

DEVELOPMENT ASSESSMENT REPORT		
Application No.	<b>No.</b> 201800230	
Address	2 Station Street, Petersham	
Proposal	To refurbish the grandstand at Petersham Park including the demolition of WC extensions, internal refurbishment to player facilities and public amenities, restoration of grandstand seating, construction of a new deck and bin store, replacement of an above ground irrigation tank with a below ground tank and associated landscaping works	
Date of Lodgement	29 May 2018	
Applicant	Inner West Council	
Owner	Inner West Council	
Number of Submissions	Nil	
Value of works	\$1,075,605	
Reason for determination	Council Owned Property	
at Planning Panel		
Main Issues	Protection of heritage significance and BCA compliance	
Recommendation	Approval subject to conditions	

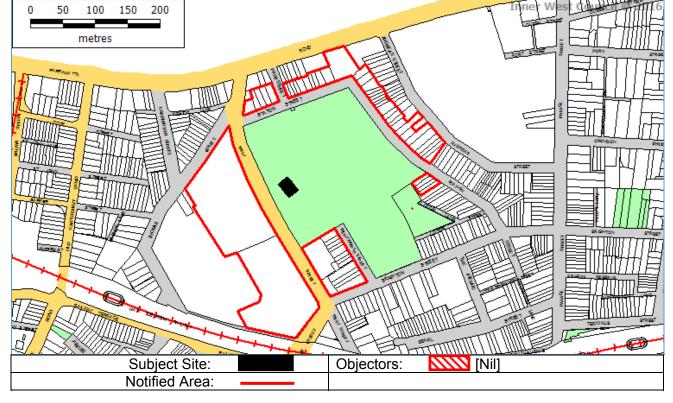




Image 1: The Site

## 1. Executive Summary

This report concerns an application to refurbish the grandstand at Petersham Park including the demolition of WC extensions, internal refurbishment to player facilities and public amenities, restoration of grandstand seating, construction of a new deck and bin store, replacement of an above ground irrigation tank with a below ground tank and associated landscaping works. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- The need to ensure an appropriate heritage outcome; and
- The need to ensure compliance with the Building Code of Australia.

## 2. Proposal

Approval is sought to refurbish the grandstand at Petersham Park including the demolition of WC extensions, internal refurbishment to player facilities and public amenities, restoration of grandstand seating, construction of a new deck and bin store, replacement of an above ground irrigation tank with a below ground tank and associated landscaping works. The Statement of Environmental Effects identifies the following works:

- New concreate deck (with steps) located to the oval facing north east elevation of the grandstand.
- New lightweight retractable awnings above deck.
- Removal of existing redundant columns and balustrades to the ground level entry to the grandstand club room.
- Demolition of existing intrusive male WC entry and replacement. Upgrade of WC facilities.

- Demolition of intrusive female WC extension and replacement with sensitively designed entry to match male WC. Upgrade of WC facilities.
- Construction of an accessible WC within the ground floor of the grandstand.
- Works to south west elevation to re-establish original window openings and create additional higher level window openings to provide light and ventilation to the existing change rooms and WC facilities.
- Internal upgrade to change room facilities. Removal of non-original change room ceilings to provide additional light and ventilation and better utilise existing ceiling voids.
- Upgrades to grandstand access, balustrades and seating. Existing seating to be retained and relocated to rear tiers of the grandstand (which are currently empty). New 'reinterpreted' seating to forward section of grandstand to provide a better experience for patrons.
- Installation of 48 solar panels to existing roof structure.
- Removal of existing intrusive services to the rear of the grandstand, relocated to areas not visible to the public.
- Pavement restoration to rear of grandstand.
- Existing irrigation tank buried below current location.
- Additional landscaping works.

## 3. Site Description

The subject site is located on eastern side of West Street, Petersham, between Station Street and Brighton Street. The site consists of 3 allotments containing Petersham Park comprising a total area of approximately 50,000m² and is legally described a Lots 7025 and 7026 in DP1060136 and Lot 7048 in DP1060137. The site fronts Station Street to the north and east, West Street to the West and Brighton Street to the south.

