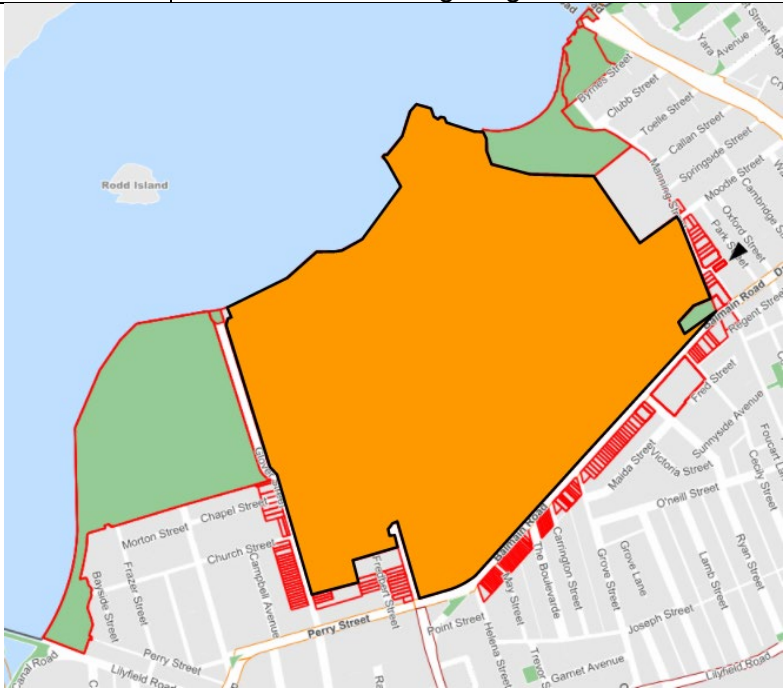




 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2021/1082
<b>Address</b>	Callan Park - Glover Street LILYFIELD NSW 2040
<b>Proposal</b>	Maintenance, repair, conservation, and upgrade (including demolition of intrusive elements) to buildings 497 & 512 in Callan Park; and change the of use of these buildings to community facilities
<b>Date of Lodgement</b>	12 November 2021
<b>Applicant</b>	Centennial Park and Moore Park Trust
<b>Owner</b>	Health Administration Corp
<b>Number of Submissions</b>	Initial: 1 After Renotification: 0
<b>Value of works</b>	\$395,000.00
<b>Reason for determination at Planning Panel</b>	Removal of heritage listed landscaping
<b>Main Issues</b>	Proposed Use
<b>Recommendation</b>	Approval with conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Statement of Heritage Significance
 <p style="text-align: center;">Figure 1: Locality Map. Black arrow points at property of objector.</p>	
<b>Subject Site</b> 	<b>Objectors</b> 
<b>Notified Area</b> 	<b>Supporters</b> 

## 1. Executive Summary

This report is an assessment of the application submitted to Council for Maintenance, repair, conservation, and upgrade (including demolition of intrusive elements) to buildings 497 & 512 in Callan Park; and change the of use of these buildings to community facilities at Callan Park - Glover Street LILYFIELD NSW 2040.

The application was notified to surrounding properties and one (1) submission was received in response to the initial notification.

No submissions were received in response to renotification of the application

The application is considered suitable for approval, subject to the imposition of appropriate conditions as recommended in Attachment A. Given that the application is a Crown application, recommended conditions of consent were referred to the applicant for endorsement and their endorsement to the conditions in Attachment A was subsequently provided.

## 2. Proposal

This DA seeks approval for the following works:

- The proposal includes maintenance, repair, and conservation, and upgrade works, including demolition of intrusive elements, to buildings B497 and B512.
- Change the use of the buildings to community facilities.
- Stabilisation and weather protection of the buildings.
- Removal of two (2) trees.
- Reconstruction of the timber verandah posts and handrails to B497.
- Replacement of flooring.
- Removal of front façade additions to B497, including steel deck structure, infills to the east and west verandah and the small ancillary structure to the north east front corner.
- Increased downpipe drainage systems.

## 3. Site Description

The Callan Park Hospital was formerly a psychiatric institution located in the grounds of Callan Park, a large site on the shores of Iron Cove in Lilyfield. From 1994, the facility was known as Rozelle Hospital. In April 2008, all Rozelle Hospital services and patients were transferred to Concord Hospital.

The Callan Park Hospital site is identified as a heritage item and various buildings and landscaping within Callan Park are listed on the State Heritage Register. The site is also located in Callan Park Conservation Area and the distinctive neighbourhood of Iron Cove Parklands.

*The Callan Park (Special Provisions) Act, 2002* restricts future uses of the site to health, tertiary education and community uses.

The adjoining properties consist of various uses such as residential, commercial and public purposes.

Figure 2 below shows the location of buildings 497 and 512 within Callan Park and the Kirkbride precinct.



Figure 2: Map of Callan Park and location of subject buildings (shown in yellow) and Kirkbride precinct (shown in orange).

## 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
PDA/2021/0040	Stage 1 works at Callan Park comprising; 1. Remove buildings 505,514; 2. Remediate demolition areas and re-turf; 3. Treat any contamination; 4. New accessible amenities block; 5. New turf, paths and picnic facilities; 6. New tree planting	Advice issued 07/04/2021
DA/2021/0161	Demolition of Buildings 505 and 514 at Callan Park and associated landscaping and fencing.	Approved 27/07/2021
DA/2021/0325	Stage 1B Waterfront Green works, including: demolition of hardstand / paving areas and demolition of slab and footings of Buildings 505 and 514; tree removal and new tree planting; re-turfing and re-grading works; new pathways and picnic facilities; and site remediation	Undetermined / Under Assessment
DA/2021/1316	Callan Park Waterfront Green amenities building works including construction of a new accessible public toilet clad in timber with a floating slanted roof to connect to existing underground services and infrastructure (formerly servicing demolished Building 505)	Undetermined / Under Assessment

## Surrounding properties

None relevant to this application.

## 4(b) Application history

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

Date	Discussion / Letter / Additional Information
12/11/2021	Application lodged
20/12/2021	Council wrote to the applicant, requesting further information, providing greater details of the proposed community facilities, including the type of use, hours of operation, staffing, parking, deliveries, additional use specific plant and equipment.
21/12/2021	The applicant wrote to Council advising, <i>inter alia</i> , the following: <ul style="list-style-type: none"> <li>• Building 497 is envisaged as a Community and Sports facility.</li> <li>• Building 512 [is envisaged as] a not-for-profit organisation which can demonstrate that they enhance community wellbeing in some way.</li> </ul>
22/12/2021	Council, via email, responded to the applicant's email, advising that full details of any proposed use of the buildings is required.
31/12/2021	The applicant submitted further information regarding the proposed use of the buildings.

08/02/2022	<p>Council wrote to the applicant, requesting the following additional information:</p> <ul style="list-style-type: none"> <li>• Biodiversity Report</li> <li>• Section 60 approval</li> <li>• Existing floor plans</li> <li>• Photographs of the interior of the buildings</li> <li>• Further information on the proposed use and works, including any works required/proposed to achieve compliance with the Disability (Access to Premises – Buildings) Standards 2010.</li> </ul>
02/03/2022	<p>The applicant responded to Council's request for additional information. The response included, <i>inter alia</i>, the following:</p> <ul style="list-style-type: none"> <li>• Addendum to SEE, including additional details with regard to the proposed use of the buildings.</li> <li>• Updated plans for both buildings.</li> <li>• Updated Heritage Impact Statement.</li> <li>• BCA and Access Compliance Statement for building B497.</li> </ul> <p>The updated plans included the following additional information:</p> <p><u>Building 497</u></p> <ul style="list-style-type: none"> <li>• Clean and make good the existing kitchen, including new handbasin in the existing benchtop.</li> <li>• Repair damaged tiles to W.C. on the eastern elevation of the building.</li> <li>• Additional annotations on floor plan to clarify proposed works.</li> </ul> <p><u>Building 512</u></p> <ul style="list-style-type: none"> <li>• Detailed drawings provided for new entries and for the layout of the proposed male and female toilets.</li> <li>• Amendments to proposed ramps, including steeper gradients.</li> <li>• Removal of proposed door in south-west elevation of the new male toilets.</li> <li>• Slight relocation of the door in the south-west elevation of Room 15; to serve as the principal entry access to the western wing.</li> </ul>
02/03/2022	<p>The applicant advised Council that they would seek to amend the application from integrated development to not being integrated development, which was subsequently (03/03/2022) amended in the NSW Planning Portal.</p>
<p>The updated plans and additional information submitted form the basis of this report.</p> <p>Pursuant to Council's community engagement framework, the amended plans and additional information submitted did not require renotification of the application.</p>	

## 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 Acts, Regulations and Environmental Planning Instruments listed below:

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

The following provides further discussion of the relevant issues.

#### 5(a)(i) *Callan Park (Special Provisions) Act 2002 and State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries*

The Callan Park (Special Provisions) Act 2002 (Callan Park Act 2002) and State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries (SEPP 56) are to be read together to address the permissibility of the proposed development.

The site is the subject of the Callan Park Act 2002. Section 7(1) of the Callan Park Act 2002 states that:

*The provisions of environmental planning instruments that apply to Callan Park are the provisions of those instruments that so applied immediately before the commencement of this Act, subject to this section.*

In light of the above, the proposal has been assessed against the planning controls that applied to the site immediately before the commencement of the Act, including the Leichhardt Local Environmental Plan 2000 and State Environmental Planning Policy No. 56.

