







INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2017/313
Address	Callan Park/Rozelle Hospital off Waterfront Drive Lilyfield
Proposal	Refurbishment of existing pavilion and air raid shelter, sporting ground upgrade including regrading of field, new flood lighting, cricket nets, irrigation, sub surface drainage and replacement of existing cricket wicket and deteriorated boundary fencing.
Date of Lodgement	30 June 2016
Applicant	Inner West Council
Owner	The State of New South Wales and Inner West Council
Number of Submissions	Four (4) detailed submissions Three hundred & seventy one (371) pro forma type submissions Five (5) submissions in support.
Value of works	\$2,000,000
Reason for determination at Planning Panel	<ul style="list-style-type: none"> • Council is applicant; • Number of submissions exceed Officer delegations.
Main Issues	<ul style="list-style-type: none"> • Heritage Council & Office of Environment & Heritage does not support upgrade of pavilion as it promotes its retention; • Location of the cricket nets & new cricket pitch; • Fencing along the north/north-western edge of the Oval adjacent to Waterfront Drive / Bay Run; and • Protection and pruning of existing trees.
Recommendation	Approval, except for the pavilion works.



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, supporters and objectors could not be shown. Please see 5(f) in the report.

1. Executive Summary

This report is an assessment of the application submitted to Council for refurbishment of existing pavilion and air raid shelter, sporting ground upgrade including regrading of the field, new flood lighting, cricket nets, irrigation, sub surface drainage and replacement of existing cricket wicket and deteriorated boundary fencing at the Waterfront Oval off Wharf Road Lilyfield. The application was notified to surrounding properties and four (4) detailed submissions were received raising concerns with the development proposal, five (5) submissions in support and three hundred and seventy one (371) pro forma type submissions from members of the Balmain & District Football Club supporting the development proposal but requesting relocation of the cricket nets and maintaining the current location of the cricket pitch.

The main issues that have arisen from the application include:

- A request for relocation of crickets nets and cricket pitch by members of the Balmain & District Football Club (BDFC) and Friends of Callan Park (FOCP);
- Fencing along the north/north-western side of the playing fields;
- Removal of existing trees and protection of other trees surrounding the Oval;
- Upgrading of the air raid shelter;
- The Heritage Council and Office of Environment & Heritage (OEH) do not support the long term use of the pavilion, and hence, its upgrade. Therefore, the Heritage Council has not issued approval for the pavilion.

Additional plans and information were provided to address deficiencies in information during the assessment of the application. Other matters have been considered in detail during assessment of this application and the proposal is supported in its current form except for the upgrade of the pavilion given that the Heritage Council has not granted approval and comments from OEH. The location of the cricket practice nets is considered appropriate as other grassed areas are available for warm up purposes prior to any soccer matches, and these nets can be locked up during the off season to avoid any safety conflicts occurring. These nets have been positioned so that major view lines across the oval are not disrupted, being positioned along one edge of the playing fields nestled near existing structures on site. The proposed new cricket pitch will be turf covered during the winter months to avoid any injuries to players using the soccer fields. The pruning of some Hills Weeping figs is necessary for installation of flood lighting to ensure that the playing fields to be used for training purposes satisfy relevant Australian Standards, and this will need to be undertaken in accordance with *AS4373—Pruning of amenity trees* and will be supervised by an AQF5 Arborist. Also appropriate tree protection zones in accordance with *AS 4970- Protection of trees on development sites* will need to be implemented prior to any works commencing on site to ensure existing trees are adequately protected, particularly during required trenching works.

It is acknowledged that the Waterfront Oval and associated sporting facilities are located within significant open space and foreshore parklands that provide important facilities for the entire community including a number of sporting clubs. Therefore any upgrades to facilities at the Waterfront Oval need to consider the benefits to the wider community rather than just specific user groups.

The proposal satisfies the provisions of *Callan Park (Special Provisions) Act 2002*, *Leichhardt Local Environmental Plan 2000* and *Leichhardt Development Control Plan 2000* and therefore the application is recommended for approval except for the pavilion.

2. Proposal

The proposal involves refurbishment of the existing pavilion and air raid shelter, sporting ground upgrade including regrading of field, new flood lighting, cricket nets, irrigation, sub

surface drainage and replacement of existing cricket wicket and deteriorated boundary fencing.

The specific works are outlined as follows:

- Refurbishment of existing pavilion located to the south-west of the playing fields, including conversion of storage room to an accessible toilet, installation of fixtures to change rooms and canteen and additional storage/administration room;
- Refurbishment of the existing air raid shelter located to the south/south-west of the playing fields, including:
 - § installation of new timber framed windows within existing openings of south-western elevation;
 - § repairs to doors;
 - § erection of new internal brick wall;
 - § install wall vents;
 - § demolish lavatory block and flooring;
 - § installation of new raised floor;
- Regrading of playing field surface, including installation of sub surface drainage and installation of a new irrigation system that connects to new water tanks;
- Installation of two concrete above ground 34l water tanks to the north-west of the air raid shelter. Planting is also proposed to screen these tanks;
- Replacement of fencing to the south-west of the playing fields on the north-eastern side of the canal with black wire mesh type fencing;
- Replacement of existing fencing along the north/north-western side of the playing field. New fencing will comprise 1.0m high black chain mesh fencing;
- Installation of three new cricket nets to the north of the air raid shelter;
- Replacement of the cricket pitch within the centre of the playing fields;
- Installation of seven (7), 28m high floodlights around the perimeter of the playing field for training purposes. The floodlights will operate till 9.00pm at night;
- Pruning of existing Hills Weeping fig trees along the north eastern side of the playing field;
- Removal of two Norfolk Island Hibiscus trees of which one is located adjacent to the pavilion that is damaging the roof of this structure and the other being to the north east of the air raid shelter. Five dead or dying trees are proposed to be removed comprising two poplars, turpentine and liquidambar to the east and south of the playing field. Future flood light trenching may also affect a Liquidambar and Sydney Blue Gum.

3. Site Description

The subject site is commonly known as Waterfront Oval or Callan Park Oval being located along the south-eastern side of Waterfront Drive between Wharf and Point Roads. The site consists of part of one large allotment and is generally irregular shaped with total area of 20,000m² and is legally described as Lot 1 DP 1043540. The site has a frontage to Waterfront Drive of approximately 173 metres.