The portion of the site at which the development is proposed is located to the south west of Petersham Park, and fronts onto the Petersham oval/cricket pitch. Several trees are located behind and either side of the stadium with a landscaped area located to the north eastern rear side of the grandstand. Bench seating is located to the front of the stadium, and separated from the stadium by grassed areas. Along with the bench seating, a single storey building is located at the front of the stadium to the north east and in front of the oval/cricket pitch.

The land slopes gently down from the grandstand to the oval/cricket pitch. In addition to the two-storey sporting grandstand located in the south west portion of Petersham Park, there is a public swimming pool located in the south eastern portion of the park and several trees are located in the park. The following trees have been identified:

- Phoenix canariensis (Canary island date palm)
- Several *Harpephyllum caffrum* (African plums)
- Ficus hillii (Hills weeping fig) protection between fence and tree
- Several *Lophotemon confertus* (brush box)

A photograph of the front of the grandstand is included below.



Image 2: Existing Grandstand

The surrounding area includes one and two-storey period dwelling houses, nursing home facilities, the former Lewisham Hospital, the St Vincent de Paul Society and St Thomas's Catholic Church School. Parramatta Road is located approximately 200 metres to the north and the inner-western railway line is located approximately 260 metres to the south. The subject site is listed as a local heritage item.

## 4. Background

## 4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site Application	Proposal	Decision & Date
MW200600053	To install security grills on the grand stand at Petersham Park	Approved 8 December 2006
DA201100461	To remediate the land containing the Fanny Durack Aquatic Centre	Approved 14 December 2011
DA201000516	To carry out refurbishment works to the existing aquatic centre including the reconfiguration of the existing lap pool and toddler pool, a new splash deck, a new café, modified landscaping and outdoor seating area with additional shade structures, refurbished amenities and change facilities, pool plant, store room, installation of a new filtration system and to erect an associated sign	Approved 22 July 2013
DA201000516.02	To install additional shade structures, install a storage shed, and alter the layout and design of the café	Approved 7 August 2013

## 4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter/ Additional Information
29 May 2018	Application submitted to Council.
22 June 2018	A revised Heritage Impact Statement was requested.
10 July 2018	Revised Heritage Impact Statement submitted to Council.

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

## 5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Marrickville Local Environmental Plan 2011.

## 5(a)(i) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 concerns the protection/removal of vegetation identified under Marrickville Development Control Plan 2011 (MDCP 2011). There are a number of trees protected under the provisions of Part 2.20 of MDCP 2011 in Petersham Park.

The application was referred to Council's Tree Management Officer who provided the following comments:

"There doesn't appear to be any direct impact on trees and no trees are proposed to be removed. It is principally a matter of ensuring adequate and appropriate tree protection measures that don't unnecessarily inhibit user access, and that any works within Tree Protection Zones (TPZ) is undertaken in a manner that does not negatively impact any tree.

The concrete slab behind the grandstand is likely to be replaced as is the curved, 350-400 mm high retaining wall between the concrete slab below and open ground with trees above. These works will be within TPZs and will require work method statements that detail how the works will be undertaken so as to not damage or negatively impact any trees.

Tree protection fences will be required around garden beds and open ground within the indicative TPZs. Paths and areas of concrete do not require fencing.

Any works require work method statement by level 5 arborist, with the exception of works on the grandstand."

Conditions provided by Council's Tree Management Officer have been included in the recommended conditions of consent to ensure adequate tree protections measures are in place.

### 5(a)(ii) Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the Marrickville Local Environmental Plan 2011:

- (i) Clause 2.3 Land Use Table and Zone Objectives
- (ii) Clause 2.7 Demolition
- (iii) Clause 4.3 Height of Buildings
- (iv) Clause 4.4 Floor Space Ratio
- (v) Clause 4.6 Exceptions to development Standards
- (vi) Clause 5.10 Heritage Conservation
- (vii) Clause 6.2 Earthworks
- (viii) Clause 6.4 Terrestrial Biodiversity

It is noted that there are no development standards applicable to the subject site. MLEP 2011 does not set any height or FSR development standards for the subject site, nor is there any change to the height of existing structures and the proposed works do not constitute an increase in gross floor area.

The following provides further discussion of the relevant issues:

## (i) Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned RE1 – Public Recreation under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land

The objectives of the RE1 – Public Recreation zone are as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for a range of community facilities, services and compatible land uses.

