

**TO:** Strathfield Internal Development Assessment Panel Meeting - 20 November 2020

**REPORT:** IDAP – Report No. 0.0

**SUBJECT:** DA NO.2014/023/05 - 10-28 REDMYRE ROAD, STRATHFIELD - LOT 101 DP 862040

**DA NO.** 2014/023/05

## **SUMMARY**

**Proposal:** Section 4.55(1A) application to modify Development Consent No. 2014/023/05 by reinstating the drama/staff building and removing Condition 7 relating to the maximum student capacity (as required under Condition A9 of SSD 9692 Consent).

**Applicant:** Meriden School c/o Urbis

**Owner:** Meriden School

**Date of lodgement:** 30/09/2020

**Notification period:** 15 Oct to 5 Nov 2020

**Submissions received:** Nil

**Assessment officer:** Ms P Frecklington

**Estimated cost of works:** \$15,988,503 (Original cost of works)

**Zoning:** R3 Medium Density Residential - SLEP 2012

**Heritage:** Yes (Item |187) under Schedule 5 of SLEP 2012

**Flood affected:** No

**Is a Clause 4.6 variation proposed?** No

**RECOMMENDATION OF OFFICER:** **APPROVAL**

## **EXECUTIVE SUMMARY**

- The current s4.55 application seeks to modify development consent 2014/023/1, as follows:
  - reinstate the drama/staff building approved for demolition under the original consent; and
  - delete Condition 7 relating to the maximum student capacity as required.
- The proposal satisfies the requirements under s4.55 of the EP&A Act, 1979.
- The proposal is acceptable when considered against the SEPP (Educational Establishments and Child Care Facilities) 2017, Strathfield LEP 2012, and Strathfield DCP 2005.
- New landscaping works in the vicinity of the building to be retained are proposed under the Mod 1 application to SSD-9692, currently with DPIE for assessment. The amended landscape design would continue to provide greenery/canopy trees along the Margaret Street frontage.
- No submissions were received following notification of the application.

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- The application is recommended for approval, subject to:
  - the modification of Condition 1 relating to the approved plans;
  - deletion of Condition 7, relating to the student cap now superseded under Condition A7 of SSD-9692; and
  - the addition of Condition 87A to ensure adequate fire safety measures for the existing building to be retained satisfy the requirements of Section 94 of the EP&A Regulation 2000.