#### Addendum

Clause 7 of the Act restricts development at Callan Park as follows:

#### **7 Development at Callan Park restricted**

- (1) *The provisions of environmental planning instruments that apply to Callan Park are the provisions of those instruments that so applied immediately before the commencement of this Act, subject to this section.*
- (2) *The consent authority for development applications relating to land within Callan Park is the council of the local government area within which the land is situated, despite any other Act or any environmental planning instrument.*
- (3) *Development may be carried out at Callan Park, with development consent, for the purpose of health facilities and educational or community facilities, but development for the purpose of retirement villages is prohibited at Callan Park.*
- (4) *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability does not apply to Callan Park.*



- (5) *Buildings must not be erected at Callan Park outside the footprints or building envelopes of the buildings that existed immediately before the commencement of this Act. However, this subsection does not prevent the erection of temporary structures.*
- (6) *Consent must not be granted for any development at Callan Park if the development would result in:*
  - (a) *less open space at Callan Park than existed immediately before the commencement of this Act, or*
  - (b) *an increase in the total floor area of all buildings that existed at Callan Park immediately before the commencement of this Act.*
- (7) *Development at Callan Park must not adversely affect the Broughton Hall Garden, Charles Moore Garden or Kirkbride Garden.*
- (8) *In determining a development application, the consent authority must take into consideration the objects of this Act in addition to all other matters that are required to be taken into consideration.*
- (9) *In this section:*
  - community facility** *means a facility (not being an educational facility or a health service) providing services to the community on a not-for-profit basis.*
  - educational facility** *means a university or any other facility providing educational services on a not-for-profit basis but does not include a secondary school or a primary school.*

The objects of the Callan Park Act as set out in section 4 are:

- (a) *to ensure that the whole of Callan Park remains in public ownership and subject to public control, and*
- (b) *to ensure the preservation of the areas of open space at Callan Park that were in existence immediately before the commencement of this Act, and that extend to and include the foreshore of Iron Cove on the Parramatta River, and*
- (c) *to allow public access to that open space, including that foreshore, for public recreational purposes of both an active and a passive nature, and*
- (d) *to preserve the heritage significance of Callan Park, including its historic buildings, gardens and other landscape features, and*
- (e) *to impose appropriate controls on the future development of Callan Park.*

The site is listed in Schedule 1 (Sites of State or Regional Significance) under SEPP 56 and clause 11(1) of SEPP 56 requires:

- (1) *Development consent must not be granted for development that relates to development on land to*
  - (a) *there is a master plan for the land, and*
  - (b) *the consent authority has taken the master plan into consideration, and*
  - (c) *the development is consistent with the master plan, ....*

However, clause 11(2) and 11(4) outline:

- (2) *The Minister may waive compliance with the requirements of subclause (1) because of the nature of the development concerned, the adequacy of other planning controls that apply to the proposed development or for other such reason as the Minister considers sufficient.*
- (4) *Without limiting subclause (2), the Minister may waive compliance with the requirements of subclause (1) if:*
- (a) the development relates to only part of a strategic foreshore site, and*
  - (b) any of the grounds for waiver under subclause (2) are satisfied, and*
  - (c) the Minister is satisfied that the waiver will not compromise the application of the guiding principles in Part 2.*

A Ministerial Waiver waiving the requirement under SEPP 56 for the preparation of a Masterplan to accompany the DA has been provided.

The proposed development is considered permissible under the provisions of this Act and SEPP 56 as:

- Consent is sought to use the buildings as community facilities, which is permissible. A condition is included in the recommendation, requiring that the facilities must be on a not-for-profit basis. Accordingly, the proposed development is permissible under Section 7(3) of the Act.
- The proposed building works are within the footprint and envelope of the existing buildings and no new buildings are proposed.
- As outlined elsewhere in this report, the proposed works to the buildings and tree removal, subject to recommended conditions, is satisfactory with regard to heritage and landscaped impacts.
- No reduction of open space proposed.
- The proposed development will not affect the Broughton Hall Garden, Charles Moore Garden or Kirkbride Garden.
- The proposed development is in accordance with the stated objectives of the Act (as listed above).

As such, the proposal will comply with the relevant provision under Clause 7 of the act and achieve compliance with objects of the Act.

#### **5(a)(ii) Heritage Act 1977**

The *Heritage Act, 1977*, Part 3: *Heritage conservation* and Clauses 15: Objectives and 16: *General Provisions* for the development of land from the *Leichhardt LEP 2000* are relevant to the assessment of the proposed development.

A detailed assessment of the initially submitted plans and documentation by Council's Heritage Specialist of this application is provided below.



#### Heritage Listing:

The subject site at Glover Street, Lilyfield, is located within the Callan Park Conservation Area and Buildings, which is listed on the State Heritage Register. The site also contains Middens, rock shelters and occupation sites (Leichhardt LEP 2000).

#### Heritage Significance:

The subject buildings, 497 and 512, are respectively located in Zone 1: The Waterfront and Callan Point and Zone 5: Central Slope, as identified in the CMP. The heritage significance for buildings 497 and 512 is mapped as low in the CMP and the written significance for each building is reiterated below:

#### Building 497:

Low. Significance as first building of repatriation hospital though not of great architectural value.

#### Building 512:

- Low.

The site is also located in the distinctive neighbourhood of Iron Cove Parklands.

#### Heritage Comments:

The Callan Park (Special Provisions) Act 2002, the Heritage Act, 1977, Part 3: Heritage conservation and Clauses 15: Objectives and 16: General Provisions for the development of land from the Leichhardt LEP 2000 and Parts A7.0: Heritage and A10.1: Lilyfield from the Leichhardt DCP 2000 apply to the proposal. The Callan Park Conservation Management Plan, prepared by Tanner Architects, dated August 2011, and the Callan Park Management Plan, prepared by Inner West Council and McGregor Coxall, dated November 2011, also apply to the proposal.

The drawings prepared by Craftech Services, dated 7 September 2021, the Construction Environmental Management Plan, dated 1 October 2021, and the B497 & B512 Structural Assessment, dated 21 October 2021, both prepared by Cardno, the Arborist Report prepared by Martin Peacock Tree Care, dated 16 September 2021, and the Statement of Environmental Effects prepared by Que Consulting, dated 21 October 2021, were reviewed as part of this assessment.

The proposal includes maintenance, repair, conservation, and upgrade (including demolition of intrusive elements) to buildings 497 and 512 in Callan Park and change the use to community facilities. As summarised in the HIS, the works include stabilisation and weather protection, like for like repair and conservation, new works, removal of Tree 176 and an unidentified tree causing damage to the fabric of the front of Building 497.

The maintenance works to the roofing and roof plumbing is acceptable as it is standard maintenance works that are required to secure and protect the buildings. Like for like repair and conservation works are acceptable as these intend to repair existing materials and replace with like for like, which is good heritage practice.

In some instances, reconstruction is proposed, such as the reinstatement of the timber verandah posts and handrails to B497 based on original 1917 construction drawings and physical evidence, replacing the temporary plywood flooring with timber floorboards consistent with adjacent areas and painting to match existing. These are all good heritage management practices that will have a positive heritage outcome.

It is proposed to remove the front façade additions to Building 497 including the corroding steel deck structure, infills to the east and west verandah and the small ancillary structure to the northeast front corner. These are positive heritage outcomes as they will remove later alterations to the original building. It is proposed to install new fire detection systems which is supported as this will protect the buildings into the future.

The proposal includes increased downpipe drainage systems to limit overflows. The applicant is encouraged to consider increasing rainwater head capacity at the top of additional downpipes, as this will significantly improve the capacity of the volume the existing system will be able to manage. The installation of in-ground drainage systems to remove water away from buildings is supported as it is a positive outcome that will better protect the building fabric.

The removal of the original building fabric for the new doorway to enable the southwest elevation of Building 497 to enable DDA compliant access is acceptable given the low significance of the building. The new bathroom fit outs are acceptable as they will improve the amenity and usability of the buildings.

The CMP Guidelines for Building 497, as specified in the CMP are:

Retain and conserve according to Burra Charter principles. Adaptive reuse should be sympathetic to the building. Maintain and enhance the relationship between the building and the Harbour Bridge War Memorial and the building and its setting within the site. Requires maintenance, especially gutters, downpipes and stormwater drains. Verandahs should be reinstated and intrusive accretions removed.

The works proposed as part of this DA are in accordance with the above guidelines, particularly the adaptive reuse and maintenance to the gutters, downpipes and stormwater drains. The open verandahs will be reinstated, and intrusive accretions removed as part of the works.

The CMP Guidelines for Building 512, as specified in the CMP are:

Retain and conserve, adapt to sympathetic new use. Repair damaged and deteriorating fabric using appropriate materials, profiles and methodologies. Upgrade planting associated with the building.

The proposed works are in accordance with these guidelines, particularly the repairs to damaged and deteriorating fabric.

The works proposed to buildings 497 and 512 are acceptable from a heritage perspective and will result in a positive outcome as they will enable the buildings to be utilised. It is recommended a condition of consent be included that the proposed works are to be carried out in accordance with the Construction Environmental Management Plan prepared by Cardno, dated 1 October 2021.

To ensure that historic fabric in the vicinity is not damaged, it is recommended a condition be included in the consent that contractors are to be advised of the heritage significance of Callan Park Conservation Area and buildings, including the Sydney Harbour Bridge War Memorial and circular basin to the north of Building B497. Equipment laydown areas and contractor vehicles must be located away from historic buildings, structures, monuments and landscaped areas to minimise any potential impact to the heritage fabric during construction works.

The proposal includes the change of use to community facilities for both buildings 497 and 512. A change of use to community facilities is generally supported from a heritage perspective as it is a positive heritage outcome that will result in an appropriate use of the buildings, which will ensure they continue to be utilised into the future. Detail of the community facilities has not been provided as part of this application.

Any change of use must be in accordance with the requirements of the Callan Park (Special Provisions) Act 2002 and Section 7.3 and 7.4 of the 2011 Callan Park Conservation Management Plan prepared by Tanner Architects. In particular, as stated in Section 7.4.3, the installation of modern services such as lighting, air conditioning, power distribution, computer cabling will need to be carefully considered to avoid inappropriate or adverse impact on historic building fabric. Should additional works be required to the buildings to accommodate future community facility uses of the buildings, it is recommended that the level of detail is not known at this stage for required works, that this be submitted in a future application/s.

In addition to the relevant policies mentioned and discussed in the HIS, Policy 14: All changes to Callan Park should be carefully recorded from the 2011 applies to the proposal. It is recommended that a condition be included in the consent that a photographic record of the areas proposed to be altered as a record prior to works commencing.

As part of the works, it is recommended that a condition be included in the consent requiring that a suitably qualified and experienced heritage consultant be nominated for the project. The heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent. It is also recommended that a condition also be included in the consent requiring that works must cease if unexpected archaeological deposits or relics are discovered.

The proposal includes the removal of Tree 176, a Queensland Umbrella Tree, and an unidentified, a large leafed Privet, which are damaging the building fabric damage to the front of Building 497.