The development is considered acceptable having regard to the objectives of the RE1 – Public Recreation zone as the proposal seeks to upgrade and enhance an existing community facility.

## (ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

### (iii) Heritage Conservation (Clause 5.10)

The site is listed as a heritage item under MLEP 2011, namely Petersham Park including park and stone boundary walls, pergolas and memorial gates (Item I225).

As identified in Part 4(b) [Application History] a revised Heritage Impact Statement was submitted during the assessment process. Such details have adequately addressed the heritage conservation provisions contained in Clause 5.10 of MLEP 2011. The application was referred to Council's Heritage and Urban Design Advisor who provided the following comments:

"The grandstand was rated in the 2007 CMP for Petersham Park as an element of Moderate significance within the park and recommended in the CMP for conservation and appropriate future upgrading......

The proposal retains the grandstand's form, materials, viewing area, balcony, stairs and player's rooms. Only the less significant areas such as public toilets (including introduction of an accessible WC) and change rooms are changed to achieve modern upgrades consistent with retaining the original use of the building as a grandstand. The proposal also includes additional seating, improved accessible seating within the ground floor level, additional shading, and solar panels. The Structural report confirms that the adequacy of the existing structure will not be compromised by the proposed works.

The proposal also removes a number of intrusive elements of the grandstand such as intrusive steel gates, the intrusive existing male WC entry area, intrusive female WC extension and intrusive services to the rear of the grandstand including an above-ground tank, which will be buried.

Overall, the proposal is considered to be a sympathetic upgrade to the grandstand."

The conditions recommended by Council's Heritage and Urban Design Advisor have been included in the recommendation.

Overall, the development would not have any significant impacts on the heritage item and as such the development satisfies Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011

## (iv) Earthworks (Clause 6.2)

Some of the proposed works require excavation, include new piers for the deck located on the north eastern side of the grandstand adjoining the club room and canteen, and the proposal for the existing irrigation tank to be buried below its current location. Council's Project Manager advises the following specific excavation details:

- The tank will require excavation of approximately 3 metres deep with a diameter of approximately 3 metres. This gives a volume of 21-25m<sup>3</sup>
- The new deck structure requires only excavation for strip footings and edge thickenings. These are proposed to be 400mm deep.

These works are not considered to result in any adverse impacts subject to the imposition of conditions which are included in the recommendation to ensure minimal disturbance to surrounding development during construction.

## (v) Terrestrial Biodiversity (Clause 6.4)

Clause 6.4 of MLEP 2011 requires consideration be given to conservation of biodiversity as is of relevance to the application and applies to land identified as "Biodiversity" on the Natural Resource - Biodiversity Map that accompanies MLEP 2011. The property is identified as "Biodiversity" on the MLEP 2011 Natural Resource - Biodiversity Map. As the works relate largely to refurbishing an existing structure, the proposal is considered:

- Unlikely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land;
- Unlikely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna;

- Not to have any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land; and is
- Unlikely to adversely impact the habitat elements providing connectivity on the land.

## 5(b) Draft Environmental Planning Instruments

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment are irrelevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

## 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

Part	Compliance
Part 2.3 Site Context and Analysis	Yes
Part 2.5 Equity of Access and Mobility	Yes – see discussion
Part 2.6 Acoustic and Visual Privacy	Yes
Part 2.8 Social Impact Assessment	Yes – see discussion
Part 2.13 Biodiversity	Yes – see discussion
Part 2.16 Energy Efficiency	Yes
Part 2.20 Tree Management	Yes
Part 2.21 Site Facilities and Waste Management	Yes
Part 2.25 Stormwater Management	Yes
Part 8 Heritage	Yes – see discussion under Clause 5.10 of MLEP 2011

The following provides discussion of the relevant issues:

### **PART 2 - GENERIC PROVISIONS**

#### (i) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent. It is evident that matters of access and egress have been considered, with the plans making specific reference to:

- Existing accessible seating to be extended to include 12 x accessible seating module with new bench seating adjacent and new shade structure over;
- · Accessible WC:

- Existing balustrade to be replaced with new steel and mesh panel balustrade interpreting existing design with interpretative signage;
- New emergency lighting and egress signage to grandstand area;
- New steel handrail to centre of access isle:
- Proposed steel handrail, contrast nosings and tactical surface ground indicators to steps;
- New balustrades and handrails beyond;
- Replace existing path to suit new levels and alignments; and
- New stainless steel handrails.