This Waterfront Oval (i.e. the site) sits within part of the former Callan Park hospital, and supports a playing field which currently comprises two soccer fields and a central cricket pitch with an existing single storey pavilion containing amenities, change rooms, canteen and spectator seating that was constructed around 1960 positioned to the south-west of the playing fields. A World War II air raid shelter is located to the southward of the pavilion that is used for storage purposes with a small lavatory block attached to the southern end of this shelter. The south-western edge of the Oval is bounded by a small drainage canal that separates existing buildings to the south west. The Bay Run is positioned along the north-north-western edge of the Oval with informal car parking available adjacent to the pavilion and waterway. Surrounding lands to the south-east, south, east and north-east of this Waterfront Oval are occupied by buildings associated with the repatriation section of the former Callan Park hospital which is separated by a dense grove of trees.

There is a dense grove of existing trees located along the eastern and northern-eastern sides of the Oval and a scattering along the western side of the Oval with a clump of trees located within the south-western corner of the site near the air raid shelter.

The 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 a Conservation Area and the distinctive neighbourhood of Iron Cove Parklands.

4. Background

4(a) Site history

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

Subject Site

There is no relevant development history applicable to the Waterfront Oval itself.

Surrounding properties

The following outlines development history for the adjacent Callan Park grounds:

Application	Proposal	Decision & Date
D/2009/533	Music and arts festival inside the courtyard areas of the Sydney College of the Arts on 31 January 2010 from 12 midday to 11.30pm	28-Jan-2010 (Approved)
D/2010/296	Upgrade of pedestrian and cycle path of Iron Cove Bay Run through Callan Park, between Glover St and King George V Park (includes new path, tree removal, landscaping works and pedestrian bridge along foreshore)	9-Nov-2010 (Approved)
D/2010/535	A temporary music and arts festival inside the courtyard area and main entrance road of Sydney College of the Arts campus - inside Callan Par	13-Jan-2011 (Approved)
D/2011/481	Music and arts festival from 27 Jan to 5 Feb 2012 with the Music festival to be held on 5 February 2012	21-Dec-2011 (Approved)
D/2012/54	Undertake playing field upgrade works to Glover Street fields in Callan Park and associated infrastructure and roadworks. Works include drainage, irrigation, returfing, installation of 6 floodlight poles, erect perimeter fencing, provide new access stairs, removal of trees, and associated supporting works	12-Jun-2012 (Approved)
M/2012/181	Section 96 application to modify D/2012/54 which approved playing field upgrade works. Modifications including amendments to flood light configuration to 6 poles in new positions and the installation of batting fences to allow baseball to be played on the ground	11-Dec-2012 (Approved)
D/2012/466	Arts and music festival. The event shall consist of an art exhibition and a one-day music concert	4-Jan-2013 (Approved)
D/2012/504	Upgrade of Balmain Road playing field including levelling site, installation of underground irrigation drainage, new floodlight towers and refurbish existing toilet block	29-Jan-2013 (Approved)
D/2013/366	Arts and music festival. The event shall consist of an art	3-Dec-2013

	exhibition and a one-day music concert for 12,000 patrons	(Approved)
D/2014/352	Arts and music festival for a maximum of 12,500 patrons and including erection of temporary stages and ancillary structures. The event is to be held on Sunday 1 February 2015 and on dates to be determined in 2016 and 2017.	11-Nov-2014 (Approved)
PREDA/2015/35	Installation of a new fire hydrant system, including utilising an existing building attached to Kirkbride Hall for the fire hydrant system pumphouse, and the installation of associated pipelines	13-Apr-2015 (Advice issued)
PREDA/2015/128	Upgrade of the existing air quality monitoring station.	18-Sep-2015 (Advice issued)
M/2015/200	Modification of Development Consent D/2014/352 which approved an Arts and Music festival, including erection of temporary stages and ancillary structures to be held in 2015, 2016 and 2017. The modification entails amending Condition 7(c) (ii) relating to setbacks of temporary structures to tree branches.	25-Jan-2016 (Approved)
D/2015/747	Seating and roofing works to the senior and junior baseball cages. Installation of one 25m floodlight pole. Fencing to the northern boundary of the field. Fencing improvement to the Glovers Community Gardens. Integrated Development application - Heritage Act 1977.	10-May-2016 (Approved)
D/2017/64	Replacement of an existing monitoring station and security fence located at Callan Park Lilyfield	28-Apr-2017 (Approved)
M/2017/145	S96 modification to D/2014/352. Modification includes extension of festival dates for a further three years, being 2018, 2019 and 2020.	Under assessment
M/2017/183	Modification of Development Consent D/2017/64 which approved replacement of an existing monitoring station and security fence located at Callan Park / Rozelle Hospital site. Consent is sought to: amend various conditions requiring a Construction Certificate and Occupation Certificate and using a Principal Certifying Authority; delete conditions which the applicant submits were imposed in error, including pertaining to submission of stormwater and acoustic information; and delete Condition 2(a) requiring notification to adjoining residents 7 days prior to demolition.	23-Oct-2017 (Approved)

4(b) Application history

Not applicable

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

The site is the subject of the Callan Park (Special Provisions) Act 2002, and Clause 7(1) of the Callan Park Act 2002 reads as follows:

“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 clause, the proposal has been assessed against the planning controls that applied to the site immediately before the commencement of the Act. On this basis, and in addition to the Callan Park Act, the application has been assessed against the relevant Environmental Planning Instruments listed below:

- Heritage Act 1977;
- State Environmental Planning Policy No.1 – Development Standards;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores; and Tributaries; and
- Leichhardt Local Environmental Plan 2000.

The proposal, except for the upgrading of the pavilion, is considered to be consistent with the above instruments Acts, Environmental Planning Instruments and legislation. The following provides further discussion of the relevant issues to demonstrate compliance:

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

Clause 7(1) of this Act provides that the provisions of Leichardt LEP 2000 continue to apply to this land with Clause 7(2) stating that the former Leichhardt Council (now Inner West Council) is the consent authority for any development application.

Furthermore the following subclauses of Clause 7 have been considered:

- (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.*
- (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 proposal seeks approval for alterations to existing buildings (i.e. pavilion and air shelter) on site with no increase in building footprints / envelopes being envisaged, and will continue to service the local community (including sporting groups) and provide active and passive recreation areas for the public on a not for profit basis. Hence, the proposal can be considered to be a community facility.

As the proposal involves improvements to existing open space facilities on site for the benefit of the community and sporting clubs, the proposal has been found to also satisfy the following objects pursuant to Clause 4 of the *Callan Park (Special Provisions) Act*:

- (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”*

5(a)(x) Heritage Act 1977 & Environmental Planning and Assessment Act

Callan Park Conservation Area and Buildings, Callan Park House – Rozelle Hospital and Rozelle Hospital – Broughton Hall are all listed on the state heritage register and are of State significance.

The application was referred to the Heritage Council being integrated development pursuant to Section 91A of the *Environmental Planning and Assessment Act*. The Heritage Council has issued General Terms of Approval for this development proposal, except for the pavilion as this pavilion is considered to be an intrusive element in the cultural landscape and upgrading works on the building will entrench its continuing existence. Consequently, works to the pavilion will not be approved as part of this DA.