The Arborist Report identifies Tree 176 as in good physiological condition. The structural condition of the tree is fair. The location of the tree has resulted in the root system lifting and cracking the adjacent pavement and branches on the western side of the lower crown have grown in to contact with the roof and eaves of Building 497. The tree is a relatively small specimen and has low landscape significance. This species is listed as a 'weed of regional concern' (environment) under the Greater Sydney Regional Strategic Weed Management Plan 2017 - 2022. Accordingly, the Arborist Report has allocated the tree with a life expectancy of less than 5 years and a Retention Value of Priority for Removal.

The Arborist Report identifies the unidentified Privet tree as in good physiological condition. The structural condition of the tree is fair. It states the tree is a self-sown specimen, which has germinated close to the base of Tree 176 and as a result is heavily suppressed. The lower crown of the tree has grown in contact with the roof and eaves of Building 497. The tree is a small specimen and has low landscape significance. This species is also listed as a 'weed of regional concern' (environment) under the Greater Sydney Regional Strategic Weed Management Plan 2017 - 20223. Accordingly, the tree has been allocated a Useful Life Expectancy of less than 5 years and a Retention Value of Priority for Removal.

The description for Zone 1 in the CMP states that "Apart from a few tree groups and a row of Norfolk Island Hibiscus, which date from the early years of the asylum, the planting in the area is recent and not of any heritage significance." It also states that the character of this zone has been fragmented by intrusive buildings, fences and tree plantings introduced since World War 1.

There are no concerns from a heritage perspective regarding the removal of Tree 176 and the unidentified tree. The Arborist Report concludes that where Tree 176 and the unidentified tree are approved for removal, the resultant loss of amenity and canopy cover could be easily offset with the planting of new tree of a more appropriate species within the park. It is recommended that any replacement plantings be undertaken in accordance with recommendations made from council's Tree section.

The applicant has provided evidence of waiving the requirement for a master plan with the copy of Waiver Letter from the NSW State Government.

The proposal will need to proceed in accordance with the Section 60 requirements from the Heritage Council of NSW, approval of which is to be conditioned.

Recommendation:

The proposal is acceptable from a heritage perspective as it will not detract from the heritage significance of the Callan Park Conservation Area and Buildings and is in accordance with Clause 5.10 Objectives 1(a) and (b) in the Leichhardt LEP 2000 and the relevant objectives and controls in the Leichhardt DCP 2000.

The proposal will need to be carried out in accordance with the Section 60 requirements from the Heritage Council of NSW.

It is recommended that any replacement plantings be undertaken in accordance with recommendations made from council's Tree section.

The applicant is encouraged to consider increasing rainwater head capacity at the top of additional downpipes as part of the works.

With regard to the additional information submitted, Council's Heritage Specialist provided the following comments:

Revised drawings prepared by Crafttech Services, dated 7 September 2021, for Buildings B497 (Issue D) and B512 (Issue B), were reviewed as part of this assessment.

Amendments in the revised drawings include the following:

## Building B497:

- Clean and make good the existing kitchen, including new handbasin in the existing benchtop;
- Repair damaged tiles to W.C. on the eastern elevation of the building; and
- Additional annotations on floor plan to clarify proposed works.

## Building B512:

- Detailed drawings provided for new entries and for the layout of the proposed male and female toilets;
- Amendments to proposed ramps, including steeper gradients;
- Removal of proposed door in south-west elevation of the new male toilets; and
- Slight relocation of the door in the south-west elevation of Room 15; to serve as the principal entry access to the western wing.

The above changes are minor and are in keeping with the original proposal. They are acceptable given the low significance given to the buildings. The repairs to the damaged tiles to the W.C. and the new handbasin to the kitchen in Building B497 are acceptable as they will improve the amenity of the building. The minor amendments are acceptable from a heritage perspective as they will result in a positive outcome enabling the buildings to be utilised.

The amendments are still in accordance with the relevant Guidelines for Buildings 497 and 512 from The Callan Park Conservation Management Plan prepared by Tanner Architects, dated August 2011.

During the assessment, the applicant advised Council that the development is not integrated development. However, it is noted that, prior to any works commencing, the applicant will be required to obtain approval from the Heritage Council of NSW under Section 60 of the *Heritage Act 1977*; a condition has been included in Attachment A.

**5(a)(iii)    *Environmental Planning and Assessment Regulation 2000***

The proposed development complies with the requirements of the Regulation.

**5(a)(iv)    *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 has been used in the past for activities which could have potentially contaminated the site in terms of filling placed on the site. Given that no soil disturbance is proposed, it is considered that the proposed development will not pose a risk of harm to human health of

future users of the Site as the existing surface coverings (where they will be retained) and the proposed final surface coverings (where improvements or changes are required as part of the proposed development) are considered to be sufficient to provide an effective physical barrier between any retained contaminated or potentially contaminated soils and the future users of the land.

Council's Environmental Officer has reviewed the plans accompanying the development application and the completed CEMP for the site and raised no concerns, subject to conditions, which have been included in Attachment A.

It is also recommended to reference the submitted CEMP with any consent granted, which has been included in Attachment A.

*5(a)(v)Leichhardt Local Environmental Plan 2000 (LLEP 2000)*

The proposal has been assessed under the following relevant clauses of the *LLEP 2000* as they apply to the proposed development:

- Clause 12 - Vision of Plan
- Clause 13 - General Objectives
- Clause 15 - Heritage Conservation
- Clause 16(1)-(5) - Heritage Items
- Clause 16(6) - Use of a Heritage Item
- Clause 16(7) - Development in the Vicinity of a Heritage Item
- Clause 16(8) - Conservation Areas
- Clause 27 - Community Use Objectives
- Clause 28 - Public Purpose Zone
- Clause 29 - Development of Land within the Public Purpose Zone
- Clause 33 - Foreshore Building Line
- Clause 34 - Foreshore access

As outlined above, the *Callan Park (Special Provisions) Act 2002* defines community facilities as follows:

***community facility*** means a facility (not being an educational facility or a health service) providing services to the community on a not-for-profit basis.



The LLEP 2000 defines community facilities as follows:

**Community facility** means a building or place which may provide for the physical, social, cultural or intellectual development or welfare of the local community and may comprise or relate to any one or more of the following—

- (a) a public library,
- (b) public health services,
- (c) rest rooms,
- (d) meeting rooms,
- (e) indoor recreation,
- (f) child minding,
- (g) a youth facility,
- (h) any other like place or use,

but does not include a building or place elsewhere defined in this Schedule.

The applicant has not specified the intended use for the buildings, other than proposing these to be used as a community facility.

As such, to ensure that the proposal is consistent with the above-mentioned definitions, the following condition has been included in Attachment A:

#### **Approved Use of Buildings**

Buildings B497 and B512 must only be used for community facilities on a not-for-profit basis and in accordance with the definition of community facilities contained in the *Leichhardt Local Environmental Plan 2000*. The premises can only be used for the following specific uses:

- a. a public library,
- b. public health services,
- c. rest rooms,
- d. meeting rooms,
- e. indoor recreation,
- f. child minding,
- g. a youth facility.

Subject to recommended conditions, the proposed development, and change of use, is:

- Considered satisfactory having regard to the Vision of the Plan and its General Objectives.
- Acceptable on heritage grounds.
- Permissible with consent in the public purpose zone.

- Satisfactory having regard to the objectives of the Plan in relation to community uses and the requirements of the Public Purpose Zone.
- The proposed development will not alter access to the foreshore.

To comply with the intent and objectives of the above clauses, conditions have been recommended with the aim of ensuring that the proposed development will have acceptable impacts on the heritage significance of the site, and on the amenity of the locality.

In summary, subject to recommended conditions, the proposal is considered to satisfy the provisions of *LLEP 2000*.

#### 5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

#### 5(d) Development Control Plans

The proposal has been assessed against the following parts of the Leichhardt Development Control Plan 2000 (LDCP 2000):

- Part A1.0 – General Information
- Part A2.0 – Urban Framework Plans
- Part A3.0 – Principles of Ecological Sustainable Development
- Part A4.0 – Urban Form and Design
- Part A5.0 – Amenity
- Part A6.0 – Site Analysis
- Part A7.0 – Heritage Conservation
- Part A8.0 – Parking Standards and Controls
- Part A10.1.4 – Iron Cove Parklands
- Part C1.3 – Design element 3 Landscaping
- Part C1.4 – Design element 4 Elevation and materials
- Part C1.5 – Site Facilities
- Part C2.1 – Site drainage and stormwater control
- Part C3.1 – Noise and vibration generation
- Part C3.3 – Water Pollution
- Part C3.4 – Operational elements Working Hours

As outlined elsewhere in this report, the proposed use, i.e., community facilities, is permissible under the *Callan Park (Special Provisions) Act 2002* and *Leichhardt Local Environmental Plan 2000*.

Whilst no specific details regarding the type of the community facilities proposed for the buildings have been provided, the applicant has provided, *inter alia*, the following details:

- Proposed hours of operation – 7am to 9.30pm, Monday to Sunday, including public holidays.
- Proposed patron capacity:
  - Building B497 – 200 patrons (400 under BCA allowed).
  - Building B512 – 70 patrons (150 under BCA allowed).
- Compliance with disabled access requirements is achieved.
- Type of catering – Pre-packaged food and drinks. Noting that the existing kitchens are not required to be upgraded to comply with *AS4674-2004 Design, Construction and Fit-Out of Food Premises*.
- Staffing – 1-8 persons per building.
- Location of waste and recycling facilities:
  - Building 497 – The waste/recycling bins will be stored outside to the rear of the building, between rooms 9 and 11g. These bins will be picked up from Military Drive.
  - Building 512 – The waste/recycling bins will be stored within the proposed storage room. These bins will be picked up from Military Drive.
  - All waste/recycling removal will be managed and collected by the NSW Greater Sydney Parklands by a waste/recycling operator.
- No mechanical ventilation equipment is proposed to be installed as part of this DA.
- Parking:
  - Parking will be provided on a site wide basis in accordance with the Callan Park Landscape Structure Plan.
  - A new carparking facility will be constructed adjacent to Glover Street sports field, thereby promoting pedestrian only access through the 'Waterfront Green' and 'Waterfront Sports' precincts of the Park. Universal access parking and a kiss and ride will be constructed to the north of B497.

