, CPMPT

Consideration: The deviation from the building footprint and shape of the building detailed within the master plan (**refer to tag 'E1'**) is proposed to meet design and operational requirements of the building. At the time that the master plan was considered, the building footprint approved was based on a future anticipated use of the site as a new sound stage building. The approval of DA 52/97 identified the site as suitable for uses associated with storage, craft and set construction workshops and office purposes, thereby amending the master plan consent. The proposed building shall allow for the continuation of current approved uses in a larger, improved building.

Accordingly, the amended building footprint is justifiable and acceptable. However, the amended design shall generate impacts above those considered in the master plan, such as overshadowing of the Burma Gardens and Building 33, and longer elevations.

The maximum permissible height of the building, as specified in the Master plan is RL71.00. The building, designed to a height of 9.5-11.5 metres (or RL 61.50 maximum) shall be 2.2 metres higher than the recently completed Building 36, and shall result in overshadowing impacts on the Burma Gardens and Building 33.

Shadow diagrams (**refer to tag 'E2'**) compare the impacts of solar access on the surrounding area caused by both the existing and proposed buildings. The bulk and scale of the proposed building will create additional overshadowing impacts on the Burma Gardens and Building 33, particularly before noon. From noon to 3pm, both the Burma Gardens and Building 33 will enjoy sufficient sunlight. Although it is acknowledged that the Burma Gardens are not public open space, it is recognised that a suitable level of amenity for users of the gardens and Building 33 should be achieved via this assessment.

Resolution: It is considered that the proposed building shall not detrimentally affect the amenity of surrounding areas which shall retain an acceptable level of solar access. Therefore, it is concluded that the bulk and scale of the proposed building are acceptable.

6.2.2 Total Floor Area within Working Studio Precinct

Issue: The proposed development shall increase the total floor area of existing buildings within the Working Studio Precinct by 1,562 square metres. Up to 144,000 square metres of built area can be approved on the combined 24.3 hectares of the Working Studio Precinct and Family Entertainment Precinct, pursuant to Clause 16 of SEPP 47.

Raised by: Urban Assessments

Consideration: Clause 16 of SEPP 47 sets a total floor area of buildings within the Moore Park Showground (as shown diagonally hatched on the map attached to the SEPP) at 144,000 square metres. The proposed development shall provide an additional 1,562 square metres of floor space within the Working Studio Precinct. The overall increase in floor space within the Working Studio Precinct as a result of the subject development is considered to be minor and within the limit identified by SEPP 47.

The Master Plan (DA 1/96) should be amended with a note as follows:

"Note:

The current total floor space allocated to precincts within part of the Moore Park Showground is as follows:

- 58,838 square metres within the Working Studio Precinct, and
- 40,626 square metres within the Family Entertainment Precinct."

Resolution: The proposed additional floor area is within the limits specified by Clause 16 of SEPP 47. DA 1/96 shall be amended by inserting note to an existing condition (refer to **Condition A3**) quoting the current floor space allocation in the individual precincts, as discussed above.

6.2.3 State Heritage Impacts

Issue: Shaft 15 of Busby's Bore, which is listed on the State Heritage Register, is located within the vicinity of the subject site.

Raised by: Urban Assessments, NSW Heritage Office

Consideration: The State Heritage Register imposes a curtilage around Busby's Bore which extends 3 metres from its exterior surface in every direction and incorporates a 2 metre diameter of the bore and shafts.

The applicant was required to determine the location of Shaft 15 of Busby's Bore in order to determine the potential impacts of the proposed development on this heritage item, prior to determination of the DA. An investigation conducted by Godden Mackay Logan, dated 25 July 2005, identified Shaft 15 of Busby's Bore approximately two metres north west of its originally surveyed location which is more than three metres from the proposed development site.

On this basis, Godden Mackay Logan has ascertained that the works associated with the proposed development will not encroach on the curtilage of the heritage item. Furthermore, approval under Section 60 of the Heritage Act 1977 (NSW) would not be required to proceed with the proposed development.