The Office of Environment & Heritage (OEH) also does not support the long term use of the sports pavilion and recommends that Council actively considers planning to establish adaptive re use of Building 497 (Ward G) to provide ground pavilion functions as well as sporting clubs, recreational and community use. Utilisation of the sports pavilion can cease and the building removed at the applicants cost once the future activation of Building 497 occurs. OEH also suggests the Council fund the detail design and facility construction works as required addressing the provision of car parking and pedestrian connections for the sports ground users as detailed in the approved Landscape Structure Plan for the waterfront Precinct. This work may be undertaken in the future by Council once appropriate Section 94 funding becomes available.

Other comments provided by the Heritage Council within the revised Terms of Approval follow:

- a) Fencing
The installation of new fencing along Waterfront Drive is approved in principle as part of this consent, however further details including elevations and materiality of the scheme must be presented to the Heritage Council at the s60 lodgement phase for approval.

Comment: It is agreed that further detailed plans should be submitted to Council and the Heritage Council prior by to any works commencing on site in relation to the fencing along the north-western side of the Oval adjacent to Waterfront Drive given its high visual presence. Council's Heritage Officer has also indicated that an alternative form of low scale fencing may be more appropriate along Waterfront Drive as suggested by the Friends of Callan Park (FOCP) than what is currently proposed (being black chain mesh fencing). Alternative forms of fencing considered to be more appropriate for this precinct include:

- white metal picket fencing (funds permitting);

- replacement of the existing characteristically 1950s – 1960s styled white timber post and rail fencing (with white woven wire inserts) (also funds permitting).

It is noted that the Cricket club using the facilities at this Oval has requested that the existing fence be replaced by an aluminium picket fence to provide a boundary from the road/walkway that is used by the Bay Run and as a barrier for balls struck in that direction.

There are two main issues that need to be considered in terms of this proposed fencing, being its potential visual impacts, and functioning as a barrier to stop both cricket and soccer balls for the safety and protection of users of the adjacent walkway.

The above options have the potential to be more sympathetic to the historic character of the Callan Park Precinct, as viewed from the significant Waterfront Drive viewing locations and would still provide the necessary safety barrier. Notwithstanding, Council's Heritage Advisor has reviewed all the contents of the General Terms of Approval, and noted, particularly their acceptance of the current form of fencing proposed on Waterfront Drive, and given their acceptability, considers the suggested amendment to the form of the fencing as proposed by FOCP would be difficult to pursue in the circumstances.

b) Plantings

The proposed plantings must be endemic to the area and will grow to be a suitable size to screen the water tanks. Details of the proposed landscape screening for the water tanks must be submitted for approval with the S60 application.

Comment: Agreed that any future planting should preferably be endemic to the area and that a detailed landscape plan should also be prepared and submitted to Council prior to any works commencing on site detailing suitable plant species and heights taking into consideration the recommendations of the Landscape Plan accompanying the application prepared by Colleen Morris Landscape Heritage Consultant dated July 2017. This will be conditioned accordingly.

c) Floodlights

The presence of lighting is supported in principle. It is critical that the number of floodlights and their height be minimised as much as possible. Detailed information to support the proposed number and height, specifically as it relates to the relevant Australian Standards must be supplied with the S60 application.

Comment: As outlined above it is proposed to install seven (7), 28m high floodlights around the perimeter of the playing field to allow the fields to be used for training purposes. These flood light poles will be painted black and similar to flood lights erected at ovals in the vicinity of the site such as Glover Street. A plan showing the location of the floodlights and photomontage of the proposed lights from the west (i.e. waterway) accompanies this application and the potential visual impacts are considered to be acceptable in this open space precinct. The floodlights will operate till 9.00pm at night and this will be conditioned accordingly.

d) Tree protection

Appropriate TPZ and SRZ measures must be implemented during works.

Comment: Council's Landscape Officer has also recommended that tree management for the site be undertaken in accordance with the recommendations included in Section 4 and Appendix 4 of the Arboricultural Assessment Report and Tree Protection Plan (version 2) dated 9 October 2017 and prepared by Paul Vezgoff on behalf of TreeServe and section 4 of *AS4970—Protection of trees on development sites*. It is noted that the Heritage Council considered an earlier version of this Report that

excluded an appropriate Tree Protection Plan. This matter is further discussed in a latter section of this report and will be conditioned accordingly.

- e) Site protection
Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

Comment: Agreed and will also be conditioned.

- f) Unexpected historical archaeological relics
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.

Comment: A GTA condition will be attached to any development approval requiring all work to stop on site if any relics, etc. are found during works, and the Heritage Council be informed of any finding.

- g) Aboriginal objects
Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act, 1974*.

Comment: A GTA condition will be attached to any development approval requiring all work to stop on site if any aboriginal objects, etc. are uncovered during works on site the Heritage Council be informed of any finding.

Council's Heritage Advisor has reviewed the Statement of Heritage Impact prepared by TKD Architects and accompanying plans and provided the following comments:

- The Officer concurs with the views of the FOCP submission that the current proposed black pipe and woven wire fencing would be an appropriate styled fence adjoining the adjacent southern canal;
- The form and treatment of the flood light poles (i.e. black) are similar to completed poles in the Glover Street Oval precinct, which were considered to have an acceptable heritage impact within the Callan Park landscape. No heritage objections;
- No heritage objections to the proposed upgrade works to the pavilion on heritage grounds. The retention of the building and its ongoing use are in accordance with the relevant adopted recommendations of the Callan Park Conservation Management Plan;
- With respect to the air raid shelter works:
 - Demolition of modern addition to south eastern end of air raid shelter supported on heritage grounds;
 - The following matters are to be addressed/overseen by a nominated Heritage Architect:
 - The replacement timber windows;
 - The required repairs to the existing timber doors which are to be retained and reduced in size to accommodate the proposed new flooring as opposed to removing the brickwork above the doors to accommodate the new flooring, which is not permitted;
 - The retention of the existing/ potential early or original incinerator/heater structure within the interior of the shelter which is to be conserved as part

- of the proposed new raised compressed FC Sheeting flooring. This structure is required to be retained in-situ due to its likely historical significance; and
- Any required waterproofing repairs/application of new waterproofing to the existing roofing.

A condition will be imposed that that the above conservation matters relating to the air raid shelter be addressed prior to the issue of a Construction Certificate for these works. It is noted that the Heritage Council has not raised any issues with the air raid shelter works. Notwithstanding conditions are included.

