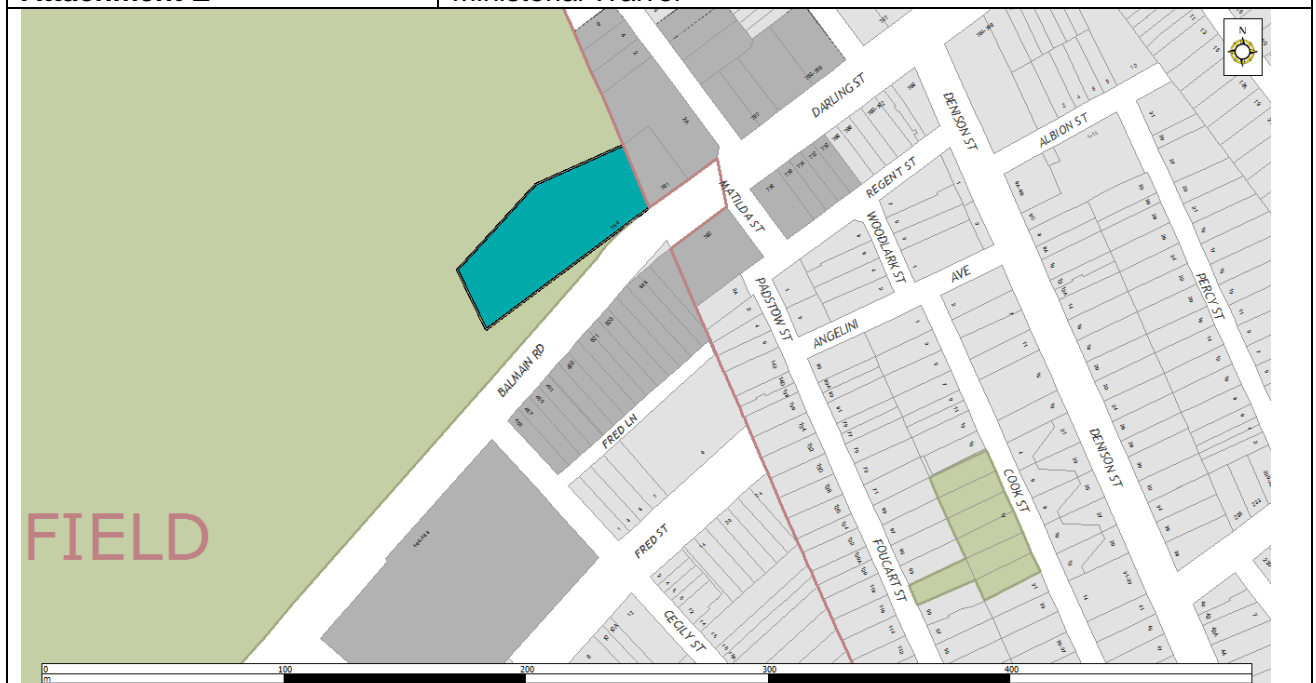




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/303
Address	Rozelle Child Care Centre, 450 Balmain Road, LILYFIELD NSW 2040
Proposal	Playground upgrade works at existing Child Care Centre, including replacement of soft fall ground surface and play equipment, landscaping works and a new shed.
Date of Lodgement	8 June 2018
Applicant	Rozelle Child Care Centre
Owner	Health Administration Corp
Number of Submissions	Nil
Value of works	\$99,486
Reason for determination at Planning Panel	Demolition of heritage item (external works only)
Main Issues	Heritage
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Heritage Impact Statement
Attachment D	Approval under s.60 of the Heritage Act 1977
Attachment E	Ministerial Waiver



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for playground upgrade works at existing Child Care Centre, including replacement of soft fall ground surface and play equipment, landscaping works and a new shed at Rozelle Child Care Centre, 450 Balmain Road, Lilyfield. The application was notified to surrounding properties and no submissions were received at the time of writing this report.

The proposal does not result in any adverse heritage impacts and therefore the application is recommended for approval.

2. Proposal

The proposal involves an upgrade of existing facilities within the established children’s play area to better and more safely meet the needs of children and staff associated with the current child care centre.

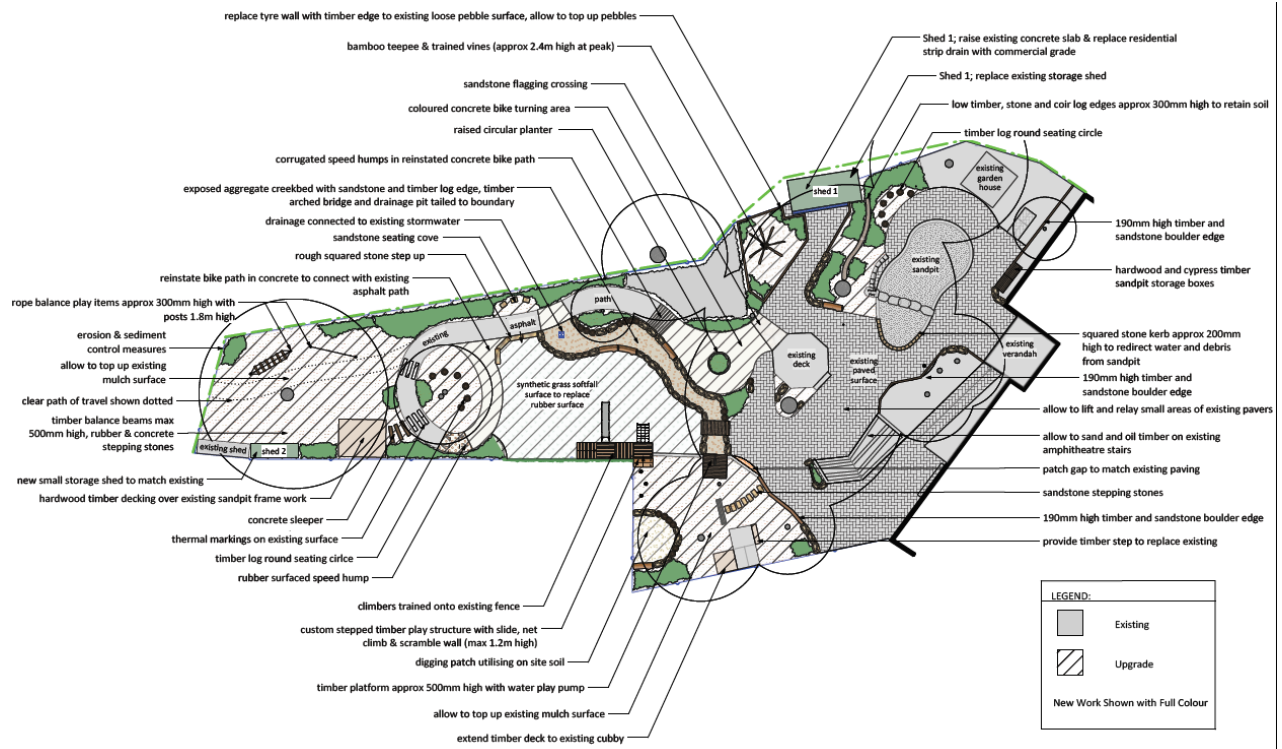
New works involve a ‘dry creek bed’ within the existing soft fall area, play equipment, timber deck, storage sheds, sandstone and timber edging, and synthetic grass soft-fall surfaces.