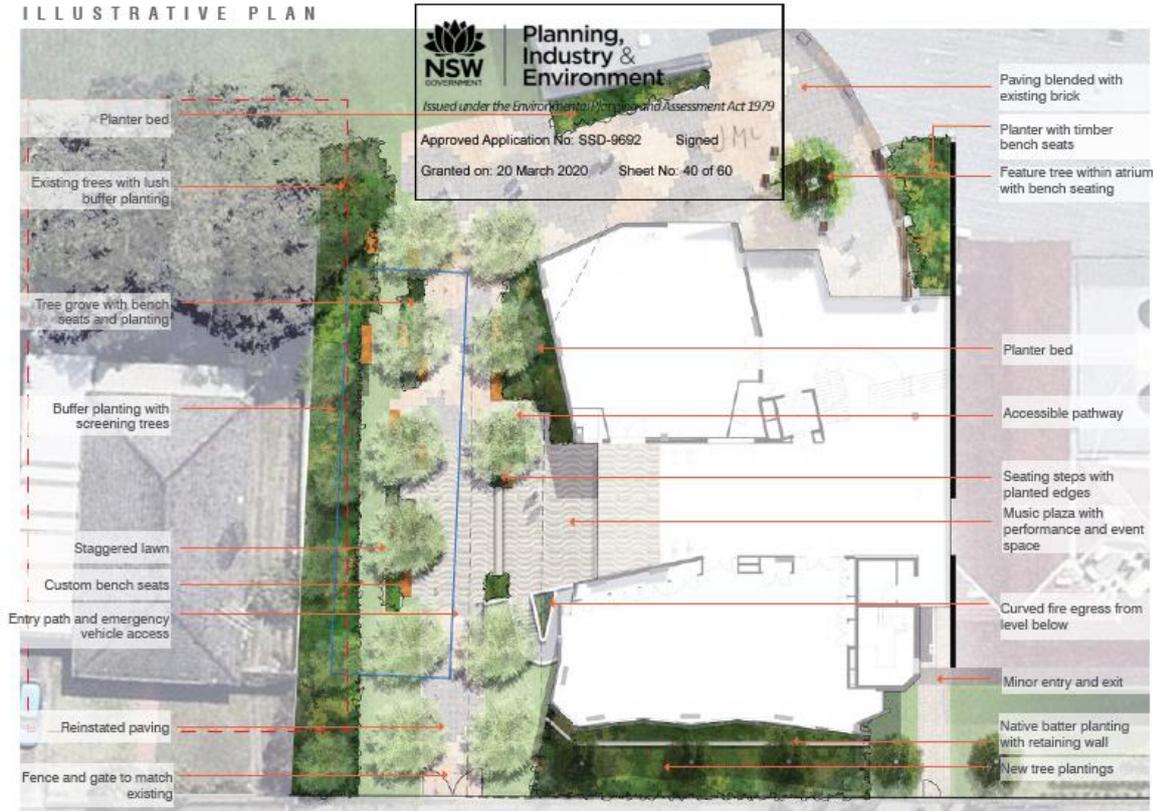
**APPLICATION HISTORY**

Application No.	Description	Approved
DA 2014/023/1	Alterations and additions to Meriden School including an extension to the existing auditorium, demolition of the dwelling at 3 Margaret Street and construction of a new 3-storey sports facility with basement parking.	22/09/2014
DA 2014/023/2	Section 4.55 modification application to modify Conditions 9, 31, and 35 relating to an excavation permit.	14/11/2014
DA 2014/023/3	Section 4.55 modification application to modify the drainage design.	28/04/2015
DA 2014/023/4	Section 4.55 modification application to alter the design of the sport's complex awning, relocate a Canary Palm, and correct minor errors in consent.	25/02/2016
SSD-9692	Alterations and additions to Meriden School consisting of: <ul style="list-style-type: none"> <li>- demolition of staff common room, existing business office, and uniform shop;</li> <li>- site remediation;</li> <li>- construction of a new 3-storey drama and music centre with 2 x basement levels;</li> <li>- construction of a new 2-storey admin and student centre building;</li> <li>- new outdoor landscaped spaces;</li> <li>- change of use of 4 Vernon Street from residential to commercial; and</li> <li>- ancillary public domain works, landscaping, drainage works, and service connections.</li> </ul>	20/03/2020  <b>Note: Condition A9</b> states that Condition 7 of development consent DA2014/023 is to be deleted.  <b>Condition A7 and A8</b> increases student cap to 950 (A7) with 20 student temporary concession (A8) to accommodate unanticipated fluctuations.
SSD-9692-Mod-1	Modification to increase senior school student numbers by 130, design alterations and amendments to ESD building certification conditions.  Note: Revised landscaping shows retention of drama building sought to be reinstated under DA 2014/023/5.	Under Assessment