5(a)(xi) Leichhardt Local Environment Plan 2000 (Leichhardt LEP2000)

Given Clause 7(1) of the *Callan Park (Special Provisions) Act* the application has been assessed in respect to provisions of Leichhardt Local Environmental Plan (LEP) 2000. The subject site is zoned Public Purpose under Leichhardt LEP 2000.

A Recreation area is defined as:

- (a) *an area used for sporting activities or sporting facilities, or*
- (b) *area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:*
 - (i) *the Council, or*
 - (ii) *a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community, but does not include a club, racecourse or a showground or other place elsewhere defined in this Schedule.*

The proposal satisfies this definition as it involves upgrading works to an existing recreation area and hence permissible within this zone.

The following are relevant clauses within this instrument:

- Clause 12 – Vision of the plan;
- Clause 13 – General Objectives;
- Clause 15 – Heritage Objectives;
- 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) – Development in Conservation Areas;
- Clause 28 – Public Purpose Zone;
- Clause 29 – General Provisions for Development of Land;
- Clause 33 - Foreshore Building Line; and
- Clause 34 – Foreshore Access.

Clause 16 – Heritage Items

The subject site is designated as a heritage item under Leichhardt LEP 2000 and listed on the NSW State Heritage Register, listing No 00818 (gazetted 2 April 1999). The listing is identified as Callan Park Conservation Area and Buildings.

A Statement of Heritage Impact addressing the Conservation Management Plan (CMP) for the site has been submitted in support of the proposal in accordance with Clause 16 of the LEP. With respect to this CMP, the Waterfront Oval is located within the Waterfront Precinct Zone 1. The waterfront area is considered to be a highly modified environment, however it is of aesthetic significance in forming the foreground of the views to the Kirkbride block. The existing buildings on site are not significant or have a very minor significance, however the early plantings are significant. The steeply sloping edge of the playing field is important as a

reflection of the original shoreline. The playing field is assessed in the CMP as having high heritage significance.

Other major features within this waterfront precinct as assessed within the CMP and significance include:

1. Pavilion (Built 1958 -1960)
Low significance - Although the building has little apparent significance when related to the history and development of Callan Park and the Rozelle Hospital, it is a distinctive example of a post World War II sports pavilion.
Retain and conserve according to Burra Charter principles. Maintain present use.
2. Air Raid Shelter
The building is one of several World War II bomb shelters at Callan Park. Significance of the air raid shelters is generally moderate – indicative of provisions of war.
3. Canal
Canal significant as reflection of original creek line and as early asylum development.
No heritage fabric.

The above demonstrates that that the non-support for upgrading of the pavilion by the Heritage Council and OEH is contrary to the adopted CMP for Callan Park.

The Heritage Consultant concludes that the proposed works can be supported on heritage grounds for the following reasons:

- *The works will enhance the facilities at the Sporting Ground and thus its public amenity and recreational use, in line with the Callan Park Act and the CMP;*
- *Proposed modifications to the sporting pavilion and grounds store will have no impact on the significance of Callan Park or on views and vistas within it*
- *The open space will be retained and marginally increased through the demolition of the toilet block;*
- *The majority of works relate to the Sporting Ground's surface, with drainage and other facilities located below ground level, and refurbishment of existing buildings;*
- *Although the proposed floodlighting has the potential to impact on the landscape and significant views associated with Callan Park, impacts are reduced to some extent within Callan Park because of the sloping topography of the place and the location of the Sporting Ground in the lowest section of Callan Park. As well, screening will be provided by existing trees around the Sporting Field and in the grounds of Callan Park, assisting in reducing impacts on significant items and views across Callan Park. The use of a dark recessive colour on the supporting towers also endeavours to minimise their impacts.*

As outlined previously in this report, the Heritage Council does not support approval of the pavilion whilst Council Heritage Advisor has requested further conservation issues be detailed in terms of works to be undertaken to the air raid shelter. Notwithstanding other components of this DA are supportable and will not adversely impact onto the heritage significance of the Waterfront Oval and surrounding Callan Park Conservation Area and the proposal will be consistent with the objectives and controls of Clause 16 of the Leichhardt LEP2000.

Clause 29 – General Provisions for Development of Land

The proposal to improve existing facilities at this Oval will provide positive benefits to the community in that an existing recreation area/facility will be upgraded, thus improving and allowing a diversified range of sporting groups to use the facility for organised and training

activities and that can also be used for passive recreation purposes at other times by the community. Therefore, the proposal satisfies Clause 29 of Leichhardt LEP 2000.

Clause 33 - Foreshore Building Line

This Clause reads as follows:

- (1) *The foreshore building line is shown on the Foreshore Building Line Map as an unbroken red line.*
- (2) *Except as provided by subclause (3), a building must not be erected and a work must not be carried out on land between the foreshore building line and the mean high water mark.*
- (3) *Consent may be granted for the erection of baths, swimming pools and enclosures, boatsheds, changing rooms, jetties and sea walls on land between the foreshore building line and the mean high water mark, but only if the consent authority is satisfied that the building or work will not detract from the scenic qualities of the locality when viewed from the water.*

A foreshore building line is approx. 30m back from the waterfront along this section of the Iron Cove.

In this case, the proposal involves the erection of two floodlight towers and replacement fencing along the north-western side of the playing field between the foreshore building line and the mean high water mark or within 30m of Iron Cove. As noted under Part 5(a)(iv) of this report, these encroachments are supported under the provisions of State Environmental Planning Policy No. 1 – Development Standards – see below.

5(a)(xii) State Environmental Planning Policy No. 1 – Development Standards

As noted above, Clause 33 (2) of Leichhardt LEP2000 allows certain buildings to be erected or works to be carried out, as specified in clause 33 (3), on land between the foreshore building line and the mean high water mark if the consent authority is satisfied that the building or work will not detract from the scenic qualities of the locality when viewed from the water - these buildings or works are: baths, swimming pools and enclosures, boatsheds, changing rooms, jetties and sea walls. The proposed development includes the construction of new floodlighting and the replacement of existing fencing along the north-western side of the playing field that falls within the area between the foreshore building line and the mean high water mark - Clause 33 (2) does not include provisions for these works to be carried out.

However, the applicant has submitted a State Environmental Planning Policy No. 1 Objection to the proposal's non-compliance with this development standard, providing reasons as to why compliance with the standard is unreasonable and unnecessary in this particular circumstance. In the assessment of the submitted State Environmental Planning Policy No. 1 Objections, the following tests should be applied:

1. *Is the control a development standard?*

Pursuant to clause 4(1) of the *Environmental Planning & Assessment Act 1979* (EP&A Act), "development standard" is defined as:

"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that

development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work*

The control for works between the foreshore building line and the mean high water mark is stipulated within the Leichhardt LEP 2000 which is an environmental planning instrument. The control relates to the location of a 'building or work', and therefore, falls within the definition of a 'development standard'.