Given that the nearest residential use is more than 400m away from the buildings, it is considered that the proposed use will not result in adverse amenity impacts to surrounding uses, including acoustic privacy, and the proposed patron and staff numbers, and hours of operation, are considered acceptable; a condition has been included in Attachment A, requiring the following:

*The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.*

No increase in floor space is proposed and new parking spaces are restricted/limited, given that the *Callan Park (Special Provisions) Act 2002* prohibits the construction of new buildings and the loss of open space. Existing parking provisions within Callan Park are considered satisfactory for the proposed use. A condition has been included in Attachment A, requiring that a traffic and parking study and management report being prepared prior to completion of the works, to minimise parking impacts on Callan Park.

Site facilities and waste management is considered acceptable, conditions have been included in Attachment A to ensure that the proposed use does not result in adverse impacts.

In addition, it is noted that the applicant has advised the following:

- Although not required under Leichhardt DCP 2000 and 2013, the NSW Greater Sydney Parklands agrees to a condition to be included on the consent to require an Operational and Management Plan for B497 to be provided to Council prior to the commencement of the use.
- The NSW Greater Sydney Parklands agrees to a condition on the development consent to restrict the sale of liquor within Building 497 and 512. This shall prevent the operator from obtaining a Function Licence from the NSW Liquor and Gaming, without first requiring Council consent.

Conditions reflecting the above have been included in Attachment A.

Given the above, subject to the recommended conditions in Attachment A, it is considered that the proposal will meet the controls and objectives of the LDCP2000.

#### 5(e) The Likely Impacts

Overall, the impacts of the proposed works, and change of use of the buildings to community facilities, are considered to be positive as it is a positive heritage outcome that will result in an appropriate use of the buildings, which will ensure they continue to be utilised into the future.

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

The site is within the Public Purpose zone under *LLEP 2000*. The proposed development is permissible on this site. This site is considered suitable for the proposed development, and this has been demonstrated in the assessment of the application.

#### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

One (1) submission was received in response to the initial notification.

No submissions were received in response to renotification of the application.

The following issues were raised in the submission:

Issue: Potential harm to wildlife.

Comment: The submission was forwarded to Council's Urban Ecology Section. Council's Urban Ecology Officer advised that it may be possible that the threatened species Large Bent-winged Bat might live in the building/s. A Microbat survey, prepared by Eco Logical Australia Pty Ltd, dated 07 February 2022, was submitted by the applicant, which concluded that

*Based on the diurnal visual inspection made of Callan Park Buildings 497 and 512, it is unlikely that these buildings contain significant microbat roosts, primarily due to:*

1. *High levels of light, noise, pedestrian or vehicular disturbance; and*
2. *The lack of any signs of usage by bats (cobwebs over most of the roof and gaps/cracks, no guano and no calls recorded).*

As such, it is considered that the proposed development will not adversely harm wildlife.

#### 5(h) 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

Comments provided by Council's Heritage Specialist have been incorporated into the heritage discussion elsewhere in this report. As discussed, no objections were raised, subject to recommended conditions.

#### Urban Forest

Council's Arborist raised no objections to the removal of the four (2) trees, subject to recommended conditions, including replacement planting.

#### Environmental Health

Council's Environmental Health Officer raised no concerns regarding the application, subject to recommended conditions, particularly with regard to light spill, new evidence regarding contamination, asbestos removal and noise.

### 6(b) External

As outlined elsewhere in this report, during the assessment, the applicant has advised Council that the development is not integrated development. However, it is noted that, prior to any works commencing, the applicant will be required to obtain approval from the Heritage Council of NSW under Section 60 of the *Heritage Act 1977*.

## 7. Section 7.11 Contributions/Section 7.12 Levy

Section 7.11 contributions / 7.12 levies are not payable for the proposal.

## 8. Conclusion

The Development Application has been assessed in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979*, the *Heritage Act 1977* and the *Callan Park Act 2002* and all relevant instruments and policies. Subject to the recommended conditions, the proposal satisfies the objectives of the above Acts, instruments and policies and will result in acceptable impacts for the locality for the reasons identified previously in this report. Accordingly, the application is recommended for approval, subject to the recommended 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. DA/2021/1082 for Maintenance, repair, conservation, and upgrade (including demolition of intrusive elements) to buildings 497 & 512 in Callan Park; and change the of use of these buildings to community facilities at Callan Park at Glover Street, Rozelle, subject to the conditions listed in Attachment A below.



## Attachment A – Recommended conditions of consent

### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
D000 Rev D	Floor Plans	02/03/2022	Craftech Services Heritage
D001 Rev D	Floor Plans	02/03/2022	Craftech Services Heritage
D002 Rev D	Floor Plans	02/03/2022	Craftech Services Heritage
D003 Rev D	Floor Plans	02/03/2022	Craftech Services Heritage
D004 Rev D	Roof Plan	02/03/2022	Craftech Services Heritage
D005 Rev D	Elevations	02/03/2022	Craftech Services Heritage
D006 Rev D	West Elevations	02/03/2022	Craftech Services Heritage
D007 Rev D	East Elevations	02/03/2022	Craftech Services Heritage
Use 001 (Building 497)	Floor Plans	January 2022	not stated
C000 Rev C	Floor Plans	03/03/2022	Craftech Services Heritage
C001 Rev C	Roof Plan	03/03/2022	Craftech Services Heritage
C002 Rev C	Elevations	03/03/2022	Craftech Services Heritage
C003 Rev C	Elevations	03/03/2022	Craftech Services Heritage
Use 001 (Building 512)	Floor Plans	January 2022	not stated

59919106 Version 3	Construction Environment Management Plan	01/10/2021	Cardno
600- 22SYD1474	Microbat survey	07/02/2022	ecological

As amended by the conditions of consent.

## 2. Long Service Levy

Written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid 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.

## 3. Photographic Recording

A photographic archival record of the building and landscape elements to be altered or demolished is to be submitted prior to the commencement of demolition work and prior to the issue of a Construction Certificate to the satisfaction of Council's Heritage Specialist.

The photographic archival recording is to be submitted in a digital format only and is to include the following:

- a. Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- b. Coloured photographs of:
  - i. each elevation,
  - ii. each structure and landscape feature;
  - iii. views to the subject property from each street and laneway or public space.

Photographic archival records must be taken of the building, landscape or item in accordance with 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch available online at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.

#### 4. Heritage Induction for Contractors

Prior to the commencement of any work, contractors are to be advised of the heritage significance of Callan Park Conservation Area and buildings, including the Sydney Harbour Bridge War Memorial and circular basin to the north of Building B497. Equipment laydown areas and contractor vehicles must be located away from historic buildings, structures, monuments and landscaped areas to minimise any potential impact to the heritage fabric during construction works.

#### 5. Works to Trees

Approval is given for the following works to be undertaken to trees on the site:

Tree/location	Approved works
Tree 176 - <i>Schefflera actinophylla</i> (Qld Umbrella Tree) / adjacent Building 497	Removal
<i>Ligustrum lucidum</i> (Large Leafed Privet) / adjacent Building 497	Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

#### 6. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

#### 7. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

**8. Standard Street Tree Protection**

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

**9. Works Outside the Property Boundary**

This development consent does not authorise works outside the property boundaries on adjoining lands.

**10. Section 60 Application**

An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

**11. Approved Use of Buildings**

Buildings B497 and B512 must only be used for community facilities on a not-for-profit basis and in accordance with the definition of community facilities contained in the *Leichhardt Local Environmental Plan 2000*. The premises can only be used for the following specific uses:

- a. a public library,
- b. public health services,
- c. rest rooms,
- d. meeting rooms,
- e. indoor recreation,
- f. child minding,
- g. a youth facility.

**12. Patron Capacity**

The number of patrons must not exceed the following:

Building No.	Maximum number of patrons
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Building 497	200
Building 512	70

**13. Sale of Liquor**

No liquor is to be sold on the premises unless separate consent from Council has been obtained.

**14. Traffic and Parking Assessment and Management**

Prior to completion, a traffic and parking study and management report must be prepared, addressing the following:

- a. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- b. Details of existing parking arrangements;
- c. How vehicular traffic and pedestrian movement will be managed;
- d. How vehicular traffic is managed without impacting landscaped areas and open space.

**15. Construction Fencing**

Prior to the commencement of any works (including demolition), 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.

**16. Light Spill**

Any lighting of the premises must comply with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

**17. Structural Certificate for retained elements of the building**

The Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed

in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

#### **18. Sydney Water – Tap In**

The Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program 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.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

#### **19. Construction Environmental Management Plan**

During construction works, the proposed works are to be carried out in accordance with the Construction Environmental Management Plan prepared by Cardno, dated 1 October 2021.

#### **20. Heritage Consultant**

Prior to commencement of demolition or construction work, a suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. A person with suitable heritage experience must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

#### **21. Unexpected Historical Archaeological Relics**

During construction work, 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. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

#### **22. Change of Use to Community Facilities**

During construction works, the installation of modern services such as lighting, air conditioning, power distribution, computer cabling will need to be carefully considered to avoid inappropriate or adverse impact on historic building fabric. Should additional works be required



to the buildings to accommodate future community facility uses of the buildings, it is recommended that if the level of intervention is beyond that identified in this application, that a future application/s be submitted.

### **23. Contamination – New Evidence**

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

### **24. Construction Hours – Class 2-9**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm 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 out of hours 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 must be limited to:

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

The person acting on this consent must not undertake such activities for more than three continuous hours and must 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.

#### **25. Stormwater Drainage System**

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, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising 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 and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

#### **26. Certification of Tree Planting**

Within 6 months of the tree removals they must be replaced, within Callan Park, as follows -

A minimum of 2 x 200 litre (container) size trees, which will attain a minimum mature height of ten (10) metres and a minimum mature canopy spread of five (5) metres, must be planted in suitable locations within the site. The trees are to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

The species and locations must be approved in writing by a consulting arborist (minimum AQF Level 5) and the trees must be planted by a qualified (minimum AQF Level 3) practising Arborist.

The trees must be maintained until they reach the dimensions whereby they are subject to Council's Tree Management Controls.

**27. Operational and Management Plan**

Prior to commencement of the approved use, i.e., community facility, Council must be provided with an Operational and Management Plan that addresses the following:

- a. Compliance with the relevant conditions of approval;
- b. Minimise the potential impact of the operation of the premises on nearby residents;
- c. Effectively minimise and manage anti-social behaviour;
- d. Minimise noise emissions and associated nuisances;
- e. Location of waste/recycling facilities and waste removal management;
- f. Effectively manage and respond to resident complaints; and
- g. Patron conductivity and security.