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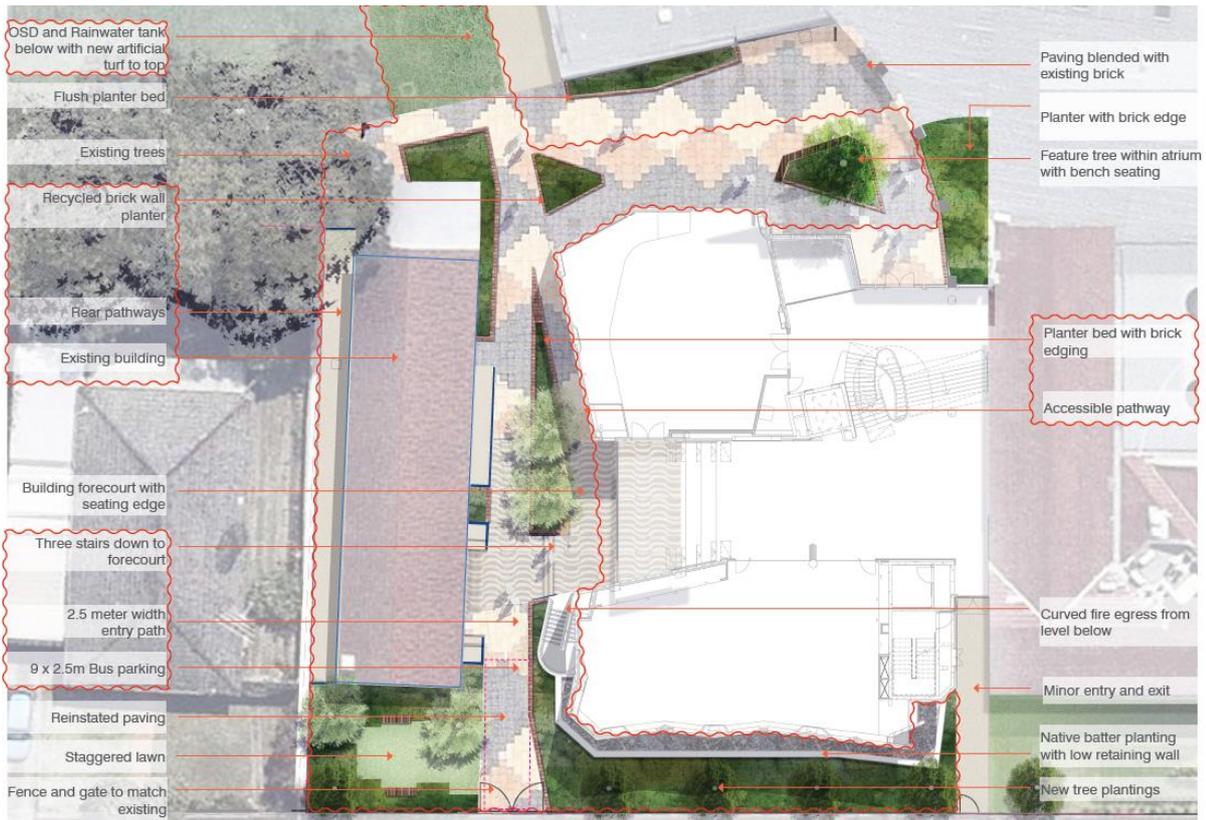
### CMAD PROPOSED GROUND PLAN

ILLUSTRATIVE PLAN



**Figure 1.** Approved landscaping under SSD 9692 supersedes landscaping plan approved under DA2014/0223.

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**Figure 2.** Proposed landscaping under SSD-9692-Mod 1, showing retention of the senior campus drama/staff building. This application is still under assessment.

**DESCRIPTION OF THE SITE AND LOCALITY**



**Figure 3.** Meriden School (Source: Allen Jack + Cottier Architects).

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### DESCRIPTION OF THE PROPOSED DEVELOPMENT

Section 4.55(1A) application to modify development consent DA2014/023, as follows:

Amendment	Condition Amendment	Comments
Retain staff/drama building	1	Relevant approved plans updated to show retention of staff/drama building.  Revised landscaping works are proposed under the SSD-9692-Mod 1 application.
Delete student cap	7	Student cap under Condition 7 superseded by Conditions A7 & A8 of development consent SSD-9692

### REFERRALS

#### INTERNAL REFERRALS

##### Building Surveyor

No objections are raised, subject to the following condition:

##### ***Fire Safety Schedule Compliance***

*Prior to Occupation, the Principal Certifier must include the fire services applicable to the drama/staff building on the Fire Safety Schedule and assess if a safety upgrade is required under Section 94 of the EPA Regulation 2000.*

##### Assessing Officer's Comments:

The above condition is included as **Condition 87A**.