The proposal does not involve any tree removal or the disturbance of any ground that has not been previously disturbed by prior approved works. No changes are proposed to the existing extent of playground area.

An extract of the proposed plans is shown below.



THE GARDENMAKERS
SINCE 1989
 DESIGN ELEMENTS
 ROZELLE CHILD CARE CENTRE



3. Site Description

The Rozelle Child Care Centre is located within the grounds of the Rozelle Hospital. The child care centre is “tucked” away in the far eastern corner of the site closest to the corner of Darling Street/Balmain Road and Manning Street. The site of the child care centre consists of one leasehold allotment, which is irregular in shape with a total area of 2,659sqm and is legally described as Lot 2, DP 1043540.

The child care centre building was erected in 1870 and is considered to contribute to the overall heritage significance of the site. The building was erected as the original gatehouse to the Rozelle hospital grounds. A latter addition has been added to the rear of the original building to provide adequate accommodation for the various uses.

The building is located close to an entry point to the site and sited within a relatively remote location and is not easily identifiable from Balmain Road given the height of the existing masonry boundary fence which surrounds the site.

There are no dwellings within relative close proximity to the subject building.

A number of trees are located on the site and within the vicinity.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
D/2013/39	Redevelopment of existing 0-2 years playground including a new sandpit, decking, garden areas and low retaining/edging. Redevelopment of front entry area-landscaping, new path, seating and deck with new fencing/gates.	Approved 20/5/2013
D/2010/463	Redevelopment of the existing 2-3 year old playground within the existing child care centre incorporating new sandpit, shade structure, outdoor classroom, new bi-fold doors, entry steps, deck platform and landscaping.	Approved 14/2/2011

4(b) Application history

Not applicable

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:

- Heritage Act 1977
- Callan Park (Special Provisions) Act 2002
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries
- Leichhardt Local Environmental Plan 2000

The following provides further discussion of the relevant issues:

5(a)(i) Heritage Act 1977

The proposal is the subject of a separate approval under Section 60 of the Heritage Act 1977 issued by the Office of Environment and Heritage on 17 December 2017 (Application No. s60/2017/216). Therefore, the subject development application does not constitute integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979.

5(a)(ii) Callan Park (Special Provisions) Act 2002

The Callan Park (Special Provisions) Act 2002 aims to ensure the preservation of public open space within Callan Park and restrict future development of Callan Park in order to protect public access and heritage significance. The proposal is consistent with the aims and objectives of the Callan Park Act and does not involve any change to existing buildings.

Section 7(1) of the Callan Park Act has the effect of continuing the operation of environmental planning instruments or planning controls that applied immediately before the commencement of the Callan Park Act on 24 December 2002.

Therefore, the proposal has been assessed under the provisions of Leichhardt Local Environmental Plan 2000, State Environmental Planning Policy No. 55 – Remediation of Land, and State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries that applied as at 24 December 2002.

5(a)(iii) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site is currently used for child care centre purposes. The application was accompanied by a Contamination Assessment prepared by SESL Australia dated June 2018. The report identified 2 bore holes (BH2 and BH5/2) with minor concentrations of contaminants, however these were below the health investigation level criteria and concludes that the site is suitable for the proposed playground updates in its current state. The report was reviewed by Council's Environmental Health Section who raised no objections to the proposal proceeding subject to a condition in relation to any disposal of soil.

Given the above, the site does not require remediation and is in accordance with the provisions of SEPP 55.

5(a)(iv) State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries

The subject site (Rozelle Hospital) is listed as a 'State significant development' site under Schedule 1 of State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries.

Clause 10(3) of the Policy provides that Council, not the Minister, is the consent authority for development within the Rozelle Hospital site.

Clause 11 requires the preparation of, and consistency with, a master plan prior to the grant of consent for development within the Rozelle Hospital site. However, owing to the minor nature of the proposal and the existing planning controls in place, on 17 July 2018, the Minister for Planning granted a waiver to the requirement for a master plan in accordance with Clause 11(2) of SEPP 56 as approved by the Office of Environment and Heritage on 17 December 2017. Therefore, a condition will be imposed any approval is to be consistent with the Section 60 approval from the Office of Environment and Heritage, dated 17 December 2017, and that in the event of any inconsistency, the works shall be undertaken in accordance with the Section 60 approval.

5(a)(v) Leichhardt Local Environment Plan 2000 (LLEP 2000)

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental Plan 2000:

- Clause 12 – Vision of the plan
- Clause 13 – General Objectives
- Clause 15 – Heritage Objectives

- Clause 16(7) – Development in the Vicinity of a heritage item
- Clause 16(8) – Development in Conservation Areas
- Clause 27 – Community Uses

The application as conditioned satisfies the provisions of the above Environmental Planning Instruments, however further information is provided on the following:

Heritage Clause	Applicable	Comments
CI 16(1) Heritage Item	Yes	Refer to discussion below.
CI 16(2) Heritage Impact Statement lodged	Yes	
CI 16(3) Listed in Schedule 2 as an item having State significance	Yes	
CI16(3) Site of Heritage item that pre-dates 1840	Yes	
CI16(3) Place identified in Schedule 2 as having archaeological significance	Yes	
CI16(4) Archaeological site or is a potential archaeological site Director of the Heritage Office notified.	Yes Yes	
CI16(5) Aboriginal Site or one that the Council considers is a potential Aboriginal site Notified the Director-General of National Parks and Wildlife, the Council's Aboriginal Consultative Committee and the Metropolitan Local Aboriginal Land Council	Yes No	Schedule 2 lists middens, rock shelter, occupation sites at Callan Point. However the works involved in the application are not in the vicinity of Callan Point, thus a referral to NPWS was not undertaken.
CI 16(7) In vicinity of Heritage item	Yes	Refer to discussion below
CI 16(8) Conservation Area	Yes	Refer to discussion below

A heritage impact statement and the relevant sections of the conservation management plan that was previously prepared for the site have been taken into consideration in the assessment of this proposal. The proposed works are external to the building and will not unduly impact upon the heritage significance of the buildings, heritage items on the site or in the vicinity or the conservation area. Council's Heritage Officer has reviewed the proposal and raised no objections to the proposal as lodged. In addition, the Office of Environment and Heritage have provided an approval in relation to the proposed works under section 60 of the Heritage Act.

5(b) Draft Environmental Planning Instruments

There are no Draft Environmental Planning Instruments applicable to the subject application.

5(c) Development Control Plans

The application has been assessed against the relevant Development Control Plans listed below:

- Leichhardt Development Control Plan 2000
- Leichhardt Development Control Plan No.36 – Notifications
- Leichhardt Development Control Plan No.38 – Waste: Avoid, Reuse, Recycle
- Leichhardt Development Control Plan No.42 – Contaminated Land Management

The proposal will be conditioned in accordance with the requirements of relevant Council Officers to ensure impacts on the environment are mitigated and prevented, including pertaining to the retention and protection of trees and any disposal of soil.