Additionally, the former Leichhardt Municipal Council's (LMCs) SEPP 1 form identifies clause 33 of the LEP as a development standard.

As such, clause 33 of LEP 2000 is subject to the provisions of SEPP 1.

2. *What is the underlying object or purpose of the standard?*

The Leichhardt LEP 2000 does not provide any objectives for this specific standard, however, Clause 33 (3) states that for buildings or work that can be granted consent, the consent authority must be satisfied that the building or work will not detract from the scenic qualities of the locality when viewed from the water.

Currently, the view of the area between the foreshore building line and the mean high water mark from the water is characterised by the seawall, shared roadway/Bay Run pathway, car parking, street lighting, fencing and a range of trees and grass.

Of the proposed floodlights to be installed, only two will encroach into the land between the foreshore building line and the mean high water mark. They will be painted recessive black and are of a narrow design to blend in with the existing background.

The replacement fencing will be on a similar alignment to the existing fence to provide separation between the road and sporting ground. Given the existing fence already encroaches this foreshore building line and the mean high water mark line, the proposal for replacement fencing with quality materials which complement the existing environment, ensure that the proposed fencing will not have a detrimental impact on the scenic qualities of the locality.

In the absence of objectives for this particular development standard the LEP's objectives for open space may be considered relevant. These are addressed below:

- a) ***to maximise the provision of open space in order to provide a diverse range of settings and recreational opportunities to meet the needs of the community.***

Response:

The proposed new floodlights and replacement fence works are within this foreshore area and will provide the community with an enhanced area for passive recreation, and social engagement as well as additional opportunities for extended hours of use for the sporting ground.

- b) ***to ensure the equitable distribution of, and access to, open space and recreation facilities.***

Response:

The proposed new floodlights will provide additional hours of use for the sporting ground during the winter sports season.

- c) to retain, protect and promote public access to foreshore areas and provide links to existing open space.**

Response:

Consistent with this objective, the proposed works promotes public access to the foreshore. Refer to response to a) and b) above.

- d) to ensure development is compatible with any Parks Plans of Management, Landscape Plans and Bicycle Plan adopted by the Council.**

Response:

The proposed works are consistent with the Callan Park Plan of Management adopted by the Council which relate to the subject site. A site meeting was held with Council officers and relevant sporting clubs to discuss the dedication of open space and design of the Waterfront Drive Upgrade works. The proposed design reflects the outcomes from this meeting.

- e) to conserve and enhance the ecological role of open space, including flora and fauna diversity (including the genetic, species and ecosystem diversity of flora and fauna), habitat corridors and the potential of open space to cleanse air, water and soils.**

Response:

The proposed works is integrated with the overall masterplan which includes planting of native species to promote biodiversity.

- f) to provide opportunities in open space for public art.**

Response:

The proposed new floodlights and replacement of existing fencing is not suitable for public art.

3. *Is compliance with the standard consistent with the aims of the Policy?*

The aims and objectives of State Environmental Planning Policy No. 1 are to provide flexibility in the application of planning controls, where strict compliance with the standard would be unreasonable or unnecessary. The anticipated impacts of the development on the locality in general are deemed to meet the intent of the Policy.

- (a) Does compliance with the standard hinder the object of the Act under s5a(i) and (ii)**

In this instance, requiring compliance with the foreshore building line control would hinder the ability of the proposed development to meet the aims of the EP&A Act as:

- The proposed works within the foreshore area will not result in any detrimental impacts in terms of views from the water or biodiversity,
- It will provide significant public benefit by introducing extended hours of use during the winter sports season to the sporting ground.

It is therefore considered appropriate to invoke the provisions of SEPP No.1 to permit a variation to Clause 33 of the Leichhardt LEP 2000. In doing so, the proposal is not considered to hinder that attainment of the objects of the Act, which are to promote and coordinate the orderly and economic use and development of land whilst having consideration for the environmental, social and economic impacts of carrying out the development.

4. *Is compliance with the standards unreasonable or unnecessary in the circumstances of the case?*

It is noted that the replacement fencing will be on a similar alignment to the existing fence. Only two floodlight towers will be erected along this side of the Oval being narrow poles. The existing Bay Run path encroaches into this foreshore building line. Given the type of structures and that the existing fence already encroaches this foreshore building line, the proposal for replacement fencing and two narrow poles is considered to be acceptable in this case. Therefore, the proposal satisfies the intent of this control as the proposal involves enhancement of a piece of open space adjacent to the Iron Cove waterway.

5. *Is the objection well founded?*

The applicant's submitted State Environmental Planning Policy No. 1 Objection states that:

"The purpose of the development standard is to minimise development within the area between the foreshore building line and the mean high water mark as well as to ensure that any development within this area does not detract from the visual amenity of the foreshore as viewed from the water."

The proposed works within this foreshore area satisfy the purpose of the development standard as follows:

- *The proposed works employ high quality design to integrate with the existing environment,*
- *The extent of the works within the foreshore area, especially those visible from the water at the north-western side of the playing field, are minor, and*
- *The works are minor and will provide significant public benefit by introducing extended hours of use during the winter sports season to the sporting ground."*

The above conclusions are concurred with, and therefore, it is considered that compliance with the standard is unreasonable and unnecessary in this particular circumstance, for the reasons provided in the applicant's State Environmental Planning Policy No. 1 Objection and for reasons identified in this assessment.

6. *The matters which shall be taken into consideration in deciding whether concurrence should be granted are:*

- (a) *whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning;*
- (b) *the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

The proposal raises no matters for consideration with respect to State or regional environmental planning and the public benefit will be maintained due to the proposal's acceptable impacts on the heritage significance of the site and lack of undue adverse impacts on neighbouring amenity.

5(a)(xiii) 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. LDCP 2013 provides controls and guidelines for remediation works. 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. It is considered that the site will not require remediation in accordance with SEPP 55 and this has been detailed in correspondence prepared by CONSARA Pty Ltd contamination consultants. It was concluded that the potential presence for soil contamination on the Waterfront Oval will not pose a risk of harm to the human health of future users of the Site under the proposed upgrade for continued open space and recreational uses 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, subject to the continued implementation of the EMP.

Across the Council area and including parts of Callan Park operated by the Council, the presence and potential presence of contamination in the surface and sub-surface environment of areas used for open space recreational uses such as parks, playgrounds and sporting fields is managed through the application of the *'Environmental Management Plan for Parks and Playgrounds within the Leichhardt Council Local Government Area'* prepared by HLA Envirosiences Pty Ltd (HLA) and dated 27 September 2006 (the EMP).