### ASSESSMENT UNDER SECTION 4.55

The application is assessed under Section 4.55 of the Environmental Planning and Assessment Act 1979.

#### SECTION 4.55(1A): MODIFICATION INVOLVING MINIMAL ENVIRONMENTAL IMPACT

Section 4.55(1A) allows the modification of a development consent where Council is satisfied that the proposed modification is of minimal environmental impact. The application involves #.

The considerations in Section 4.55(1A) require Council to address the following:

- a) *it is satisfied that the proposed modification is of minimal environmental impact; and*
- b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all); and*
- c) *It has notified the application in accordance with:*
  - i) *The regulations, if the regulations so require*

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- ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent; and*
- d) *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1), (2), and (5) do not apply to such a modification.*

The proposal satisfies the requirements under section 4.55(1A) of the EP&A Act, 1979, in the following manner:

- the originally approved development as modified by the proposed modifications would result in substantially the same development for which consent was originally granted;
- the proposal would have minimal environmental impact;
- the application has been notified in accordance with Council's DCP;
- as no submissions were received, the requirement to consider any submissions does not apply; and
- subsections (1), (2) and (5) do not apply to the proposal.

**SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979**

In determining a development application, the consent authority is to take into consideration the following matters within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the application:

**4.15(1)(a)(i) The provisions of any environmental planning instrument**

**STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)**

Retention of the staff/drama building would not alter the original assessment under SEPP 55.

**STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017)**

**Clause 35: Schools – development permitted with consent**

Development for the purpose of a *school* is permissible on the subject site zoned R3 medium density residential by virtue of Clause 35(1) of the Education SEPP.

Clause 35(6)(a) requires the consent authority to take into consideration the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4 of the SEPP. These are considered below:

Principle 1 - Context, built form and landscape

*Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*

*Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*

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*School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.*

Assessment:

The proposal would satisfy *Principle 1*, for the following reasons:

- the proposal would retain an existing building;
- the existing characteristics of the school would be retained;
- the proposal would retain adequate landscaped areas on the senior campus such that retention of the staff/drama building is justified; and
- presentation of the existing building to Margaret Street would be unchanged.

It is note that new landscaping works proposed under an existing Mod 1 application to SSD-9692 would enhance landscape amenity on the site and the buildings streetscape contribution.

Principle 2 - Sustainable, efficient and durable

*Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.*

*Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.*

Assessment:

The proposal would satisfy *Principle 2*, as follows:

- the building is existing; and
- use of the staff/drama building for the purpose of additional teaching space would be unlikely to increase the consumption of energy and water.

Principle 3 - Accessible and inclusive

*School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.*

**Note.** *Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.*

*Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.*

Assessment:

The proposal would satisfy *Principle 3*, as follows:

- no physical changes are proposed to the existing building, and
- equitable and easy access would continue to be provided.

Principle 4 - Health and safety

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*Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.*

Assessment:

The proposal would satisfy *Principle 4*, as follows:

- the health and safety of the campus would be unaltered by the proposal, subject to the addition of **Condition 87A**, relating to fire safety.

Principle 5 - Amenity

*Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.*

*Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.*

*Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.*

Assessment:

The proposal would satisfy *Principle 5*, as follows:

- the loss of landscaped area associated with the approved demolition of the drama/staff building would be offset by the additional teaching space for students; and
- the proposal would retain adequate landscaped areas on the senior campus.

Principle 6 - Whole of life, flexible and adaptive

*School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.*

Assessment:

The proposal would satisfy *Principle 6*, as follows:

- retention of the existing building would provide additional teaching space in the short term and provide additional space capable of being adapted to meet the changing needs of the school; and
- no student/staff increase is sought.