The application as conditioned satisfies the provisions of the above Development Control Plans.

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 Open Space. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was originally notified for 14 days between 26 June 2018 to 10 July 2018 and no submissions were received.

The application was required to be renotified in accordance with the Regulations for a period of 30 days between 4th September 2018 to 3rd October 2018. At the time of writing this report, no submissions were received. Should any submissions be received by Council during the notification period, a supplementary report addressing any submissions received will be prepared.

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.

- Heritage Officer: No objections to the proposal.
- Development Engineer: No objections subject to standard conditions.
- Community Services: No objections to the proposal.
- Landscape: No objections subject to conditions to ensure the protection of existing trees in the vicinity of the proposed works.
- Health: No objections subject to standard conditions.

6(b) External

The application did not necessitate any external referrals.

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. 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

- A. 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: D/2018/303 for Playground upgrade works at existing Child Care Centre, including replacement of soft fall ground surface and play equipment, landscaping works and a new shed at Rozelle Child Care Centre, 450 Balmain Road, LILYFIELD NSW 2040 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

- Development must be carried out in accordance with Development Application No. 2018/303 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
ROZ01:CP05 Concept Plan, Rev. D	The Gardenmakers	7/8/2017
Sheet 1 Location Plan	PARAGRID P/L	Undated
ROZ01:DP01 Demolition Plan	The Gardenmakers	7/8/2017
Document Title	Prepared By	Dated
Heritage Impact Statement	PARAGRID P/L	19/9/18
Arboricultural Impact Assessment	Sydney Arbor Consultancy	22/3/2018
Ministerial Waiver	Minister for Planning	17/7/2018
Section 60 Application and Approval	Heritage Office	17/12/2017

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

- The development must be carried out in accordance with the conditions and approved plans of Section 60 Application No. s60/2017/216, issued by the Office of Environment and Heritage on 17 December 2017. In the event of any inconsistency between the Section 60 approval and this consent, the Section 60 approval prevails to the extent of any inconsistency.
- The trees identified below are to be retained:

Tree/location
All trees specified in the submitted <i>Arboricultural Impact Assessment Report</i> prepared by Aron Erbacher from <i>Sydney Arbor Consultancy</i> , dated 22/03/18

Details of the trees to be retained must be included on the Construction Certificate plans.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying

Authority.”

- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

- 5. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

- 6. Materials and finishes must closely match the original finishes and materials of the building. Highly reflective roofing materials must not be used. Details demonstrating compliance with this requirement must be provided prior to the issue of a Construction Certificate to the satisfaction of the Certifying Authority.
- 7. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
 - a) Minimise the area of soils exposed at any one time.
 - b) Conservation of top soil.
 - c) Identify and protect proposed stockpile locations.
 - d) Preserve existing vegetation. Identify revegetation technique and materials.
 - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
 - f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
 - g) Sediment and erosion control measures in place before work commences.
 - h) Materials are not tracked onto the road by vehicles entering or leaving the site.
 - i) Details of drainage to protect and drain the site during works.

Details demonstrating compliance with the requirements of this condition are to be

submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

8. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

9. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
 - a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
 - c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
 - d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.

- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

- 10. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
 - a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
 - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

- 11. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

- 12. The footings of the proposed play equipment will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree(s).

Schedule	
Tree/location	Radius in metres
All trees specified in the submitted <i>Arboricultural Impact Assessment Report</i> prepared by Aron Erbacher from <i>Sydney Arbor Consultancy</i> , dated 22/03/18	As per report

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam(s) shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam

being a minimum of 50mm above existing soil levels.

Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority satisfying the above requirements prior to the release of a Construction Certificate.

- 13. 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.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

- 14. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below 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.

Security Deposit (FOOT)	\$2,152.50
Inspection fee (FOOTI)	\$230.65

Payment will be accepted in the form of cash, bank cheque or 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 & footpath prior to & 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, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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.

- 15. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
 - a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit

- d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
- e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
- f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
- g) Awning or street verandah over footpath. – Road works Application
- h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

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.

16. To preserve the following tree/s and avoid soil compaction, no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until temporary measures to avoid soil compaction (e.g. rumble boards or similar as specified in Section 4.5.3 of AS4970—*Protection of trees on development sites*) beneath the canopy of the following tree/s is/are installed:

Tree/Location
All trees specified in the submitted <i>Arboricultural Impact Assessment Report</i> prepared by Aron Erbacher from <i>Sydney Arbor Consultancy</i> , dated 22/03/18

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.

17. To preserve the following tree/s, no work shall commence until their Protection Zone (in accordance with AS4970-*Protection of trees on development sites*) is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/location	Radius in metres
All trees specified in the submitted <i>Arboricultural Impact Assessment Report</i> prepared by Aron Erbacher from <i>Sydney Arbor Consultancy</i> , dated 22/03/18	As per report

A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone.

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.

18. To preserve the following tree/s no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/s/branches are protected (in accordance with *AS4970-Protection of trees on development sites*) by the placement of appropriate lengths of 50 x 100mm timbers spaced at 150mm centres and secured by wire/hoop strap over suitable protective padding material (i.e. underlay or carpet). The trunk/branch protection shall be maintained intact until the completion of all work on site.

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 COMMENCEMENT OF WORKS

19. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) Location of the building with respect to the boundaries of the site.

20. The site must be secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

21. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt 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.
22. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

23. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
24. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- Unauthorised entry to the work site is prohibited.
 - The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

25. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

26. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- Preserve and protect the building from damage.
- If necessary, underpin and support the building in an approved manner.
- Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

27. The site must be appropriately secured and fenced at all times during works.

28. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

29. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

30. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
31. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

32. Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the *EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999* and the *Protection of the Environmental Operations Act 1997*.

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 Occupation Certificate.

33. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
- a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

34. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.

35. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.

36. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

37. All trees specified in the submitted *Arboricultural Impact Assessment Report* prepared by Aron Erbacher from *Sydney Arbor Consultancy*, dated 22/03/18 shall be inspected, monitored and treated by Project Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Project Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule
Time of Inspection <ul style="list-style-type: none"> • Photographic evidence of the tree's condition prior to works being undertaken • Directly following installation of tree protection including rumble boards ground protection, photographic evidence required, • During hand excavation for play equipment footings, photographic evidence required, • At any time roots greater than 30mm are exposed • At project completion to verify that protection measures have been undertaken. Photographic evidence of the trees condition to be included.

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

Project Arborist - for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

38. If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose tool*. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

39. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

Schedule	
Tree/location	Radius in metres
All trees specified in the submitted <i>Arboricultural Impact Assessment Report</i> prepared by Aron Erbacher from <i>Sydney Arbor Consultancy</i> , dated 22/03/18	As per report.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

40. All excavation within the specified radius of the trunk(s) of the following tree(s) being
12 of 17

hand dug:

Schedule	
Tree/location	Radius in metres
All trees specified in the submitted <i>Arboricultural Impact Assessment Report</i> prepared by Aron Erbacher from <i>Sydney Arbor Consultancy</i> , dated 22/03/18	As per report.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

- 41. No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
- 42. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 43. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
- 44. 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.
- 45. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. It is responsibility of applicant's contractor to verify location of the utility services with the relevant service authority. 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. The Gross Floor Area must be indicated.
- 46. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 47. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
 - the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

48. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
49. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
50. The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

PRESCRIBED CONDITIONS**A. BASIX Commitments**

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition. In this condition:

- a) Relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and

- ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

- 1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) 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.
- 2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.