The NSW Heritage Office was invited to comment on these results on 3 August 2005. The NSW Heritage did not respond to the referral and hence, no GTAs were issued to the Department. In order to address the potential impact of site works on Shaft 15 of Busby's Bore, appropriate conditions of consent shall be imposed, as described below.

Resolution: Appropriate conditions of consent shall require that construction activities do not impact on the bore and shaft and that vibrations associated with the proposed pile drilling do not result in any adverse impact to the bore and shaft:

Condition C5 requires the preparation of a Construction Management Plan to the satisfaction of the Principal Certifying Authority (PCA).

Condition C7 requires the preparation of a Noise and Vibration Management Plan by a suitably qualified person to the satisfaction of the PCA. In the event that excessive vibration is likely, the location of proposed piling within the vicinity of the bore and shaft is to be re-evaluated and modified, as required.

Condition D16 requires the engagement of a heritage superintendent to monitor works on or adjacent to heritage items.

Condition C12 requires the amendment of the existing site survey to accurately reflect the location of Busby's Bore and Shaft 15. The amended

survey shall be registered with the NSW Heritage Office.

6.2.4 Heritage landscape items

Issue: Protection of local heritage landscape items listed within the Conservation Strategy both during and after demolition and construction.

Raised by: Urban Assessments

Consideration: A number of heritage items identified within the Conservation Strategy (as listed in section 3.7 of this report) may be affected during and after demolition and construction.

In order to protect these items during demolition and construction and ensure their repair and rehabilitation if required, the applicant should prepare a landscape management plan detailing measures to be undertaken to protect all heritage landscape items that may be affected by the proposed works.

These items include but are not limited to the Burma Gardens, Steps, and terraced garden beds, the row of poplars along the north eastern boundary of the site (excluding those poplars identified for replacement), the sandstone rock-face and the boundary wall.

The Plan should also address repair and reconstruction works that may be required to be undertaken following demolition and construction works, additional landscaping of the Burma Gardens and terraced garden beds, and measures to maintain the health and vigour of the existing trees along the Moore Park Road frontage and adjacent to the site during and post-construction, as well as new trees to be planted.

Other matters to be considered within the Plan include fencing, erosion and sedimentation, and water runoff.

Resolution: The applicant shall prepare a Landscape Management Plan as described above (refer to **condition C9**), and submit it for the Director's approval prior to the commencement of works. Measures identified within the report shall be implemented prior to the issue of the Occupation Certificate (refer to **condition F6**).

6.2.5 Visual impact and screening

Issue: Visual impact on streetscape and heritage buildings on Moore Park Road and tree removal

Raised by: CPMPT

Consideration: The proposed building will be visible above the boundary fence on Moore Park Road (RL58.9) and will be in view of existing heritage buildings listed in the South Sydney LEP 1998 as local heritage items, being the Olympic Hotel and Veralum.

The contextual elevation drawings, **tagged 'E3'**, show the setting of the proposed building in relation to Moore Park Road (refer to south east elevation - Drawing A120 Revision 01). In particular, the visibility of the building from the street is shown in the photomontages **tagged 'E4'** where it shall be partially shielded by the proposed trees to be planted at this location.

Twelve *Populous nigra* 'Italica' (Lombardy Poplars) are located between Building 34 and the Moore Park Road boundary wall, seven of which are proposed to be removed. The necessity for their removal is supported by an arborist who identified the trees in a safety audit and concluded that the trees are suffering structural defects, recent loss of major limbs, dead wood in excess of 100mm diameter and failed crowns.

The trees proposed to be planted will have maximum heights varying between 4.0x3.0m and 15.0x15.0m. In order to provide an appropriate level of screening along the Moore Park Road frontage, it is proposed to impose a condition of consent requiring the planting of fast growing native tree species as recommended by City of Sydney. The species should be selected from those existing within the Working Studio Precinct.

The applicant should also be required to consider the planting of mature trees at this location to provide screening of the site from the streetscape in the short-term.