Principle 7 - Aesthetics

*School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*

*The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

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Assessment:

The proposal is satisfactory regarding *Principle 7: Aesthetics*. No physical works are proposed to the existing building.

Conclusion

The proposal is acceptable regarding SEPP (Educational Establishments and Child Care Facilities) 2017.

**STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)**

The proposal is acceptable against the aims under clause 1.2(2) of SLEP 2012.

**Land Use Table**

The site is zoned R3 Medium Density Residential. The proposal would not alter the existing use of the site for the purpose of a school, which is permitted by virtue of Clause 35(1) of the Education SEPP.

The proposal would not alter compliance with the relevant zone objectives to *enable other land uses that provide facilities or services to meet the day to day needs of residents*.

**Part 4: Principal development standards**

No physical works are proposed. As such, there are no relevant considerations under Part 4.

**Part 5: Miscellaneous Provisions**

**Clause 5.10 - Heritage Conservation**

The proposal is acceptable regarding Part 5.10. Retention of the existing staff/drama building would not detract from the significance of the site.

**4.15(1)(a)(ii) The provisions of any draft environmental planning instruments**

None.

**4.15(1)(a)(iii) The provisions of any development control plan**

**STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)**

An assessment of the proposal against the relevant provisions of this development control plan is as follows.

**Heritage and Conservation**

The proposal is acceptable regarding the relevant aims and controls contained in Section 1.11.

**PART H - WASTE MINIMISATION AND MANAGEMENT (SCDCP 2005)**

No changes are proposed to the existing on-site waste management arrangement. No construction works are proposed. As such, consideration of waste impacts during construction is not relevant to this application.

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No intensification of use is proposed in terms of any increase in staff or student numbers.

#### **PART P - HERITAGE (SCDCP 2005)**

The proposal is acceptable regarding *Part P: Heritage*. As no physical works are proposed, there are no relevant matters for consideration under Part P.

#### **PART Q – URBAN DESIGN CONTROLS (SCDCP 2005)**

As no physical works are proposed, there are no relevant matters for consideration under Part Q.

#### **PART M – EDUCATIONAL ESTABLISHMENTS (SCDCP 2005)**

##### **Clause 4.18 – Landscaping and Vegetation**

No tree removal or landscaping works are proposed as part of this application. A revised landscape design including retention of the drama/staff building accompanies an existing modification application to SSD-9692. This is pending assessment with DPIE.

The loss of landscaped area associated with retention of the existing staff/drama building would be offset by the additional teaching space and provision of adequate open space on the senior campus.

##### **Clause 4.20 – Stormwater Drainage Re-Use**

No changes to the approved stormwater management are sought as part of this application. To offset the loss of deep soil landscaped area resulting from retention of the staff building, a new 30m<sup>3</sup> On-Site Detention (OSD) tank is proposed under the SSD-9692-Mod 1 application.

##### **4.15(1)(a)(iia) *The provisions of any planning agreement or draft planning agreement***

No planning agreement has been entered into.

##### **4.15(1)(a)(iv) *The provisions of the regulations***

##### **Clause 94 – Consent authority may require buildings to be upgraded**

To ensure the fire safety measures in the existing staff/drama building satisfy the requirements of Section 94 of the EP&A Regulation 2000, **Condition 87A** is recommended.

##### **4.15(1)(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality***

The approved student cap is increased from 900 students under Condition 7 of development consent 2014/023, to 950 students under Condition A7 of development consent SSD-9692.

Condition A9 of development consent SSD-9692 requires Condition 7 of development consent DA2014/023 to be deleted. No objections are raised to the deletion of Condition 7.

All other likely impacts have been addressed elsewhere in the report or are considered to be satisfactory and not warrant further consideration.

##### **4.15(1)(c) *The suitability of the site for the development***

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The proposal is suitable to the site.