2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Attachment B – Plans of proposed development



PARAGRID
PTY LTD David Springett Architect #4772

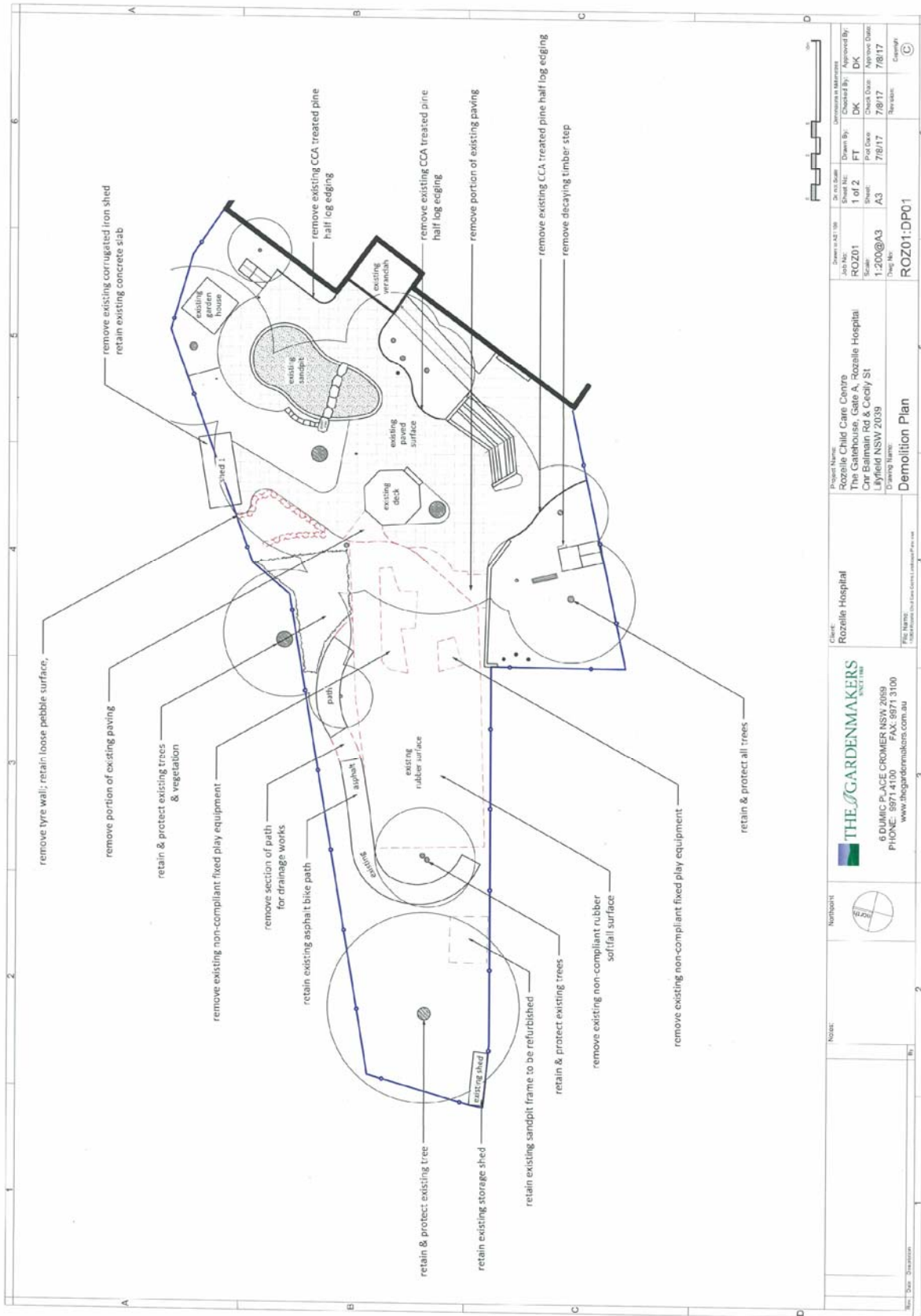
Do not scale from drawings. The builder is responsible for setting out of the works, checking of all dimensions & levels on site, compliance with BCA and AS, & reporting any discrepancies to proprietor prior to commencement of work. Drawings, Notes & Dimensions for Development Application only. Not for Construction. VOS=Verify on site. TEDS=To Engineer's Details & Specification.

PARAGRID PTY LTD asn 81084459178

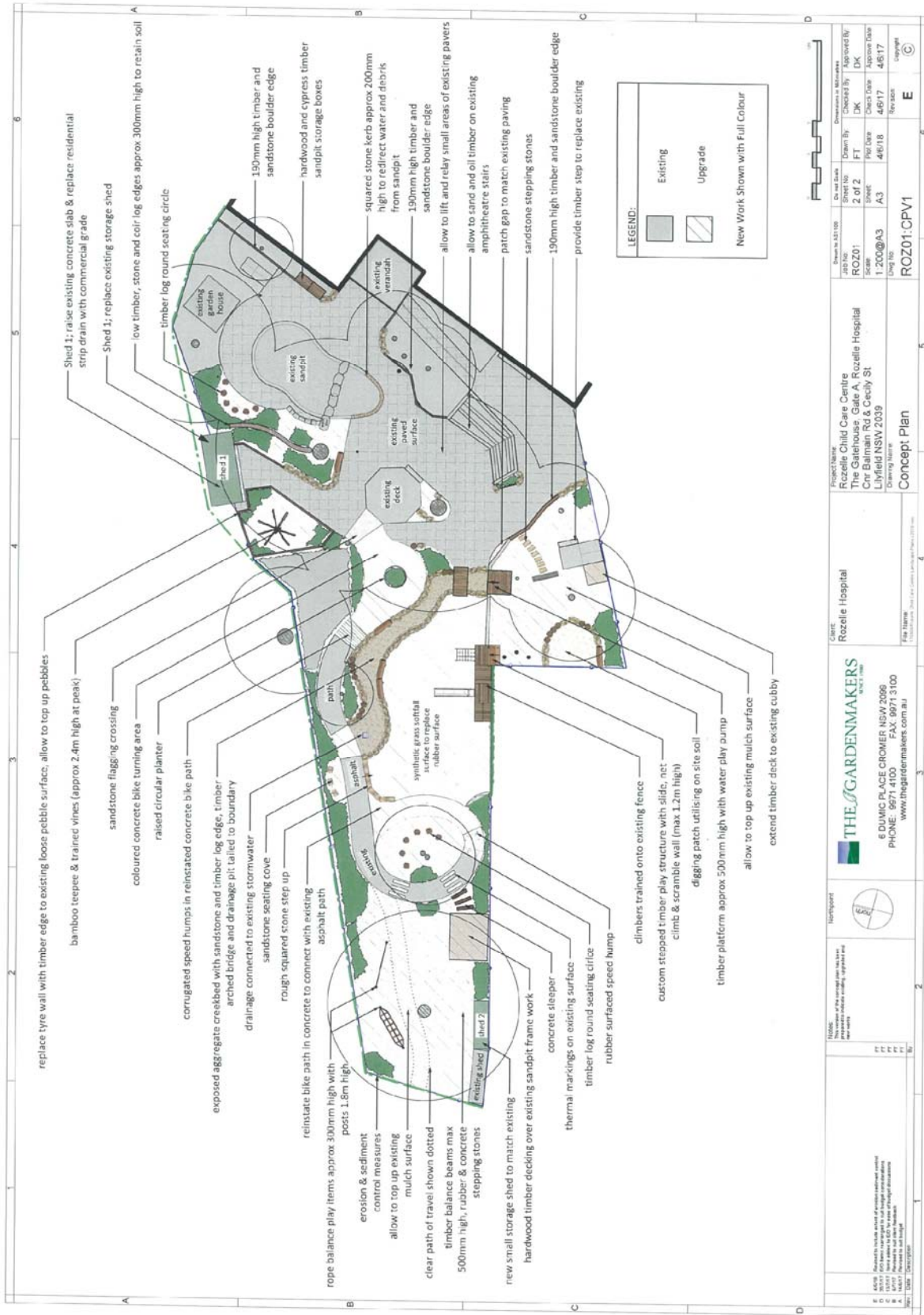
ISSUE	DATE	ISSUE NOTE		
2		Location Plan		
REVISION	DATE	REVISION NOTE		
PROJECT	Project Name		PROJECT #	Proj No
CLIENT	Client Name		DATE #	Date
DWG	Location Plan		SCALE @ A3	1:100
			DRAWN	??
			CHKD	??