Resolution: Conditions shall require the planting of fast growing native tree species along the north east boundary that are of a variety currently existing within the Working Studio Precinct (**condition B8**). It is considered that once the proposed trees are established and mature, sufficient screening of the site shall be achieved. It is not considered that the proposed building or removal of trees shall detrimentally affect the amenity of the streetscape or the local heritage items.

6.2.6 Air quality

Issue: Generation of odour impacts during the operation of the proposed workshop.

Raised by: Urban Assessments, City of Sydney, DEC, CPMPT, Local MP, local residents

Consideration: An Air Quality Impact Assessment (AQIA) was prepared for the subject site by Holmes Air Sciences. The assessment used odour measurements undertaken for the spray booth in the craft shop in Building 36 which utilises paper filters. The assessment found that while paper filters are effective in absorbing aerosolised sticky material generated during spraying, they are not very effective in reducing the volatile components of the emissions and hence the odour.

DEC recommended that odour control equipment, such as activated carbon filters, be installed to mitigate any potential impacts. This was supported by the applicant's Air Quality Impact Assessment prepared by Holmes Air Sciences and dated October 2004.

A fume exhaust system should be designed for the new building and implemented prior to the issue of the Occupation Certificate, and the applicant should be required to consult with DEC during the design phase of the fume exhaust system. The system should be approved by the Director prior to the issue of the Construction Certificate.

Resolution: Conditions of consent shall require the design of odour control equipment and its installation and the fume exhaust system as described above prior to the issue of the construction and occupation certificates, respectively (refer to **conditions B9, B10 and F7**).

In order to verify that the filters are maintaining the emission of odours within the limits set by DEC, a monitoring report shall be required to be submitted to the Department within six months of operation. Furthermore, air quality monitoring results shall be made available to the Department upon request (refer to **condition G7**).

6.2.7 Contamination

Issue: Site contamination and suitability of the site for the proposed development.

Raised by: Urban Assessments

Consideration: The contamination report submitted with the DA identified, by bore hole

sampling, that some areas of the site contain contaminated materials that exceed the NSW EPA Health-Based Investigation Levels for commercial/industrial uses. The report concludes that these materials should be removed and further site testing undertaken to ensure the site is suitable for the proposed development.

The application was referred to the Department's Major Hazards Unit which concluded that the contamination report submitted with the DA be accepted subject to the implementation of the report recommendations listed on page 25 of that report.

Resolution: A condition of consent shall require the recommendations made in Section 10 (ie. p25) of the Contamination Assessment be undertaken as well as further site testing during the construction period (refer to **condition B5**).

6.2.8 Asbestos removal

Issue: Presence of asbestos laden materials in the Kurrajong Pavilion and removal of a partially covered and vegetated stockpile.

Raised by: Urban Assessments

Consideration: The DA was accompanied by an Asbestos Report prepared by Environmental Monitoring Services (ERM), dated 19 August 2004 and a Report on Contamination Assessment prepared by Douglas Partners Pty Ltd and dated September 2004. ERM's report identifies parts of the building that contain asbestos and advises that a WorkCover licensed treatment contractor with a Class 1 Friable Asbestos Licence will carry out the removal of all asbestos materials.

A partially covered and vegetated stockpile of variable filling materials, about 3-4 metres in height and covering an area of approximately 560 square metres is located to the northeast of the site. The stockpiled material located to the north east of Building 34 should be removed as asbestos contaminated waste to a NSW EPA licenced waste facility.

Resolution: A condition of consent shall require the removal of all asbestos laden material and other contaminated materials along with the stockpiled material located to the north east of the site, prior to the commencement of any building works (refer to **conditions C3 and C15**) in accordance with NSW Workcover Authority's requirements and any other relevant legislation, codes, standards and/or guidelines and disposed of at an approved waste disposal facility.

6.2.9 Traffic and Parking

Issue: Traffic, parking and increase in floor area

Raised by: CPMPT

Consideration: The applicant's SEE and accompanying traffic report have indicated that up to 70 people are currently employed in the Kurrajong Pavilion and that this workforce shall be employed within the new building. Furthermore, the documentation does not suggest that there will be an increase in employment levels.