The applicant has included a BCA compliance statement, which concludes that amendments to comply with the BCA can be addressed as part of the Construction Certificate and would not result in significant changes to the plans associated with the development application.

The proposed upgrade and refurbishment works are a considerable improvement to the accessibility of existing facilities on the site and meet the intent of the provisions of Part 2.5 of MDCP 2011.

Council's Building Surveyor has reviewed the proposal and associated BCA compliance statement and has indicated the proposal is acceptable subject to the imposition of conditions which are included in the recommendation of this report.

### (ii) Social Impact Assessment (Part 2.8)

Table 1 of Part 2.8.5 of MDCP 2011 specifies that a Social Impact Comment (SIC) is required for Community facilities. Control C1 requires the provision of sufficient information to identify social impacts, including positive and negative impacts on the local community (including the significance and extent of the impacts), mitigation measures or strategies to address potential social impacts.

The Statement of Environmental Effects submitted indicates that the proposed development is in the public interest and will:

- Upgrade and enhance the existing facility and surrounding amenity;
- Improve accessibility for all levels of mobility;
- Improve user experience; and
- Improve the grandstands environmental sustainability.

The Statement of Environmental Effects makes reference to the social impacts in the locality as 'a positive impact by providing an enhanced grandstand that meets community needs'. On balance, the social impact is considered to have been adequately addressed.

#### (iii) Biodiversity (Part 2.13)

## 2.13.3 Protection of Endangered/Threatened Species

The property is located in the Bandicoot Protection Area as identified in the Biodiversity Map contained in Appendix 3 of Part 2.13 of MDCP 2011 being an area identified as a potential habitat for the Long-nosed Bandicoot. The property has a site area which is greater than 450sqm. It is considered that the development would not result in any work that will disturb or reduce the existing pervious area of the site by more than 25%.

The plans were referred to Council's Urban Ecology Planning and Engagement Coordinator, who advised that the proposal is supportable subject to conditions, particularly in relation to potential impacts to bandicoots during construction. These conditions are included in the recommendation of this report.

## 2.13.5 Development near parks, bushland reserves and other public open spaces

The scope of work is such that most of the park and open space within which the development occurs remains unaffected. Having regard to the scope of works, the development is considered consistent with Part 2.13.5 of MDCP 2011 because:

- The park and associated public open spaces is adequately protected;
- The development responds to its adjacent surroundings, including environment qualities; and
- The proposal complements the landscape character, public use and enjoyment of the land.

## 5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

## 5(e) The suitability of the site for the development

The site is zoned RE1 – Public Recreation. The site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

## 5(f) Any submissions

No submission have been received.

## 5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

#### 6 Referrals

### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

#### **Building Surveyor**

Council's Building Surveyor provided conditions which form part of the Recommended Conditions of Consent.

## Development Engineer

Council's Development Engineer provided conditions which form part of the Recommended Conditions of Consent, and noted that while the site is identified as being subject to flooding during a 1 in 100 year storm event, the area within the site where the works are proposed is not subjected to flood flows and is located above areas which are subjected to flooding.

### Heritage Officer

The comments of Council's Heritage and Urban Design Advisor are contained in Part 5(a)(ii) of this report under the heading (iii) [Heritage Conservation]

## Parks & Streetscapes

The comments of Council's Tree management Officer are contained in Part 5(a)(iii) of this report, under the heading State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Urban Ecology

Council's Urban Ecology assessed the application for potential impacts upon Bandicoots associated with proposed excavation works, and provided conditions which have been included in the Recommended Conditions of Consent.