83 JOHNSTON ST ANNANDALE

FILENAME 1994 Location Plan.vwx



<p>Client: Rozelle Hospital</p> <p>Project Name: Rozelle Child Care Centre The Gatehouse, Gate A, Rozelle Hospital Chr Balmain Rd & Cecily St Lyfield NSW 2039</p> <p>Planning Name: Demolition Plan</p> <p>File Name: ROZ01:DP01</p>		<p>Drawn By: DK</p> <p>Checked By: DK</p> <p>Scale: 1:200@A3</p> <p>Sheet: A3</p> <p>Drawn No: 7/8/17</p> <p>Checked Date: 7/8/17</p> <p>Approved Date: 7/8/17</p> <p>Approved By: DK</p> <p>Scale: 1:200@A3</p> <p>Sheet: A3</p> <p>Drawn No: 7/8/17</p> <p>Checked Date: 7/8/17</p> <p>Approved Date: 7/8/17</p> <p>Approved By: DK</p>
<p>THE GARDENMAKERS LANDSCAPE ARCHITECTS</p> <p>6 DUMIC PLACE CROMER NSW 2059 PHONE: 9571 4100 FAX: 9571 3100 www.thegardenmakers.com.au</p>		<p>Notes:</p> <p>Northpoint</p>



<p>Project Name: Rozelle Child Care Centre The Gatehouse, Gate A, Rozelle Hospital Cnr Balmmain Rd & Cecily St Lilyfield NSW 2039</p>		<p>Client: Rozelle Hospital</p>	
<p>Drawn By: DK Checked By: DK Approved By: DK</p>		<p>Scale: 1:200@A3 Plot Date: 4/6/17 Check Date: 4/6/17 Approve Date: 4/6/17</p>	
<p>Draw No: ROZ01:CPV1</p>		<p>Sheet No: 2 of 2</p>	
<p>Project No: ROZ01</p>		<p>Revision No: E</p>	

Attachment C – Heritage Impact Statement

Tuesday, 19 September 2017



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Heritage Impact Statement (Amended)

t:
f:
mMessage No: 27854
id:
Job: 1994

for:

Rozelle Child Care Centre Playground, located within Callan Park Conservation Area & Buildings.

Prepared on behalf of
Rozelle Childcare Centre

by

David Springett (Heritage Architect)
Paragrid Architects
PO Box 26 Annandale 2038
02 9660 4588
paragrid@gmail.com

19/9/2017

Executive Summary

Rozelle Child Care Centre is located in The Lodge (circa 1878 Barnett), Balmain Road, one of the earliest significant Gothic Revival buildings located within Callan park and is a State Heritage Item listed on the State Heritage Register of NSW. The Lodge is also known as The Gate Lodge and It is currently owned by the NSW Department of Health.

Alterations and additions were made to The Lodge in the 1980s to facilitate its use as a childcare centre. This resulted in two elevations of the building being enclosed by banded blonde brick wings, with imitation slate roofing. The subject playground occupies the space between the additions to The Lodge and the boundary fences.

This statement accompanies the development application for the upgrade to the existing playground area of Rozelle Child Care Centre to the northeast side of The Lodge. The proposed works are to be an upgrade of existing facilities within the established playground and are viewed as having nil heritage impact to The Lodge adjacent.

The proposed works do not involve the disturbance of any ground that has not been previously disturbed by prior approved upgrade works. The proposed works are essential for the ongoing use of this building as a child care centre.

The proposed upgrade complies with the policies and guidelines contained in the Callan Park Conservation Management Plan, Nov. 2011, by Tanner Architects. The proposal is supported.

Location

The Rozelle Child Care Centre Playground is located on the western side to 'The Lodge', on Lot 2 of Deposited Plan 1043540. The site is located within a state significant site listed on the as Callan Park Conservation Area & Buildings SHR No. 00818.. The existing playground area forms part of Rozelle Child Care Centre, which occupies the 'The Lodge' building. A location plan and photos have been attached to this statement.

Tuesday, 19 September 2017



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History

The historical development of the site has been extracted from the Conservation Management Plan written by Tanner & Associates and others in 2002 & 2011. The history has been updated to describe events that have taken place since that time.

ABORIGINAL HISTORY

Aboriginal people lived on the shores of Sydney Harbour for 20,000 to 30,000 years before the Europeans settled the area. They first arrived in southern Australia in the middle of the last ice age when Sydney Harbour was a river valley and giant marsupials are thought to have inhabited the area. Archaeologists have described the people who lived around the site of Callan Park as the Wangal clan or band. They lived mostly within an area along the Parramatta River from about Petersham westward. The Wangal were part of the Eora or Dharug tribes. Bennelong is believed to have been from the Wangal clan. The Wangal people lived for the most part within their own territory but were not restricted to it. At special times, such as when a beached whale was found, up to 200 people would gather for the feast. Generally they moved throughout their area gathering food and camping in bark shelters or caves. They caught fish from canoes or from the banks with hook and line or spears. Shellfish gathered and roasted were a common food. It is believed they also ate mammals such as possums, bandicoots, kangaroos, wallabies and flying foxes and birds' eggs. Vegetable foods included fern roots, burrawang seeds, young flower stalks of Gynea Lily, and the fruits of Lilly-pilly and Fig trees and the nectar from flowers such as Banksia and Waratah. Vegetable products were often roasted or made into dampers or cakes.