**28. Tree Establishment**

The trees planted as part of this consent are to be maintained in a healthy and vigorous condition until they reach the dimensions whereby they are subject to Council's Tree Management controls. If any of the trees are found faulty, damaged, dying or dead before they are subject to the controls they must be replaced in accordance with the relevant conditions.

**29. Noise General**

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

**30. Hours of Operation**

The hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Sunday, including public holidays	7am to 9.30pm

**31. No Food Preparation (Pre-Packaged Only)**

The premises are not to be used for the preparation and processing of food. Only pre-packaged food and drinks are to be served.

**Arborists standards**

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

**Tree Pruning or Removal (including root pruning/mapping)**

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

**Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

**Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

**Notification of commencement of works**

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b. notice must be given to site tenants advising of the date the work is due to commence.

**Storage of Materials on public property**

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

**Toilet Facilities**

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

**Infrastructure**

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. 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 must be undertaken before occupation of the site.

**Other Approvals may be needed**

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

**Failure to comply with conditions**

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.

**Other works**

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*.

**Obtaining Relevant Certification**

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; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

**Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

**National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

**Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.



**Permits from Council under Other Acts**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must 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);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- 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. A lease fee is payable for all occupations.

**Noise**

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.

**Amenity Impacts General**

The use of the premises must 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 must not give rise to the transmission of a vibration nuisance or damage other premises.

**Fire Safety Certificate**

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

#### **Lead-based Paint**

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

#### **Dial before you dig**

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

#### **Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"

Long Service Corporation	Payments	131441	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority		1300 552 406	<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government			<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water		13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - Environmental Solutions	SITA	1300 651 116	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)			<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW		13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

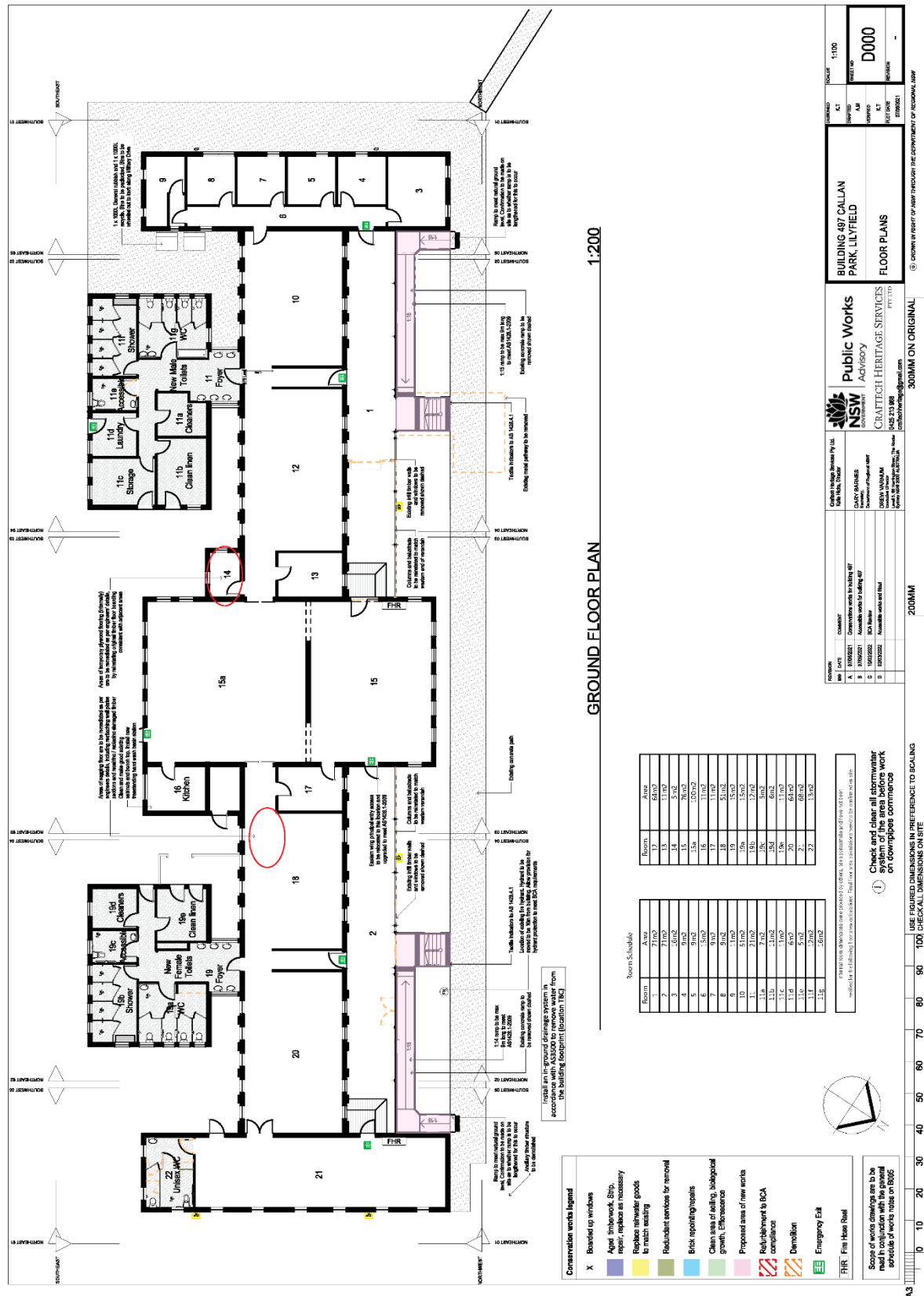
#### Annual Fire Safety Statement

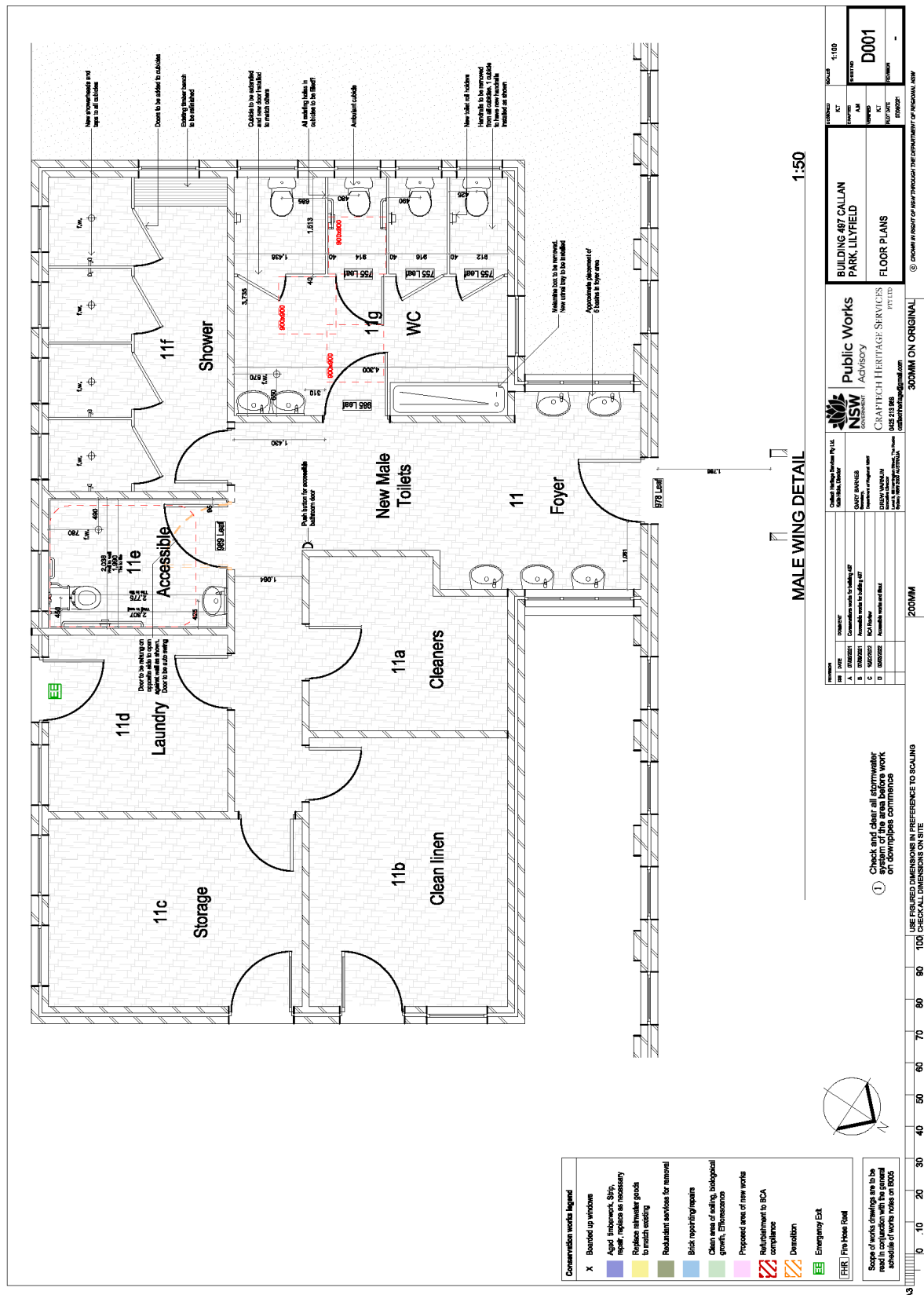
An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