**4.15(1)(d) Any submissions made in accordance with this Act or the regulations**

The application was publicly notified from **15 Oct to 5 Nov 2020** in accordance with the provisions of Part L of SCDCP 2005. No submissions were received.

**4.15(1)(e) The public interest**

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council.

The proposal is in the public interest.

**LOCAL INFRASTRUCTURE CONTRIBUTIONS**

No additional contribution is payable. Condition 17 of the original consent relating to payment of a Section 7.11 contribution is upheld. Retention of the existing building would not require the provision of or increase the demand for public amenities and public services within the area.

**CONCLUSION**

The proposal is acceptable against the relevant considerations under Section 4.15.

Signed: Ms P Frecklington  
**Consultant Assessment Officer**

**RECOMMENDATION**

That Development Application No. 2014/023/05 to modify development consent 2014/023/1 for alterations and additions to Meriden School including an extension to the existing auditorium, demolition of the dwelling at 3 Margaret Street and construction of a new 3-storey sports facility with basement parking, involving retention of the senior school drama/staff building and removal of Condition 7 relating to the maximum student capacity, be **APPROVED**, subject to the following conditions:

Under **PART B – Other Conditions**

**Condition 1** is amended to read as follows:

**Plans**

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

**Cover Sheet + Location Plan + Site Plan Dwg No. DA000 (Project 18019), Issue 1, dated 01/06/2020, prepared by Allen Jack + Cottier Architects.**

Site Analysis Dwg No.12404-DA002-02 prepared by NBRS + Partners received by Council 15 December 2015.

**Demolition Plan & Site Plan, Dwg No. DA003 (Project 18019), Issue 1, dated 01/06/2020, prepared by Allen Jack + Cottier Architects, received by Council**

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**30/09/20.**

Sports Complex Lower Ground Floor Plan Dwg No. 12404-DA100-01 prepared by NBRS + Partners received by Council 14 February 2014.

Sports Complex Upper Ground Floor Plan Dwg No. 12404-DA101-02 prepared by NBRS + Partners received by Council 15 December 2015.

Sports Complex First Floor Plan Dwg No. 12404-DA102-01 prepared by NBRS + Partners received by Council 14 February 2014.

Sports Complex Second Floor Plan Dwg No. 12404-DA103-01 prepared by NBRS + Partners received by Council 14 February 2014.

Sports Complex Elevations Dwg No. 12404-DA300-01 prepared by NBRS + Partners received by Council 15 December 2015.

Sports Complex Sections Dwg No. 12404-DA301-01 prepared by NBRS + Partners received by Council 14 February 2014.

Margaret Street Signage Dwg No. 12404-SK160119-01 B prepared by NBRS + Partners received by Council 12 February 2016.

**Wallis Building - Ground Floor Plan, Dwg No. DA110 (Project 18019), Issue 1, dated 01/06/2020, prepared by Allen Jack + Cottier Architects, received by Council 30/09/20.**

**Wallis Building - First Floor Plan, Dwg No. DA111 (Project 18019), Issue 1, dated 01/06/2020, prepared by Allen Jack + Cottier Architects, received by Council 30/09/20.**

**Wallis Building - Roof Plan Dwg No. DA112 (Project 18019), Issue 1, dated 01/06/2020, prepared by Allen Jack + Cottier Architects, received by Council 30/09/20.**

Wallis Building Elevations and Sections Dwg No. 12404-DA310-01 prepared by NBRS + Partners received by Council 14 February 2014.

Chapel Detail Dwg No. 12404 prepared by NBRS + Partners received by Council 17 April 2014

Landscape Plan 1 of 2 Dwg No. 12404-LDA01-B prepared by NBRS + Partners received by Council 14 February 2014.

Landscape Plan 2 of 2 Dwg No. 12404-LDA02-B prepared by NBRS + Partners received by Council 14 February 2014.

Landscape Details Plant Schedule 1 of 2 Dwg No. 12404-LDA03-B prepared by NBRS + Partners received by Council 14 February 2014.