At the time when Europeans arrived the landscape in the vicinity of Callan Park was rugged and densely timbered. Steep, broad, flat ridgetops and steep slopes ran down to the clean waters of Iron Cove and wildlife was plentiful. The shell middens on Callan Point are evidence of the Wangal people's habitation. There are also axe grinding grooves and rock paintings elsewhere in the area. An epidemic of smallpox between 1789 and 1790 killed thousands of the Aboriginal people in the Sydney area. It is estimated that over half the Dharug people died from the disease. The Cadigal clan who lived east of the Wangal was reduced from between 50 to 60 people in 1788 to only three in 1791. The European settlement also destroyed much of the Aboriginal food resources in the area leading to food shortages and violent conflicts with settlers, convicts and soldiers. There were also attempts by Governor Macquarie to "civilise" the Aborigines by removing children to a Native Institution established in 1814 at Parramatta where they were to be educated.⁶ By 1850 to 1900 the remaining Aboriginal people, unable to continue their hunter gatherer lifestyle either became integrated into the European culture or lived primarily on reserves or missions on the western Cumberland Plain or along the Hawkesbury River. By 1900 about 50 people from the Dharug and Darkinjung families lived at the reserve on the Hawkesbury River.

EUROPEAN HISTORY

The Gentlemen's Estates

Callan Park is situated in the Municipality of Leichhardt, a district composed of 15 original land grants made between 1789 and 1821. The last four grants to be issued in the district were those on the north-western edge and these grants comprise the estates which influenced European settlement in the vicinity of Callan Park. There were two small grants to Francis Lloyd who received 50 acres (20.23 hectares) in 1819 (Portion 112, Parish of Petersham) and Luke Ralph who received 50 acres (20.23 hectares) in 1821 (Portion 113, Parish of Petersham). These adjoining grants stretched from Long or Iron Cove to Rozelle Bay. To their west Lawrence Butler received 100 acres (40.47 hectares) in 1819 (Portion 114, Parish of Petersham). These grants by the 1840s were in common ownership and became Garry Owen estate, later known as Callan Park. To the west of Butler's grant was John Austen's 100 acre (40.47 hectare) grant which he received in 1819 (Portion 115, Parish of Petersham). This estate was initially called Spring Cove, but by the 1840s was known as Austenham.⁸ The two relevant houses on this estate were called Austenham or Kalouan and Broughton House.

Layout Name: Report For Date of Print: Time: 5:03:39 pm Date: Wednesday, September 20 2017

Page 2

Tuesday, 19 September 2017



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The Garry Owen estate was separated from the Broughton House/Austenham estate by a line formed by the extension northward of Wharf Road.

Recent History

In 2005 the playground area to the west of The Lodge was upgraded. The approval report for these works stated:

"Historical Archaeology

Given the previous activity on site it is highly unlikely that any aboriginal relics will be found within the 200 -300 mm of existing ground level. However approximately 2-4 Sqm area will require excavation of up to 750 mm below existing ground level for expansion of the sandpit. Given the small scale of excavation required a full scale archaeological research was not sought from the applicant. However, in order to manage any potential impact on archaeological relics the applicant has agreed to a condition requiring the presence of an archaeologist on site during any excavation. Such a condition has been included in the recommendations."

Heritage Listings

The Lodge is individually noted on the following:

NSW State Heritage Register - Database number: 3540013

Name of item: The Lodge

Other name/s: House of Assistant Clinical Director, Gate Lodge

Type of item: Built

Primary Address: Balmain Road, Rozelle, NSW 2039

Parish: Petersham

County: Cumberland

LGA: Leichhardt

Statement of Significance

The following is an excerpt from NSW State Heritage Register.

"Part of the original Callan Park Hospital program designed by Colonial Architect, James Barnet. The building bears the date 1878. Pleasantly executed cottage with some architectural pretension in its attention to material, texture and ornamental motifs.

Note: There are incomplete details for a number of items listed in NSW. The Heritage Division intends to develop or upgrade statements of significance and other information for these items as resources become available."

The primary significance of the built environment of the Manning Street Precinct lies in its historical use as the entrance way to the Callan Park Estate. Significant surviving elements of the original carriageway, remains of the boundary planting and early fencing, the structure of the formal pond (now a sunken garden), the original (relocated) gates, the former gate lodge and the Manning Street residence. The electricity substation constructed in the 1950s immediately below the Manning Street residence is highly intrusive and has eroded the visual setting of the original residence.

Description of Existing Property

This statement extends to the area occupied along the western side of The Lodge, which forms one of three playgrounds of the Rozelle Child Care Centre. The existing playground consists of a soft-fall area, a central sandpit, super grass ground finish, pave areas with steps, an asphalt path, a shade structure, a central timber

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 Job: 1994

deck, and fixed play equipment. One shed is located on the southern boundary at the west end of the playground, and existing perimeter planting runs along the northern boundary. The playground is fenced along the southern, western and northern sides with the east side adjoining The Lodge.

The Heritage Council of NSW approved the proposal to upgrade the playground in 2005. The works were supervised by an archaeologist as recommended by the heritage council. The works consisted of a sandpit with a maximum depth of 750 mm, and excavations other than for the sandpit were limited to 200 mm. No historic relics were uncovered during these works. This is detailed in the Approval Report from the Heritage Council (dated 1/6/2005).

Description of Proposed works 2017

The parent committee has decided to upgrade the playground to better meet the needs of children and staff. The existing playground area remains dimensionally unchanged. The proposed works do not involve the disturbance of any ground that has not been previously disturbed by prior approved upgrade works. The proposed works are essential for the ongoing use of this building as a child care centre and mostly consist of replacing existing elements that are in very poor condition. No new work is proposed to the Paved Area or The Lodge.

The proposed works consist of the following items:

- Item A - A 'dry creek bed' with a depth of 150 mm within the existing soft-fall area. This is used as a positive play area and also to help with site drainage in heavy downpours.
- Item B - Eight (8) timber balance beams with footing depth of 300 mm.
- Item C - A bamboo teepee with footing depth of 300 mm.
- Item D - Sandstone flagging with footing depth of 200 mm.
- Item E - A bridge with footing depth of 300 mm within existing paved area.
- Item F - Two (2) balance ropes with footing depth of 800 mm.
- Item G - Timber play structure with footing depth of 600 mm.
- Item H - Timber platform with footing depth of 300 mm.
- Item I - Extension of existing timber deck with footing depth of 300 mm.
- Item J - Sandstone and timber edging with 200 mm footings.

The following items will be replaced and/or removed;

- The soft-fall surface.
- Removal and replacement of fixed play equipment (of a smaller size and constructed from wood).
- The replacing of rotten wood on existing cubby house.

See attached drawings for location of above works.

Statement of Heritage Impact

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

- The proposed will consist of the upgrade to the existing playground of Rozelle Child Care Centre.
- The proposed works will have no impact on the heritage building 'The Lodge'.
- The proposal will have a minor impact on Callan Park Conservation Area Zone 2, and will respect the heritage significance of the item.

Tuesday, 19 September 2017



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Heritage Impact Statement (Amended)

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id:
Job: 1994

The following aspects of the proposal could detrimentally impact on heritage significance.