With regard to commercial traffic generation, the current use generates a total of seven commercial vehicle deliveries a day. It is anticipated that the proposed building shall generate one additional vehicle delivery per day.

Concern has been raised over the potential of the new building to employ additional people based on an increase in floor space, and a similar likely increase in the number of daily commercial vehicle deliveries. The applicant

has advised that the development shall provide an improved building to allow for the continuation of existing operations and does not propose to intensify or expand the existing operations.

The site design shall provide for an improved level of commercial vehicle access to the site which will be able to reverse into the individual units and exit in a forward direction. Furthermore, the separation of activities into three units shall allow for the separation of delivery vehicle types.

In order to manage traffic generation from the Fox Studios Australia site and to ensure that there is no net increase of traffic currently accessing the subject site, it is recommended that the maximum number of employees on the subject site during normal operating activities be limited to a maximum of 70 persons.

Resolution: A condition of consent shall be imposed limiting the number of employees to a maximum of 70 for the reasons described above (refer to **condition G5**).

7 CONCLUSION

The Minister for Planning is the consent authority.

The application has been considered with regard to the matters raised in section 79C of the Act.

The application has been notified in accordance with the Regulation. All submissions received have been considered.

On balance, it is considered that the proposed development is acceptable and should be approved.

8 CONSULTATION WITH THE APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 12 August 2005. The applicant responded on 26 August 2005 and amendments were made to specific conditions. The applicant again commented on draft conditions of consent issued on 28 September 2005. In summary, matters addressed during this consultation are as follows:

- Conditions relating to demolition and remediation works have been moved to Part C and are required to be completed prior to the commencement of works.
- Conditions relating to the submission of compliance reports have been amended to clarify the staging of those reports.
- **Condition C11:** Archival Record – the applicant's Heritage Consultant advised Urban Assessment's that measured drawings are not required to be submitted with the archival record as such drawings were completed as part of the overall site archival record completed in 1997 and lodged with the Heritage Council and Mitchell Library. The condition has been amended requiring that the archival record include measured drawings if relevant.
- **Condition C15:** Removal of Stockpiled Material - the condition requires the stockpile to be removed prior to the issue of the Construction Certificate to the satisfaction of the PCA. The applicant has since advised that the stockpiled material was removed late 2004. If this material has since been removed, it is acceptable for the applicant to ignore this condition, subject to the satisfaction of the PCA. The applicant accepted the condition.
- The Landscape Management Plan (**Condition F6**) is required to be completed prior to the issue of the Occupation Certificate as the works to be specified within the Plan form part of the development works and should therefore be completed prior to the use of the building. Furthermore, the Plan shall be submitted for the approval of the Director prior to the Commencement of Works.

- The reference to parking areas in **Condition G3** (Unobstructed driveways and parking areas) is designed to ensure that designated parking areas are available for their intended use. The use of parking areas for the manufacture, storage or display of goods, materials or any other equipment is not acceptable. Such uses are to be carried out in approved areas, such as workshops, studios and the like. If it is intended to use parking areas for anything other than vehicular parking, then separate consent is to be sought by the applicant.
- **Condition G5** (Maximum number of employees) has been amended restricting the maximum number of employees on site to 70 persons during normal operating activities, in order to manage traffic generation from the Fox Studios Australia site and to ensure that there is no net increase of traffic currently accessing the subject site.
- **Condition G10** (Operation of Workshop) has been amended to require the applicant to implement measures *where necessary* to control noise and odour emissions, such as closing roller shutter doors during operation and loading/unloading.

The applicant accepted these amendments on 18 October 2005.

9 RECOMMENDATION

It is recommended that the delegate of the Minister for Planning pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* and clause 8 of State Environmental Planning Policy No. 47 – Moore Park Showground:

- (A) grant **consent** to the application subject to conditions (**Tagged 'A'**) by signing and dating the Instrument of Determination **tagged 'B'**, and
- (B) authorise the Department to carry out post-determination notification.

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