Stormwater Drainage Site Plan – Lower Ground Floor Sports Complex Project No. SY130331 Dwg No. C1.01 Issue A prepared by Acor Consultants received by Council 14 February 2014.

**DA No.2014/023/05 - 10-28 Redmyre Road, Strathfield - Lot 101 DP 862040 (Cont'd)**

Stormwater Drainage Site Plan – Upper Ground Floor Sports Complex Project No. SY130331 Dwg No. C1.02 Issue A prepared by Acor Consultants received by Council 14 February 2014.

Stormwater Drainage Site Plan – First Floor Sports Complex Project No. SY130331 Dwg No. C1.03 Issue A prepared by Acor Consultants received by Council 14 February 2014.

Stormwater Drainage Site Plan – Second Floor Sports Complex Project No. SY130331 Dwg No. C1.04 Issue A prepared by Acor Consultants received by Council 14 February 2014.

Stormwater Drainage Site Plan – Roof Plan – Sports Complex Project No. SY130331 Dwg No. C1.05 Issue A prepared by Acor Consultants received by Council 14 February 2014.

Stormwater Drainage Site Plan – Ground Floor Wallis Building Project No. SY130331 Dwg No. C1.06 Issue J prepared by Acor Consultants received by Council 20 April 2015.

Stormwater Drainage Site Plan – First Floor Wallis Building Project No. SY130331 Dwg No. C1.07 Issue A prepared by Acor Consultants received by Council 14 February 2014.

Stormwater Drainage Site Plan – Roof Plan Wallis Building Project No. SY130331 Dwg No. C1.08 Issue A prepared by Acor Consultants received by Council 14 February 2014.

Statement of Environmental Effects prepared by Chris Young Planning received by Council 14 February 2014.

Traffic and Parking Report prepared by Colston Budd Hunt & Kafes Pty Ltd Reference No. 9125 received by Council 14 February 2014.

Heritage Impact Statement prepared by Paul Davies Pty Ltd received by Council 14 February 2014.

Arboricultural Impact Report prepared by Landscape Matrix received by Council 14 February 2014.

Geotechnical Investigation Project No. 73654 prepared by Douglas Partners received by Council 14 February 2014.

Preliminary Site Investigation Project No. 73654 prepared by Douglas Partners received by Council 14 February 2014.

Factual Report on Contamination Testing Project No. 73654.01 prepared by Douglas Partners received by Council 3 June 2014.

Qualitative Exposure Assessment PAH in Soils prepared by Banksia EOHS received by Council 3 June 2014.

Stormwater Management Report prepared by Acor Consultants received by Council 14 February 2014.

Acoustic Assessment prepared by Acoustic Logic received by Council 14 February 2014.

BCA Assessment prepared by Advance Building Approvals file reference CF13464 received by Council 14 February 2014.

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Preliminary Access Assessment Report prepared by NBRS + Partners received by Council 14 February 2014.

**Reason: Plans amended to show retention of the existing senior campus staff/drama building.**

**Special Conditions**

**Condition 7 is to be deleted.**

**Reason: To comply with Condition A9 of development consent SSD-9692.**

**Fire Safety Measures**

**Condition 87A is to be added, as follows.**

- 87A. Prior to occupation, the Fire Safety Schedule is to be updated to include the fire safety measures in the senior campus drama/staff building. A suitably qualified fire safety professional is to assess the existing fire safety measures and determine if a fire safety upgrade is required to satisfy the requirements under Section 94 of the EP&A Regulation 2000. Any required upgrades are to be actioned and incorporated into the Fire Safety Schedule. This is to be submitted to the PCA, prior to occupation/use of the building.**

**Reason: To ensure the fire safety measures in the staff/drama building are adequate in accordance with Section 94 of the EP&A Regulation 2000.**

**ATTACHMENTS**

1. Architectural plans - s4.55 - DA2014/023/5