The reasons are explained as well as the measures to be taken to minimise impacts:

'The Lodge' is significant as it formed part of the original Callan Park Hospital program designed by Colonial Architect, James Barnett. The building bears the date 1878. It is a pleasantly executed cottage with some architectural pretension in its attention to material, texture and ornamental motifs.

The proposed works to the existing playground is necessary for the viability of the child care centre as the existing playground has dilapidated and has not been repaired or upgraded in 12 years; when the current use and arrangement were approved.

The proposed works will be carried out under the direct supervision of contractors and builders, where the works will be defined and any existing elements will be protected during the works.

Do Nothing: The works will further degrade and become a hazard for the continuing use as a child care facility

Do Minor works and repairs: This is what is proposed.

Do Significant upgrade: This is not necessary as the space is limited for the number of users.

Assessment under Heritage Criteria:

Criterion (A) - Significance by Historical connection

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);

Response - The proposed works do not impact upon significance of the historical connections to the site or buildings

Criterion (B) – Significance by Association

An item has a strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (state significance); OR it has a strong or special association with the life or works of a person, or a group of persons, of importance in the cultural or natural history of the local area (local significance).

Response - The proposed works do not impact upon Strong or special associations to local identities, or cultural or natural history of the Callan Park Area.

Criterion (C) - Aesthetic Significance

An item is important in demonstrating aesthetic characterises and/or high degree of creative or technical achievement in NSW (state significance); OR it is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in the local area (local significance).

Response - The proposed works do not impact upon the aesthetic character of the Callan Park Area. The proposal seeks to repair, retain and enhance the existing elements of the immediate area.

Criterion (D) – Social Significance

An item has a strong or special association with a particular community or cultural grouping NSW for social, cultural or spiritual reasons (state significance); OR has a strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (local significance).

Response - The proposed works do not impact upon particular spiritual community or cultural groups of the Callan Park Area.

Criterion (E) – Technical/Research Significance

Layout Name: Report For Date of Print: Time: 5:03:39 pm Date: Wednesday, September 20 2017

Page 5

Tuesday, 19 September 2017



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An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (state significance): OR has a potential to yield information that will contribute to an understanding of the area's cultural or natural history (local significance).

Response - The proposed works do not impact upon any technical or research possibility of the Callan Park Area. During the works the Heritage Architect/Archaeologist will be on hand to assess any items uncovered during the works.

Criterion (F) – Rarity

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (state significance): OR possesses uncommon, rare or endangered aspects of the area's cultural or natural history (local significance).

Response - The proposed works do not affect any rare items within the Callan Park Area.

Criterion (G) – Representative

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (state significance): OR is important in demonstrating the principal characteristics of a class of the area's cultural or natural places or cultural and natural environments (local significance).

Response - The proposed works do not affect any items within the Callan Park Area that are rare or best examples of their type. The proposal seeks to repair, retain and enhance the existing elements of the immediate area.

Attachments:

- Location Plan & Site Photos by; Paragrid Pty Ltd, David Springett, Architect.
- Site survey by; Surveycheck, Surveyors.
- Concept Plan and Description of Works by; Fiona Temple, Landscape Designer.
- Sample Board of Materials & Finishes by; Tessa Rose, Playspace and Landscape Design.
- Callan Park Conservation Management Plan by Tanner Architects, 2011 Part 1
- Site Photos taken by Paragrid Pty Ltd, Site Visit.

References:

- Rozelle Hospital Conservation Management Plan by Tanner Architects, 2002
- Callan Park Conservation Management Plan by Tanner Architects, 2011
- Callan Park (Special Provisions) Act 2002 No 139 (but not attached)

Heritage Impact Statement Conclusion:

I, David Springett, Heritage Architect # NSW ARB #4772, have reviewed and assessed the proposed works, find that the works will have minimal or no impact upon the heritage significance of the Callan Park Area and the adjacent heritage buildings and recommend the Heritage Council grant their approval.

I would be happy to make oral presentations or give any further information that may be required.

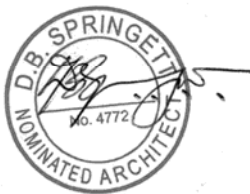
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Attachment D– Approval under s.60 of the Heritage Act 1977



Heritage Council
of New South Wales

Level 6, 10 Valentine Avenue
Parramatta NSW 2150
Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599
heritage@mailbox@environment.nsw.gov.au
www.heritage.nsw.gov.au

File No: SF17/53237
TRIM Doc. No.: 17/411001

Ms Alexis Hurditch
Rozelle Child Care Centre P/L
The Gate Lodge
Gate A, corner of Balmain Road and Cecily Street
LILYFIED NSW 2039

By email: office@rozellechildcare.org.au and alexish@ferrarihealy.com.au

Dear Ms Hurditch

**APPLICATION UNDER s.60 OF THE HERITAGE ACT 1977
CALLAN PARK CONSERVATION AREA AND BUILDINGS, STATE HERITAGE REGISTER
Nº 818**

RE: Balmain Road Gate Lodge (Rozelle Child Care Centre), Gate A, Balmain Road
Proposal: Playground upgrade, minor repair and upgrade of playground, including replacement of soft fall ground surface, replacing play equipment and a new shed.

Section 60 Application No: s60/2017/216, received on 9 August 2017

Information received with the application: As listed under condition no. 1 below

Additional information requested: 11, 15 & 19 September 2017

Additional information received: 14, 18, 20 & 26 September 2017

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above Section 60 application. Pursuant to section 63 of the *Heritage Act 1977*, approval is granted subject to the following conditions:

1. All work shall comply with the information contained within:

A: Landscape drawings, prepared by The Gardenmakers, as listed below:

Dwg No	Drawing Title	Date	Rev
Project Name: Rozelle Childcare Centre playground upgrade			
ROZ01:CP05	Concept Plan	7/8/2017	D
ROZ01:DP01	Demolition Plan	7/8/2017	-
-	Playground Equipment < 600mm:	Undated	-
-	Design Elements – Rozelle Child Care Centre (sample board / photos of materials and finishes)	Undated	-

B: Site Survey drawing titled *Plan showing site features and levels for building design purposes (Lot 2 in DP 1043540)*, prepared by Survcheck Surveyors, dated 17 May 2016.

C: Location Plan titled *Sht-1*, prepared by Paragrid P/L Architecture, dated 1994.

D: Report titled *Heritage Impact Statement for Rozelle Child Care Centre Playground, located within Callan Park Conservation Area and Buildings*, prepared by Paragrid P/L Architecture, dated 7 August 2017.

E: Document titled *1994 Paragrid Site Photos*, prepared by Paragrid P/L Architecture, printed 8 August 2017.

F: Document titled *Callan Park Plan of Management*, prepared by McGregor Coxall, dated February 2011.

As amended by:

H: Document outlining 29 instances of excavation for various footings, foundations for various elements: equipment, creek bed, unsourced, undated.

I: Report titled *Heritage Impact Statement (Amended)*, prepared by Paragrid P/L Architecture, dated 19 September 2017.

EXCEPT AS AMENDED by the conditions of this approval:

UNEXPECTED FINDS

2. The Applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with s.146 of the *Heritage Act 1977*. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: To manage any 'relics' in accordance with the requirements of the Heritage Act 1977.