Whilst the EMP provides for controls during construction works, it is considered that due to the nature of some of the proposed works on the oval, in particular the disturbance of surface and sub-surface soils for installation of irrigation and drainage system, including storage tanks, it is more appropriate for the potential risks to be managed via the implementation of specific Construction Environmental Management Plan (CEMP). Hence works on this site will be completed in accordance with the existing EMP and with a CEMP developed for the upgrade works. A CEMP has been prepared for the site and accompanies this DA.

Council's Environmental Officer has reviewed the plans accompanying the development application and the completed CEMP for the site and states that all works to the surface of the sporting ground should be undertaken in accordance with Inner West Council's EMP for Parks and Playgrounds and the recommendations detailed in the Construction Environmental Management Plan (CEMP). The application is supported with attachment of appropriate conditions.

5(a)(xiv) State Environmental Planning Policy No.56 Sydney Harbour Foreshores & Tributaries

An assessment has been made of the matters set out in Clause 7 of this SEPP. It is considered that the carrying out of the proposed development would not have any undue adverse effect on any heritage item or surrounding conservation area, the visual environment, natural environment and open space and recreation facilities.

Further to the above, Callan Park is listed on Schedule 1 of the SEPP 56 as a site of 'State Significant Development'.

Clause 11(1) of SEPP 56 states that:

(1) *Development consent must not be granted for development that relates to land to which Schedule 1 applies unless:*

- (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,*

except as provided by this clause.

However, Clause 11(2) of SEPP 56 states as follows:

(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 reason as the Minister considers sufficient.*

By letter dated 19 September, the Minister provided the following response:

"I refer to Council's 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 (SEPP 56), for works to upgrade and improve facilities at Waterfront Drive Sporting Ground.

I note that the request relates to the works proposed under DA D/2017/313 which include the installation of floodlights, repair and refurbishment of buildings, demolition of unsympathetic additions, tree removal and pruning, and upgrades to cricketing facilities.

I have decided to grant the requested waiver in accordance with the clause 11 (2) of SEPP 56, for the following reasons:

- *The development is of minimal impact and is consistent with the intentions of the Callan Park (Special Provisions) Act 2002 and the guiding principles of SEPP 56;*
- *The development is consistent with the desired future character of the Leichhardt Development Control Plan 2000 for the Iron Cove Parklands which support the improvement of existing facilities;*
- *The lighting is located away from residential areas, is consistent with lighting used on other grounds in Callan Park, and will only be permitted to operate until 9:00pm;*
- *The NSW Heritage Council does not require a master plan to be submitted with the application as part of their assessment of the impact of the works."*

5(b) Draft Environmental Planning Instruments

N/A

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.32 – Design for Equity of Access
- Leichhardt Development Control Plan 36 – Notifications
- Leichhardt Development Control Plan 38 – Avoid, Reuse, Recycle
- Leichhardt Development Control Plan 42 – Contaminated Land Management
- Sydney Harbour Foreshores & Waterways Area Development Control Plan 2005

Subject to conditions, the proposal satisfies the provisions of the above Development Control Plans. The following assessment clarifies compliance with the Leichhardt DCP2000 and the Sydney Harbour Foreshores & Waterways Area Development Control Plan 2005.

5(c)(i) Leichhardt Development Control Plan 2000 (LDACP2000)

The proposal has been assessed against the following controls of the Leichhardt Development Control Plan 2000:

- Part A1.0 – General Information;
- Part A2.0 – Urban Framework Plans;
- Part A3.0 – Principles of Ecological Sustainable Development;
- Part A3a.0 – Sustainable water and risk management
- Part A4.0 – Urban Form and Design;
- Part A6.0 – Site Analysis;
- Part A7.0 – Heritage Conservation;
- Part A10.1.4 – Iron Cove Parklands
- Part C1.2 – Parking Layout, Servicing and Manoeuvring;
- Part C1.3 – Landscaping;
- Part C1.5 – Site Facilities;
- Part C2.1 – Site Drainage and Stormwater Control;
- Part C3.1 – Noise and Vibration Generation;
- Part C3.2 – Air Pollution;
- Part C3.3 – Water Pollution;
- Part C3.4 – Working Hours.

The following provides further discussion of the relevant issues:

Part A3a.0 – Sustainable water and risk management

Foreshore Risk Management

Works proposed as part of this development application would not warrant any requirements for upgrade or raising of the existing seawall along Waterfront Drive. The subject land has been identified as vulnerable to future sea level rise, however the proposal to raise the level of the playing fields will assist in addressing this future risk.

Flood Risk Management

The flood certificate for the site indicates that flood waters currently spread over the Oval before draining to Iron Cove. The proposed changes to the surface levels of the playing field may potentially result in a minor increase to the flood level in the local vicinity of the site due to the loss of existing flood storage; however, given the proximity to the harbour it is not expected to create any additional risk to habitable buildings nearby.

It is noted that the applicant has proposed to retain the existing levels between the existing pavilion and playing fields, which will ensure that the main flood route through the site is retained and flood levels will not be increased significantly adjacent to the pavilion.

With regard to the proposed building works, the majority of the works proposed to the pavilion are within the existing floor level of the pavilion, which is above the Flood Planning Level (100 year ARI flood level plus 500mm freeboard). Minor alterations are proposed to the existing amenities, accessed from the rear of this building, which is below the 100 year ARI flood level. However, given the minor nature of these works and the constraints of the existing building, no objections are raised to the retention of the existing floor levels. As

previously stated, the works to the pavilion will not be approved as part of this DA. Similarly, it is noted that the air raid shelter is also located below the 100 year ARI flood level, however no objections are raised to the retention of existing floor levels given the minor nature of the works.

A flood risk management plan needs to be prepared prior to the release of a construction certificate for this development proposal and this will be conditioned accordingly.

Part C1.2 – Parking Layout, Servicing and Manoeuvring

The subject proposal is for refurbishment of existing facilities within the site, including upgraded irrigation and sub-surface drainage. The proposal does not seek to increase the number of playing fields provided at this Oval and is not expected to result in an increase in the peak parking demand in the vicinity of the Oval. It is noted that the upgraded lighting would allow for extended use later at night, however this additional use would be outside of peak times for other recreational users of the park and is not anticipated to result in an increase in the peak parking demand. The floodlights are being installed to allow the playing fields to be used for training purposes for longer periods of time. Therefore, no additional parking facilities are required for this upgrade works.

A number of submissions have requested the construction of hardstand parking spaces in the vicinity of the oval. It is noted that upgraded parking do not form part of the subject development application and would be subject to separate community consultation and a separate application in the future.