### 7. Section 7.11 Contributions

A Section 7.12 levy of \$10,756.05 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014 and a condition requiring the above levy to be paid has been included in the recommendation.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No 201800230 to refurbish the grandstand at Petersham Park including the demolition of WC extensions, internal refurbishment to player facilities and public amenities, restoration of grandstand seating, construction of a new deck and bin store, replacement of an above ground irrigation tank with a below ground tank and associated landscaping works at 2 Station Street Petersham subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

#### DA201800230 - 2 Station Street Petersham

#### Attachment A - Recommended conditions of consent

#### **GENERAL**

The development must be carried out in accordance with plans and details listed below:

Plan No.	Plan/ Certificate Type	Date	Prepared by	Date
and		Issued		Submitted
Issue				
DA01/D	Site Plan	03/05/18	Welsh + Major	29/05/18
DA02/D	Proposed Site & Roof Plan	03/05/18	Welsh + Major	29/05/18
DA03/E	Proposed Ground Floor Plan	03/05/18	Welsh + Major	29/05/18
DA04/D	Proposed First Floor Plan	03/05/18	Welsh + Major	29/05/18
DA05/D	Proposed North East Elevation	03/05/18	Welsh + Major	29/05/18
DA06/D	Proposed South West Elevation	03/05/18	Welsh + Major	29/05/18
DA07/D	Proposed Side Elevations	03/05/18	Welsh + Major	29/05/18
DA08/D	Proposed Sections	03/05/18	Welsh + Major	29/05/18
DA09/D	Site Analysis	03/05/18	Welsh + Major	29/05/18
DA10/D	Waste Management Plan	03/05/18	Welsh + Major	29/05/18
	Schedule of finishes	May 2018	Welsh + Major	29/05/18

with the application for development consent and as amended by the following conditions.

- All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 3. Heritage interpretation of the grandstand is to be undertaken as part of the works. Details of an interpretive proposal are to be submitted to Council for approval during the works and implemented prior to the issue of an occupation certificate to the satisfaction of Council's Heritage and Urban Design Advisor. The interpretive proposal is to be formulated by an experienced heritage consultant, based on the history of the grandstand and Petersham Park in the 2007 CMP.
- 4. All prescribed trees shall be retained and protected in accordance with these conditions and with the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 unless their removal, pruning or other works is explicitly approved under the terms of this consent.
- Landscaping for the site must use only local native plants to consist of a grassy understorey
  with dense shrub layer and associated canopy that utilises a diverse and representative
  range of species.

Note: Further information on relevant species can be found in the *GreenWay Revegetation Plan 2011* and Marrickville Council's *DCP 2.18 – Landscaping and open spaces*.

#### BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

- 6. No work must commence until:
  - A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
  - b) A minimum of 2 days written notice must be given to Council of the intention to commence work.
- A Construction Certificate must be obtained <u>before commencing building work</u>. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
- 8. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet <u>before work commences</u>.

Facilities are to be located so that they will not cause a nuisance.

- 9. All demolition work must:
  - Be carried out in accordance with the requirements of Australian Standard AS2601
     'The demolition of structures' and the Work Health and Safety Act and Regulations; and
  - b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
- 10. Where any loading, unloading or construction is to occur from a public place, Council must be contacted to determine if any permits or traffic management plans are required to be obtained from Council <u>before work commences</u>.
- 11. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities <u>before work commences</u>.
- A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA <u>before work commences</u>.
- 13. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, <u>before work commences</u>.
- 14. A rigid and durable sign must be erected in a prominent position on the site, <u>before work commences</u>. The sign must be maintained at all times until all work has been completed. The sign is to include:
  - a) The name, address and telephone number of the PCA;
  - A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
  - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

- 15. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA <u>before work commences</u>. The plan shall indicate:
  - a) Where the builder's materials and waste are to be stored;
  - b) Where the sediment fences are to be installed on the site:
  - What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
  - d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