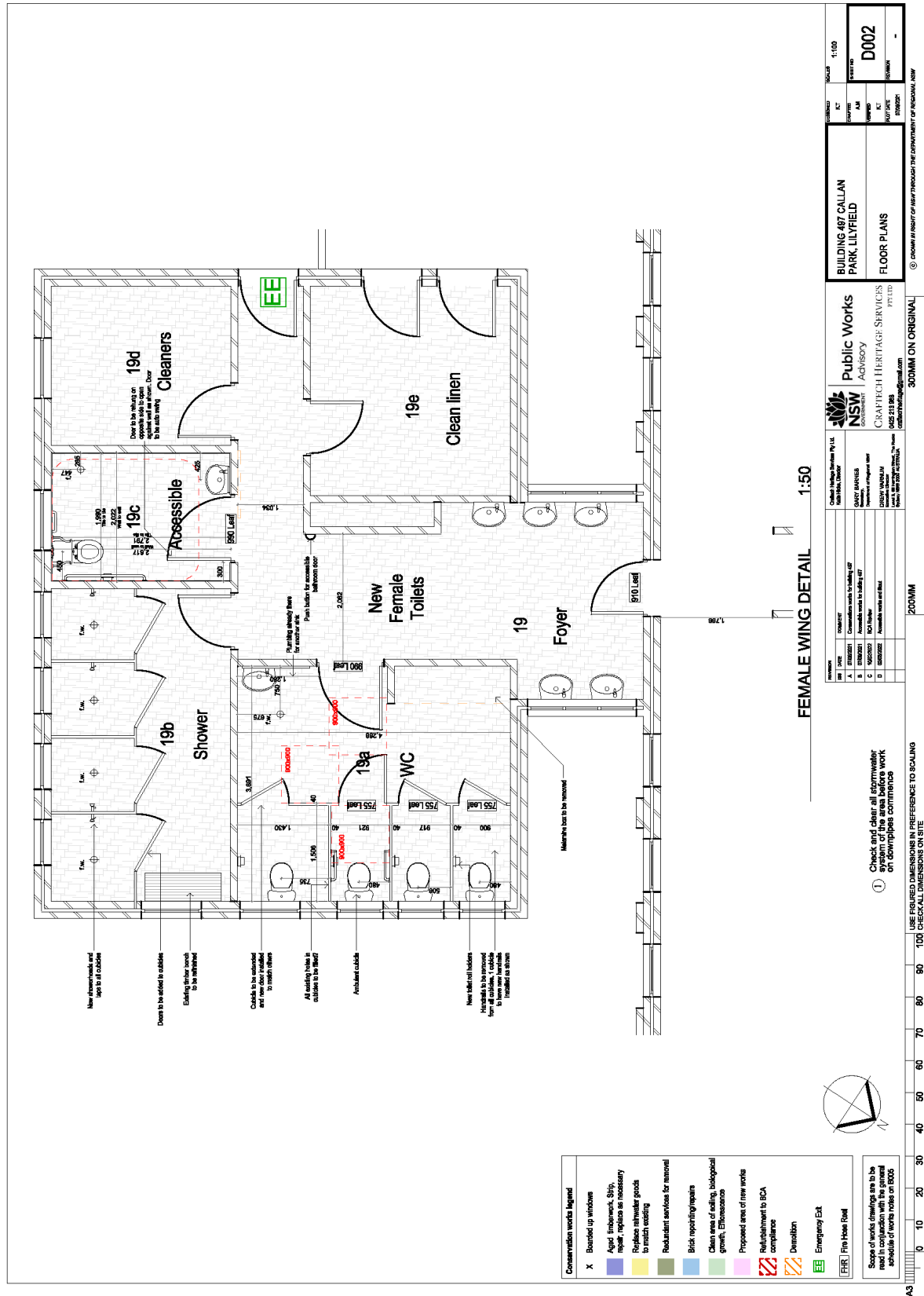
An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:

- a. Each essential fire safety measure specified in the statement has been assessed by a competent fire safety practitioner and was found, when it was assessed, to be capable of performing:
  - i. in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
  - ii. in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- b. The building has been inspected by a competent fire safety practitioner and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7.

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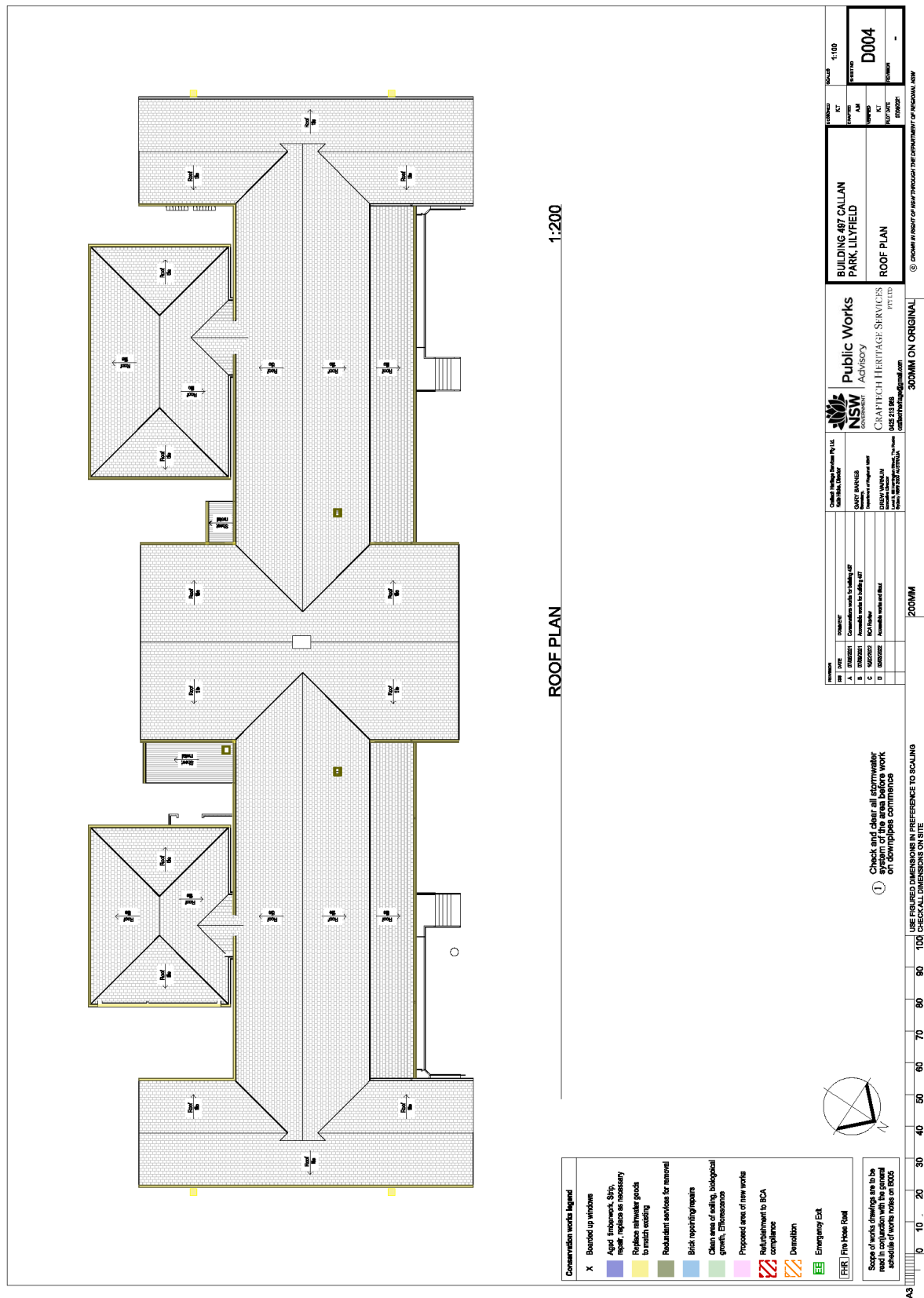