5(c)(ii) Sydney Harbour Foreshores & Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores & Waterways Area DCP 2005 applies to the Foreshores and Waterways Area as identified in the Sydney Harbour Foreshores & Waterways Area REP. The DCP includes design guidelines for development, particularly visual impact assessments and criteria for natural resource protection. The subject site is designated within a Landscape Type 12 area. The intent for development within this area is to provide for appropriate recreational and similar uses of the foreshore, to rehabilitate or improve degraded foreshores and to protect valuable natural shorelines. Any development should enhance the recreational focus of the foreshore. The Waterfront Oval is setback approx. 25 metres from the foreshore with a combined road/walkway/cycleway positioned adjacent to the foreshore and creating a barrier to the site. Clumps of existing trees are positioned between the foreshore and this road/ walkway. These trees will remain and hence given the nature of the proposal being for the upgrade of the playing surface, installation of a new cricket pitch and nets and flood light poles, the proposal is not likely to adversely impact on the scenic or visual quality of this foreshore precinct when viewed from the Iron Cove waterways. The proposal will also enhance an existing public recreational area in close proximity to the foreshores. Therefore the proposal is consistent with the provisions of this Plan.

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.

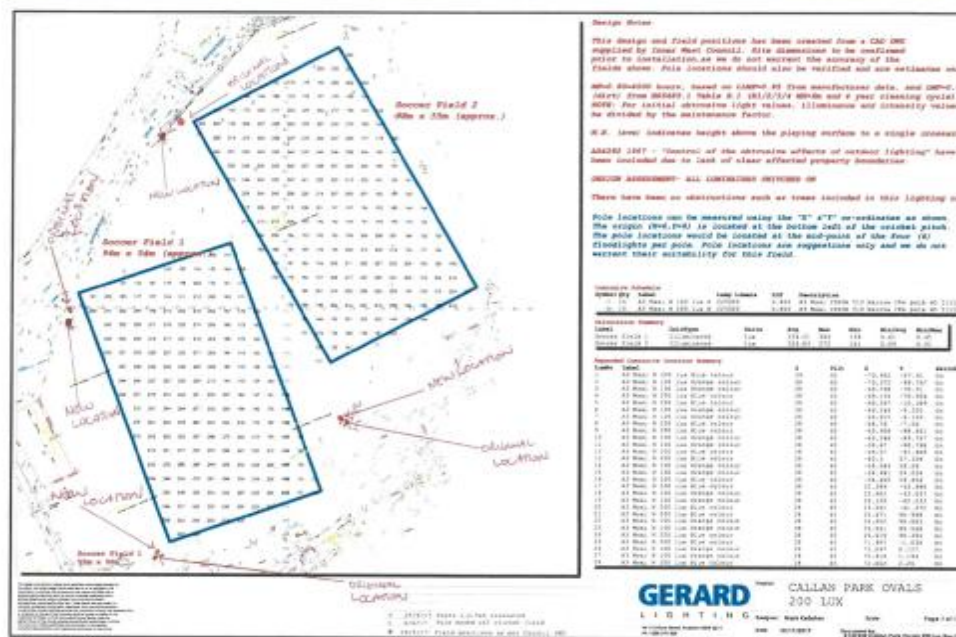
5(e) The suitability of the site for the development

The site is zoned Public Purposes. 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 notified in accordance with Leichhardt Development Control Plan 36 – Notifications for a period of 30 days to surrounding properties. A total of three hundred and seventy nine (379) submissions were received by Council of which 371 submissions were proforma type submissions from members of the BDFC with 4 submissions in support of the proposal.

During the assessment, two of the light poles required relocation to avoid conflict with Ausgrid easements. The plan below identifies the previous and proposed light pole locations:



In accordance with Section 2.2(e) of Leichhardt Development Control Plan No. 36, these amendments will have minimal environmental impacts and did not require renotification.

- The following issues raised in submissions have been discussed in this report:
- Replacement fencing along the western side of the Oval - see Section 5(a)(ii);
 - Upgrading of the pavilion - Section 5(a)(ii);
 - Car parking - see Section 5(c);
 - Floodlighting - see Section 5(c)

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: The current playing fields suffer extreme deterioration during each season of football, notwithstanding the BDFC who uses the Oval has committed funds to repairing the fields.

Comment: It is acknowledged that the BDFC has provided funds to repair the existing fields. These upgrading works are being funded from S94 funds and the works are intended to benefit the entire community as well as to assist sporting clubs using the facilities.

Issue: The grandstand and associated facilities are also in need of the proposed improvement works.

Comment: It is acknowledged that the grandstand (i.e. pavilion) and associated facilities are in need for improvement works. However, the site is listed as a Heritage Item and requires approval from Heritage Council. In this case, the Heritage Council has not issued approval for the upgrading of the pavilion which is necessary for the works to be undertaken by Council.

Issue: The amendments proposed by the BDFC for the relocation of the new cricket nets away from the current canteen and maintaining the current position of the cricket pitch are vitally important to enable the Club and cricket to operate side by side without disruption to either sport.

Comment: Both these issues have been reviewed in detail during the assessment of this application. See below for further comments.

Issue: The location of the permanent cricket practice nets next to the grandstand building will pose an unnecessary intrusion on valuable warm up area and a safety concern whereby balls struck by cricketers using the nets out of season could cause potential injury to players. Happy to work with cricket club to find an alternative location for these nets and suggest they be relocated to the rear of the pavilion to the south west of the canal.

Comment: There are other suitable areas available for soccer warm up purposes, including immediately behind the pavilion facility and the drainage canal being a wide expansive grassed area. The cricket nets will be able to be fully locked during the off season when soccer games or training is taking place. Hence, there will be no inherent risk to the public utilising the grounds for soccer when it is officially allocated training/playing space on the sporting ground.

Issue: The proposed realignment of the cricket pitch would pose operational and safety issues for players and match officials. Currently the pitch runs between two fields. The cricket pitch should be located between fields to remove risks to public safety.

Comment: The cricket pitch (Artificial) will be turf covered during the winter period to allow the playing of soccer at these playing fields. A large number of sporting grounds with artificial cricket wickets are also covered in the winter period. This removes any possible safety hazard in terms of player injuries.

Issue: The cricket nets in the proposed location will detract and obstruct spectator views to the field when watching games from the benches near the pavilion. Friends of Callan Park recommend the nets be moved further west towards the stormwater channel. Cricket nets should be located so that balls are hit towards the Oval and not towards the road or Bay Run

Comment: The cricket nets are not likely to obstruct views of the field for spectators watching the game from existing seating or the southern side of the field. Cricket nets need to be located near the cricket pitch in the centre of the Oval. Balls hit within the cricket nets will be generally be directed towards the Oval and proposed fencing will assist to stop balls running onto the Bay Run.

Issue: The current car park could be rearranged to be more efficient and allow enlargement of one field.