COMPLIANCE

3. If requested, the Applicant and nominated Heritage Consultant may be required to participate in audits of Heritage Council approvals to confirm compliance with conditions of consent.

Reason: To ensure completion of the works in accordance with the approved plans and to improve the approvals process through a better understanding of the implementation of conditions of approval.

DURATION OF APPROVAL

4. This approval shall be void if the activity to which it refers is not substantially commenced within five years after the date of the approval, or within the period of consent specified in any relevant development consent granted under the *Environmental Planning and Assessment Act 1979*, whichever occurs first.

Reason: To comply with legislation.

RIGHT OF APPEAL

If you are dissatisfied with this determination, under section 70 of the *Heritage Act 1977* appeal may be made to the Minister for Heritage.

ADVICE

Your attention is drawn towards the powers of entry and inspection under s.148 of the *Heritage Act 1977* for authorised persons. If entry and inspection are required, reasonable notice will be provided as per the Act. The owner could voluntarily agree to allow non-authorised persons, such as Heritage Division (Office of Environment and Heritage) staff who are acting in a supporting role to the authorised persons, to enter their property for inspection. Owners may also voluntarily grant permission to take photograph, take samples or request records.

Reason: Section 148 of the Heritage Act 1977, allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

It should be noted that an approval under the *Heritage Act 1977* is additional to that which may be required from other Local Government and State Government Authorities to undertake works.

If you have any questions regarding the above matter please contact Stuart Read, Assessment Officer at the Heritage Division, Office of Environment and Heritage, by telephone on 02 9873 8554 or by e-mail stuart.read@environment.nsw.gov.au.

Yours sincerely

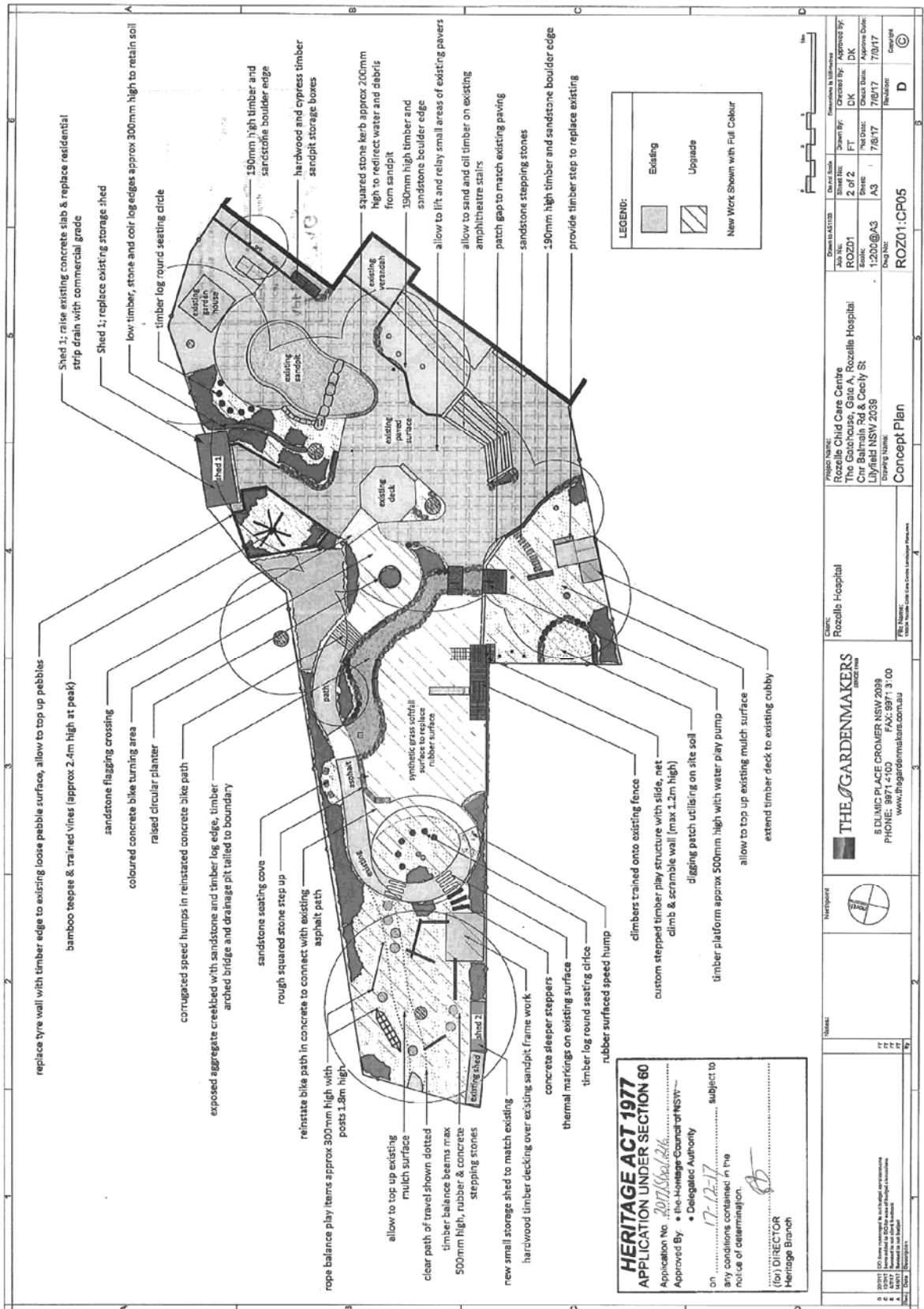


Rochelle Johnston
Manager Statewide Programs
Heritage Division
Office of Environment and Heritage

As Delegate of the Heritage Council of NSW

17 December 2017

cc: General Manager, Inner West Council, 260 Liverpool Road, Ashfield NSW 2131



Attachment E – Ministerial Waiver



Anthony Roberts MP
Minister for Planning, Minister for Housing, Special Minister of State

MDPE18/1418

Ms Alexis Gregg
President
Committee for Rozelle Child Care Centre
agregg@intermedium.com.au

Dear Ms Gregg

Thank you for your letter requesting I waive the requirement for a master plan under clause 11(2) of State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries to allow for the playground upgrade of the Rozelle Child Care Centre within Callan Park.

I note your request relates to the minor repair and upgrade of the playground, including the replacement of a soft-fall ground surface, play equipment and a new shed at Rozelle Child Care Centre.

The Department has conducted a master plan waiver assessment for the works to the child care centre and has concluded that the nature of the works is minor in terms of their impact on Callan Park and that Inner West Council's planning controls are considered sufficient to address any relevant issues for the site.

I have decided to grant the requested waiver in accordance with clause 11(2) of State Environmental Planning Policy No. 56 - Sydney Harbour Foreshores and Tributaries for the proposed development as approved by the Office of Environment and Heritage on 17 December 2017.

Should you have any further questions in relation to this matter, please contact Ms Amanda Harvey, Director, Sydney Region East, at the Department of Planning and Environment on 8275 1128.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A Roberts', written over a light blue horizontal line.

17 JUL 2018

Anthony Roberts MP
Minister for Planning
Minister for Housing
Special Minister of State

cc: Darcy Byrne, Mayor Inner West Council