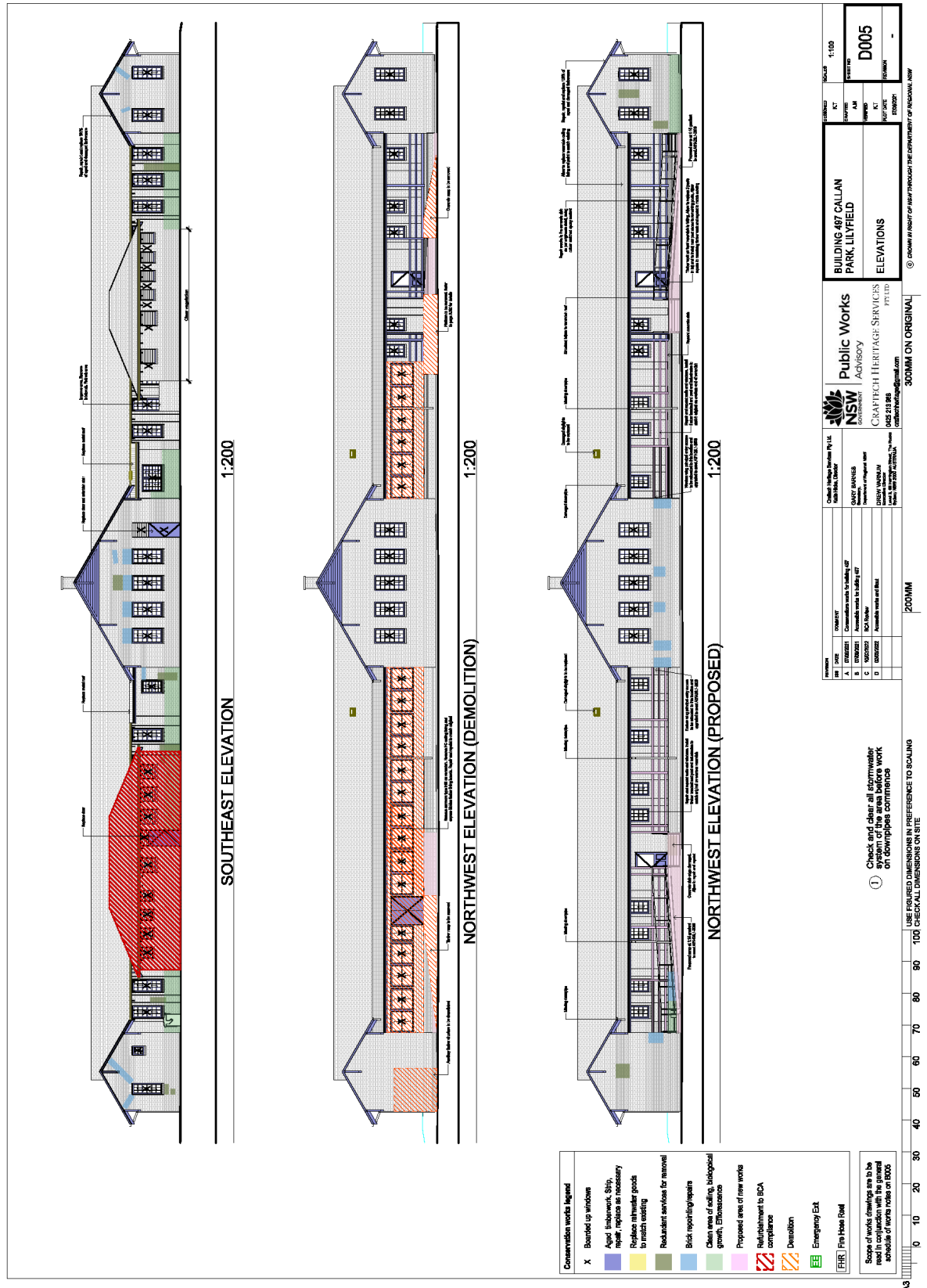


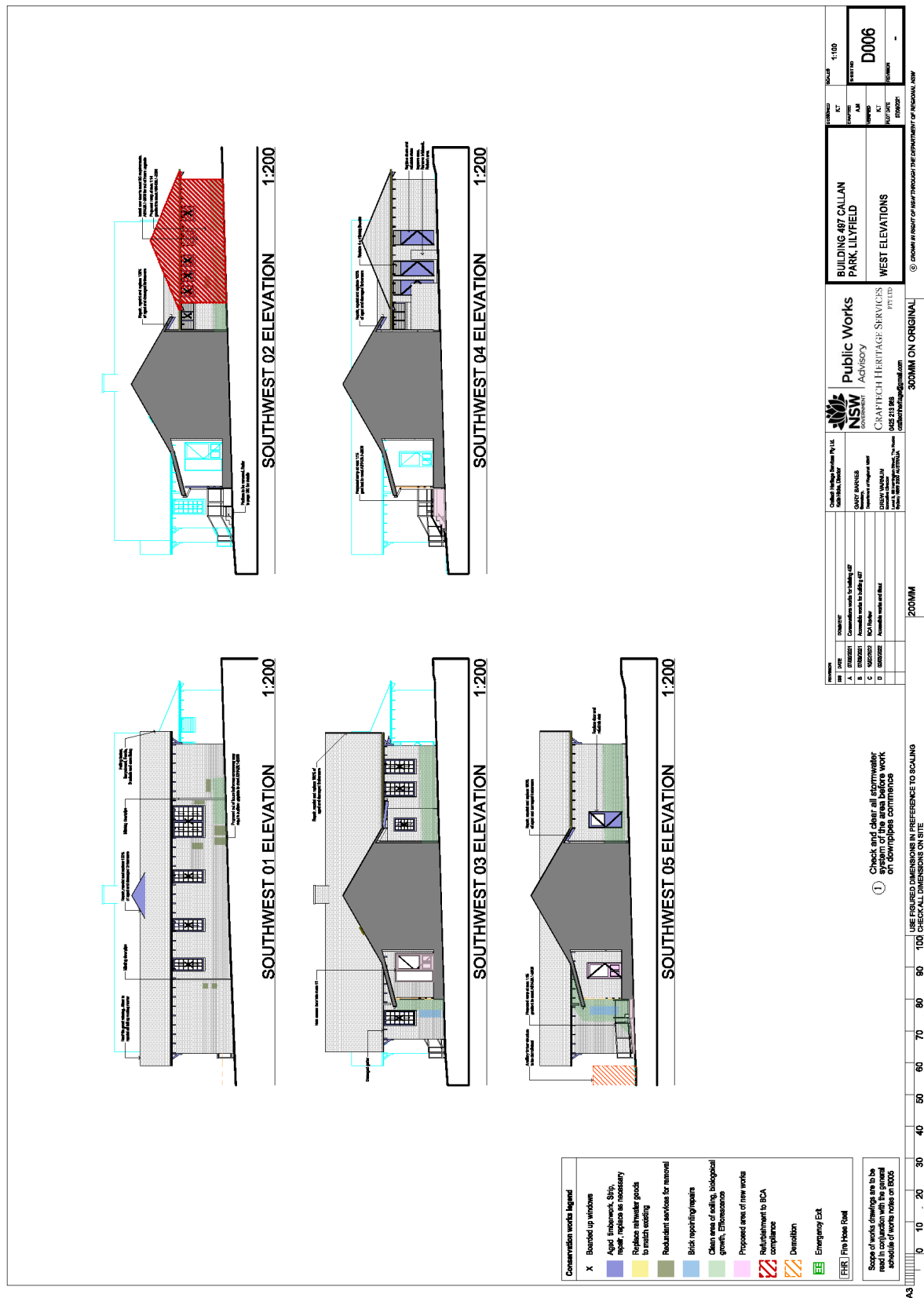






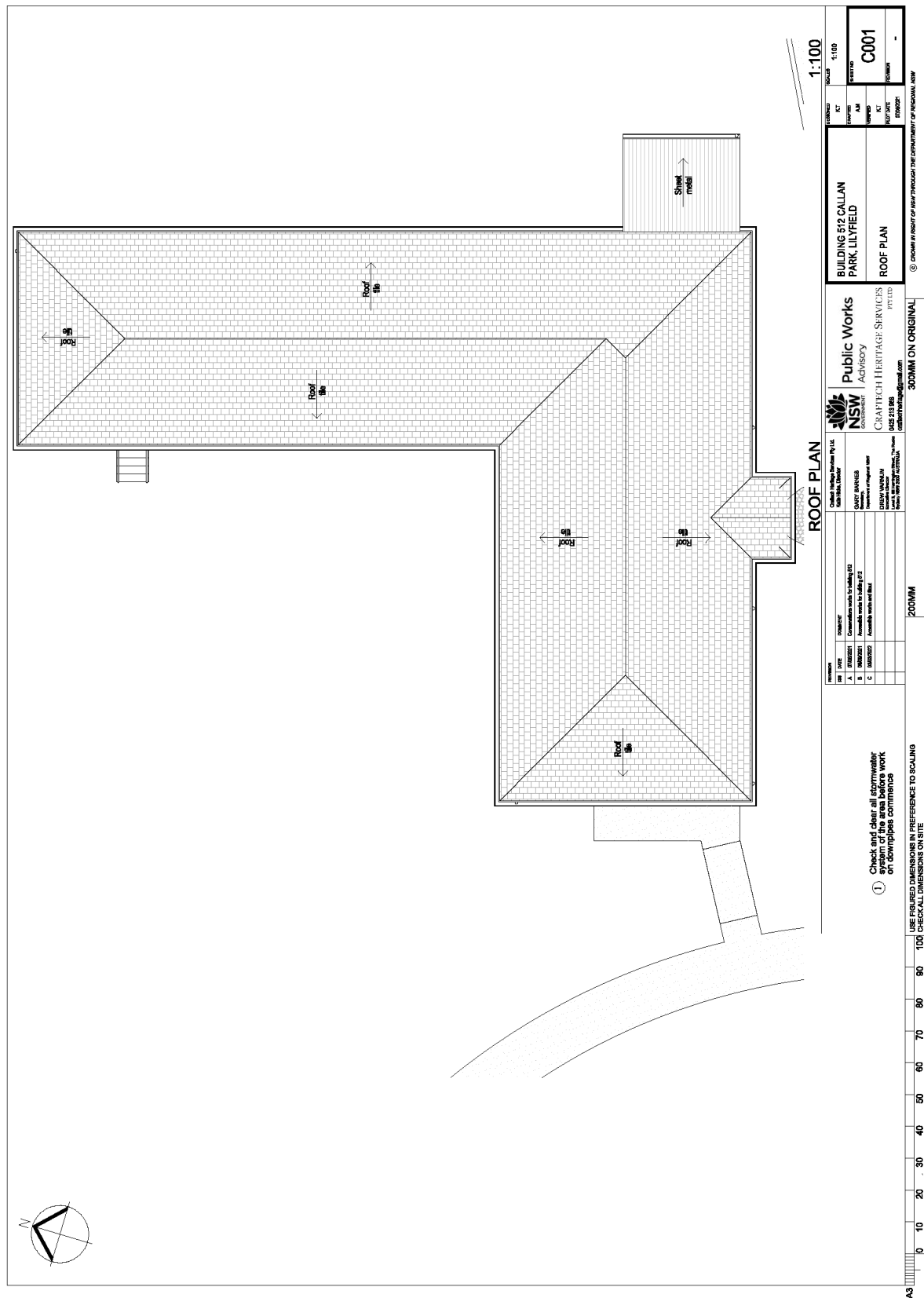


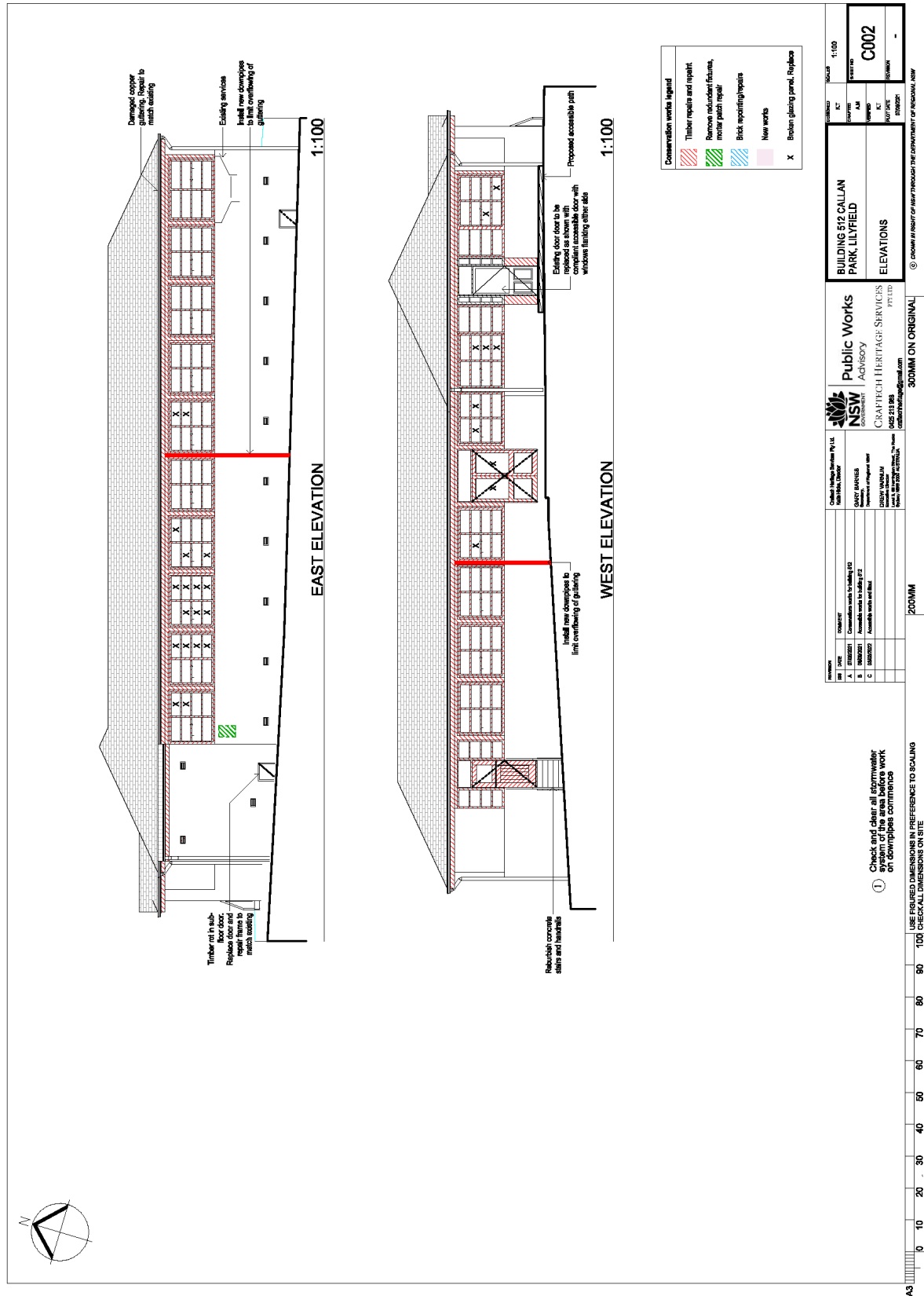


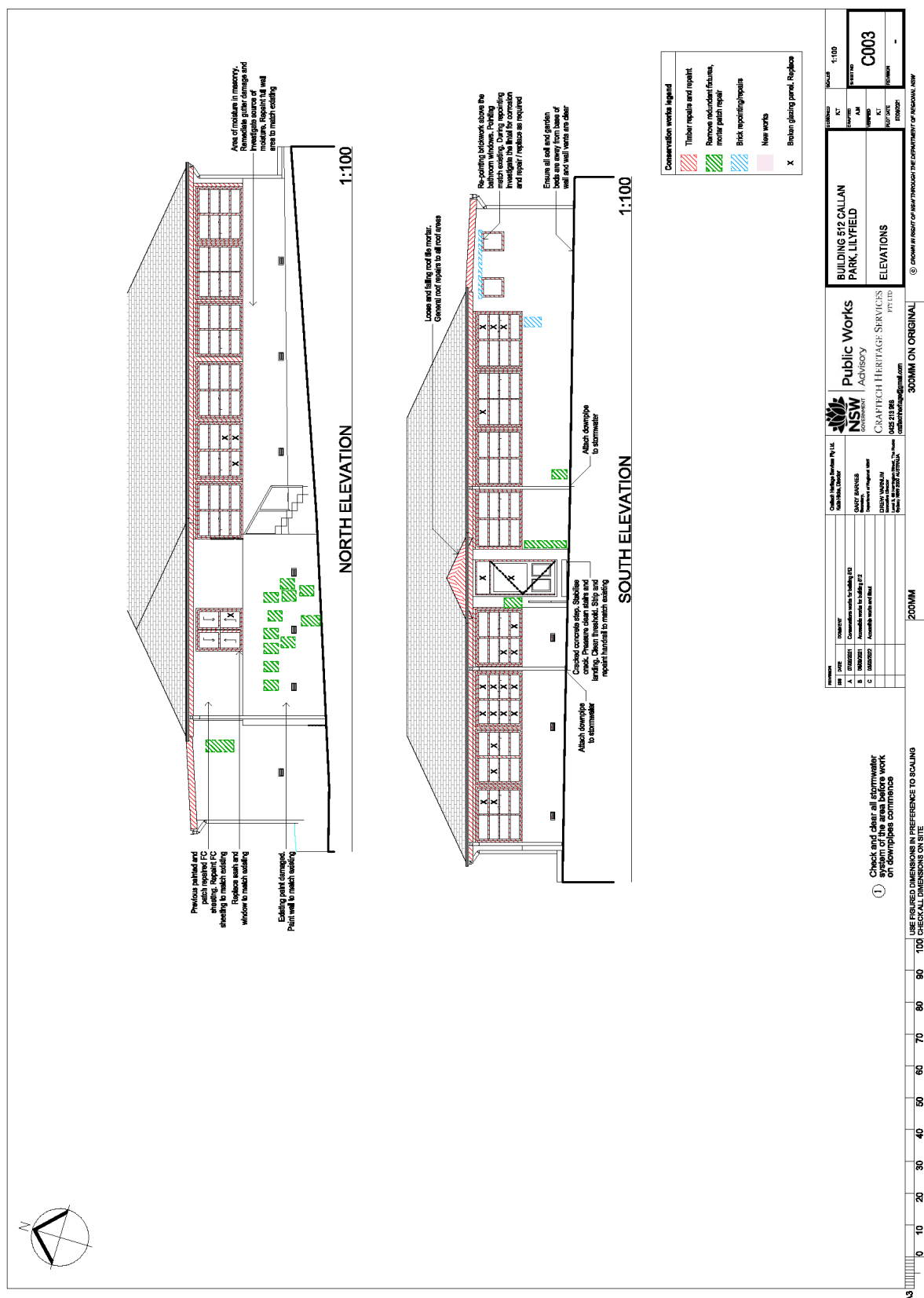














## Attachment C – Statement of Heritage Significance

Rozelle Hospital site, created as one unit in 1976, comprises two major mental health facilities, each of which was developed using an existing mansion house set within expansive landscaping. As a whole, and as two component parts, Rozelle Hospital can demonstrate it has heritage significance to the people of NSW.

The Rozelle Hospital site contains the fabric of two grand Victorian gentlemen's estates and is able to demonstrate the pastoral character of the period. The original relationship between Callan Park Conservation Area and Buildings' Garry Owen House (later Callan Park) and Broughton Hall has been retained and their grounds are still interpretable and intact. These grounds became the sites of the mental health institutions that adopted their respective names.

Rozelle Hospital demonstrates two major changes in mental health in NSW. It contains original architecture and landscaping of both hospitals. The buildings associated with the former Callan Park mental hospital are of exceptional significance, in particular the Kirkbride Block.

Its landscaped spaces and landmark buildings have contributed visually and socially to the local area for over 100 years. The foreshore areas of the site are significant as rare open space elements. Callan Point is considered to be the most important Aboriginal archaeological site remaining on the southern shores of Sydney Harbour. Callan Point also contains rare examples of pre-European vegetation and unique European rock carvings.

The site as a whole has very high levels of social significance and has special associations for the local and broader community both as an open space resource and for its cultural and aesthetic value. (Tanner & Associates, 2002)

Kirkbride Block is significant as the collaborative work of three prominent figures in the late 19th century, James Barnet, Charles Moore and Frederick Norton Manning, as the largest remaining mental institution in NSW and as the first to be designed as a curative and therapeutic environment. The landscape design and setting of Kirkbride is vital and paramount to the design and philosophy of 'moral therapy' treatment evidenced in the intimate design of courtyards through to the long vistas over the hospital grounds and surrounding country. The landscape cannot be separated from the buildings and performs an equal and active function in the creation of the therapeutic environment. It is highly significant that much of the original fabric, character and setting for this major Victorian period design remain intact within a highly developed inner-city locality.

Callan Park House (former Garry Owen House), as an impressive early and mid-Victorian residence is one of the oldest remaining houses in the district. It has strong associations with the early history of the Rozelle area. It is an important visual landmark element within the hospital. (State Heritage Inventory)