- 16. A project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged <u>before</u> <u>work commences</u> for the duration of site preparation, demolition, construction and landscaping.
  - Reason: The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised.
- 17. The contact details of the project arborist shall be advised to council <u>before work commences</u> and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
- 18. The project arborist shall prepare a Tree Protection Plan, which shall be submitted to and approved by Council <u>before work commences</u>. The Tree Protection Plan shall include all trees within the construction zone or within 8 metres of the construction zone.
  - Note 1: A full Arboricultural Impact Assessment (AIA) report is <u>not</u> required. Council requirements for a tree protection plan are detailed in Marrickville Development Control Plan, Clause 2.20 Appendix 1.
  - Note 2: Tree Protection Zones shall be fenced except where there are paths or other concrete areas that protect the ground.
- 19. The project arborist shall endorse work method statements for all works, except works on the grandstand, that are within Tree Protection Zones (TPZ). The endorsed work method statements shall be submitted to and approved by Council <u>before work commences</u>.
- 20. The tree protection measures detailed in the council-approved tree protection plan shall be established <u>before work commences</u>.
- 21. The project arborist shall inspect tree protection measures, including the location of tree protection fencing and signage, and certify in writing to the Principal Certifying Authority the measures comply with the council-approved tree protection plan <u>before work commences</u>.
- All reasonable directions in writing by the project arborist in relation to tree management and tree protection shall be complied with.
- 23. The upgrading works to the grandstand are to be undertaken under the supervision of an experienced heritage conservation architect. Details of the appointment of such an architect are to be provided to Council prior to the commencement of works.
- 24. Prior to commencement of any excavation, demolition or construction work, all workers on the work site are to be made aware of the potential presence of Long-nosed Bandicoots as part of the site induction (including what they look like).

Note: To the untrained eye, a Long-nosed Bandicoot may be mistaken for a rodent, especially a rat.

- 25. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
  - a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
  - b) A concrete pump across the roadway/footpath
  - c) Mobile crane or any standing plant
  - d) Skip bins
  - e) Scaffolding/Hoardings (fencing on public land)
  - Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
  - g) Awning or street verandah over footpath
  - h) Partial or full road closure
  - i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

26. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

### BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

- 27. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction <u>before the issue of a Construction Certificate</u>. (The required payment can be made at the Council Offices).
  - NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation. http://www.lspc.nsw.gov.au/levy\_information/?levy\_information/levy\_calculator.stm

28. A levy of \$10756.05 has been assessed as the contribution for the development under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Marrickville

Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 7.12 Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 7.12 levy (as adjusted) must be paid to the Council in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card\* <a href="mailto:before the issue of a Construction Certificate">before the issue of a Construction Certificate</a>. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 7.12 levies CANNOT be made by Personal Cheque or Company Cheque.

\*NB A 1% credit card transaction fee applies to all credit card transactions.

#### (LEVY PAYMENT REFERENCE NO. DC002390)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the Consumer Price Index: All Groups Index Number for Sydney provided by the Australian Bureau of Statistics.

29. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit	\$8,056.00
Inspection fee	\$230.65

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

- Prior to the issue of a Construction Certificate, final landscape plans must be reviewed and approved by Council's Urban Ecology team.
- 31. A plan detailing the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes shall be submitted to and accepted by Council <u>before the issue of a Construction Certificate</u>. Please also provide details of surface levels to ensure that the new paved area is adequately drained and there are no trapped low points.
- 32. Tree Protection Zone (TPZ) fencing shall be maintained *in situ* for the duration of works including site preparation, demolition and construction (except where these conditions permit otherwise).
- 33. Tree protection measures detailed in the council-approved tree protection plan and in Section 4 of Australian Standard Protection of Trees on Development Sites AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise). Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.

The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

- 34. Amended plans are to be submitted to the satisfaction of the PCA incorporating the following amendments:
  - a) The external walls (including all components incorporated in them) and any non-loadbearing internal walls that are required to be fire resisting must be non-combustible construction. Furthermore, any ancillary element must not be fixed, installed or attached to the internal parts or external face of an external wall that is required to be non-combustible unless permitted under BCA Clause C1.14. Details of such are to be noted on the Construction Certificate plans.
  - b) The development is required to achieve Type B construction by virtue of the buildings classification and rise in storeys. In this regard, new and/or altered building elements are required to comply with BCA Spec C1.1 where applicable. This is to be confirmed on Construction Certificate plans and specifications.
  - c) The development is required to provide a total of fourteen wheelchair locations in relation to seating in accordance with AS1428.1–2009. This is to be indicated on the Construction Certificate plans.
- 35. Fire Engineered Performance Solutions noted in Blackett, Maguire and Goldsmiths BCA Compliance Statement to permit a single handrail to both stairways serving the first floor and to permit the omission of lift access to the First Floor of the grandstand are to be submitted with the CC documentation to the satisfactory of the Certifying Authority.
- 36. Plans and documentation demonstrating compliance with AS1428.1-2009 are required to the satisfactory of the Certifying Authority before the issue of a Construction Certificate. In the event that Deemed to Satisfy compliance is not achieved, further Performance Solutions will need to be documented by an appropriately qualified Access Consultant.
- 37. A suitable qualified structural engineer is to verify that the existing building is capable of withstanding the new loads which will be imposed prior to the issue of the construction certificate. Particular attention should be paid to the proposed photovoltaics on the existing roof.