Rozelle Hospital grounds are of historic and social significance at a state level in their association with the establishment of two hospitals, Callan Park and Broughton Hall, demonstrating two major changes in mental health in NSW. These changes, and changing ideas in garden design, are reflected in the grounds. The grounds are of historic and social significance in their evidence of patient involvement.

The grounds of the former Callan Park area of Rozelle Hospital are of historic significance on a national level as an integral element of the first hospital for the insane which was designed based on moral therapy principles and built in the one campaign. They are a direct application of the moral therapy principles of psychiatric care in the landscape. They are associated with: Dr Frederick Norton Manning, Inspector General for the Insane; James Barnet, Colonial Architect; and Charles

Moore, Director of the then Botanic Gardens, Sydney. (Now the Royal Botanic Gardens, Sydney)  
(Read, S., pers.comm., 2004)

Broughton Hall Psychiatric Clinic gardens are of historic significance on a regional level in their demonstration of the views of Dr Sydney Evan Jones on the value of gardens in the care of the mentally ill. The form and character of the original garden setting for Broughton Hall, noted in its time, is still evident.

Rozelle Hospital is of historic significance on a regional level in that it contains rare surviving 19th century gentlemen's estates, associated with the development of the area. Garryowen House and surrounds demonstrate, in part, the pastoral character of the estate period.

Rozelle Hospital grounds are of aesthetic significance on a regional level in that they demonstrate a high level of creative achievement. The former Callan Park Mental Hospital is an accomplished work of architecture and landscape design. Broughton Hall grounds exhibit a combination of structures of oriental inspiration with horticultural richness, and some rare plant species such as rose apple, durobby or watermelon tree, *Syzygium moorei*.

Rozelle Hospital grounds are of aesthetic significance in that they reflect the natural landform which was the setting for the original development of the site and surrounding suburbs and contain rare examples on a local level of remnant natural areas and Aboriginal cultural sites. It is of both aesthetic and social significance because it contributes visually and socially to the local identity and sense of place.

Rozelle Hospital grounds are of social significance on a regional level in that they provide public recreational and open space within an intensively developed urban environment.

Rozelle Hospital grounds are of scientific significance on a regional level for their horticultural significance. They are of scientific significance for their archaeological value of their rock engravings and Aboriginal middens. (National Trust, 1994)