#### SITE WORKS

- 38. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
- 39. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
- 40. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection (d) can only be carried out by the PCA. The critical stage inspections are:
  - a) After excavation for, and before the placement of, any footings.
  - For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
  - Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
  - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

- 41. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and shall comply with Council's Policy 'Placement of Waste Storage Containers in a Public Place'.
- 42. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
  - protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
  - c) give the owners of the adjoining land at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA <u>before works continue</u> on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA <u>before work commences</u>.

43. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

- 44. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
- 45. During excavation, demolition or construction work, all holes (e.g. created for footings etc.), machinery and construction material stockpiles are to be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in these areas. If one is found, no work shall proceed until the bandicoot has been safely vacated from the works area.
- 46. The following steps should be taken if a Bandicoot is found on site:
  - (i) Stop all work on site. There must be no attempt to harm or remove the Bandicoot.
  - (ii) No work shall proceed until the Bandicoot has been safely removed from the work site
  - (iii) Removal of the bandicoot from the site can only be undertaken by a trained wildlife carer. Immediately contact WIRES (1300 094 737) or Sydney Wildlife (9413 4300) to arrange for a trained wildlife carer to safely remove the Bandicoot from the site. Contact Council's Coordinator Urban Ecology Volunteers and Projects (9392 5175) to report that a Bandicoot has been found on site.
- 47. During construction the project arborist shall undertake periodic inspections of trees and tree protection measures, as detailed in the tree protection plan.

#### **BEFORE OCCUPATION OF THE BUILDING**

- 48. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:
  - a) A copy of the determination;
  - b) Copies of any documents that were lodged with the Occupation Certificate application;
  - c) A copy of Occupation Certificate, if it was issued;
  - A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - e) A copy of any missed inspections; and
  - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
- 49. Occupation of the building is not permitted until such time as:
  - All preconditions to the issue of an Occupation Certificate specified in this development consent have been met:
  - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
  - c) An Occupation Certificate has been issued.
- 50. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
  - a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
  - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

- 51. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
- 52. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
- 53. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
- 54. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.
- 55. At the completion of works, the project arborist shall certify in writing that the conditions of consent relating to tree protection have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. Breaches of the conditions shall be reported to the Inner West Council Urban Forest Manager.

#### **USE OF THE BUILDING**

56. The structure must be used exclusively in association with the dwelling house on the property and must not be adapted for use for habitable purposes and must not be used for any industrial or commercial purpose.

#### **ADVISORY NOTES**

- A complete Building Code of Australia assessment of the application has not been carried out.
- The proposed sanitary facilities in each teams change room can accommodate a maximum 20 participants (including players, coaches and the like). Should Petersham Park be used for other sports such as AFL, further review will be required as it is likely that the participants numbers would increase and may result in additional sanitary facilities being required.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

•	The enclosed fact sheet relating to asb or building work.	estos should be read before you start any demolition
•	Useful Contacts	
	Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and
	Dial Before You Dig	Home Warranty Insurance.  1100 www.dialbeforeyoudig.com.au
	Landcom	9841 8660 to purchase copies of Volume One of "Soils and
	Long Service Payments Corporation	Construction"  13 14 41  www.lspc.nsw.gov.au
	NSW Government	www.nsw.gov.au/fibro and www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
	NSW Office of Environment & Heritage	131 555 www.environment.nsw.gov.au
	Sydney Water	13 20 92 www.sydneywater.com.au
	Waste Services NSW - SITA Environmental Solutions Water Efficiency Labelling and Standards (WELS)	1300 651 116 www.wasteservice.nsw.gov.au www.waterrating.gov.au
	WorkCover Authority of NSW	13 10 50  www.workcover.nsw.gov.au  Enquiries relating to work safety and asbestos removal and disposal.

# **Attachment B – Plans of proposed development**

Development Application

for internal fit-out, cosmetic & restoration works to the existing building at West Street & Brighton Street, Petersham, 2049, NSW