Comment: The current DA does not involve any upgrade works to the existing informal car park on site as the proposal only involves upgrading of existing facilities at the site rather

than a request for additional sporting activities to be undertaken at the Oval. Engineers have not suggested any conditions for upgrading of the existing car parking facilities with the current DA.

Issue: The cricket club wishes that the existing synthetic pitch be replaced with turf.

Comment: The proposal to replace the existing synthetic pitch with a Turf Wicket Table is not supported for the following key reasons:

- The waterfront drive sporting ground is not large enough to support Grade cricket.
- The cost factors in constructing and maintaining a Turf Wicket Table would be cost prohibitive. The initial construction costs would be \$80K The costs in maintaining just the wicket block per year would be in the region of \$60k;
- The oval is currently an off leash dog exercise area when not being utilised for sporting activities. Introducing a turf wicket block would require a review of on and off leash provision within the park; and
- The Recreation and Needs Study is currently being undertaken by Council. This study will highlight grounds within the Inner West which could be enhanced for Grade cricket.

Issue: The existing building, which serves as a canteen and change rooms in winter, has been exclusively used by the football club. The Cricket club has continuously requested that the facility be shared over the years. The Football Club has not necessarily resisted this but has not been forthcoming in sharing, either storage or canteen facilities. Football Store equipment in the change rooms in summer, so that they were inoperable for cricket.

Comment: The upgrading of the pavilion will not proceed under this DA as it is not supported by Heritage Council. The sharing of the facilities at the Oval by sporting clubs can be further reviewed by appropriate Council officers if and when nearby facilities are programmed for upgrading and allocated to sporting clubs.

Issue: Cricket club desires to have access to storage facilities for maintenance purposes and cricket equipment.

Comment: Council officers will need to further examine the provision and availability of storage facilities for the cricket club when negotiating the use of facilities at the Oval.

Issue: To achieve a better outcome for the site it is advised that the turf is established from sprigs.

Comment: Noted. This information has been forwarded to responsible Council officer for further consideration.

Issue: If sprigging is unachievable then the use of turf rolls is suggested and that Santa Anna couch be used rather than the specified Legend turf.

Comment: Noted. This information has been forwarded to responsible Council officer for further consideration.

Issue: What discussions has Council had with Office of Environment and Heritage regarding traffic and parking for this area?

Comment: This DA applies to the Waterfront Oval only and no areas outside the footprint of the sporting fields. The proposal is seeking to improve the current use and management of the sporting ground as well as to improve its capacity to support local sporting user needs for evening training. Therefore the DA does not involve additional activities or usage of the Oval and its facilities. It is noted that OEH has suggested that car parking and pedestrian

connections be further considered by Council and this can be undertaken as a separate matter to this application by Council officers.

Issue: Car parking assessment of the Waterfront Oval is inadequate

Comment: As stated above, this DA is not seeking increased use of facilities at the Oval.

Issue: The Waterfront Oval should continue to be available for general active and passive recreation activities and not just for football and cricket.

Comment: The Oval will be available for existing sporting activities such as soccer and cricket as well as passive recreational activities for the community.

Issue: Will Council consider the placement of water tanks and parking to remove impediments to view lines and to provide broader waterfront vistas?

Comment: The proposed water tanks will address water conservation needs in terms of the sporting ground irrigation and on going maintenance. Therefore, the current location is considered acceptable and will be screened by proposed landscaping to be implemented as part of this DA and partly by the existing air raid shelter. The low lying water table within the Waterfront Oval precinct is problematic in terms of limiting the opportunity to underground these facilities. Informal parking will continue to occur within its current location and may be reviewed in the future.

Issue: No cars should be driven or parked along the foreshore including the temporary car park adjacent to the pavilion. Limited number of disabled spaces and drop off zone permit in this area.

Comment: The DA does not seek increased usage of the playing field or sporting activities undertaken at the Oval. Therefore no changes are being proposed in relation to car parking facilities at this Oval nor the driving of cars along the foreshore.

Issue: The water tanks proposed with this DA appear to be way over scale for the site. These tanks should be relocated on the footprint of the toilets to be demolished making them less intrusive to sight lines and open space area. Water tanks should be dark green in colour and screened. Mobile/ fixed vertical garden screens could be used.

Comment: The number and location of the water tanks is based on necessary irrigating of the playing fields to ensure the quality of the playing fields is maintained in good condition for playing of soccer, etc. Landscaping surrounding the water tanks will be in accordance with the recommendations of the Advice on Screen Planting for the proposed water tanks prepared by Colleen Morris dated July 2017 and requirements of the Heritage Council and will be conditioned accordingly.

Issue: Friends of Callan Park do not support any branding upon the site. Council signage on Balmain Road and Ambulance area is way over scale.

Comment: No signage is proposed under this DA. The License agreement will highlight the need for interpretive and directional signage to assist park users accessing the sporting ground.

Issue: Light poles at the waterfront oval should remain unpainted.

Comment: The light poles will be painted a recessive black colour to assist to obscure their appearance within the Park and similar to other sporting grounds in the vicinity of the site and at other Heritage listed parks including Birchgrove Oval.

Issue: Can flood light poles be relocated to avoid unnecessary loss of heritage species and shade amenity and users of the area.

Comment: No trees will be removed from the surrounding Oval for installation of flood light poles. Appropriate Tree Protection Zones need to be installed to protect trees during trenching works and some pruning of trees is necessary to ensure adequate light is directed onto playing fields as required by Australian Standards. The proposed pruning of trees for installation of these poles will be in accordance with *AS4373—Pruning of amenity trees*, and will be supervised by an AQF5 Arborist. Five dead trees and two trees are to be removed to avoid damage to existing structures on site. Council's Landscape Officer has recommended that replacement trees be planted on site and this will be conditioned accordingly.

Issue: Are lights to be installed too powerful.

Comment: The proposed flood lights to be installed meet the Australian Standards requirements for sports floodlighting on sporting grounds. This lighting is needed to ensure player safety for training purposes.

Issue: Mesh fencing is appropriate along water canal. Is the fence to be replaced on both sides? Is it possible to install mesh fencing the same colour as water tanks?

Comment: The replacement fencing along the water canal is along one side as the license agreement is for the sporting ground only not the grass area on the south-western other side of the canal. Black mesh fencing will be used for canal fencing which is considered acceptable in this case whilst water tanks are likely to be dark green in colour which is considered acceptable.

Issue: Toilets to be provided within the pavilion should be available to the public 7 days a week during daylight hours.

Comment: The upgrading of the pavilion is not supported by the Heritage Council, and therefore, upgrading works will not be approved as part of any development consent issued for this DA. This matter can be considered by Council officers if a new DA is submitted for the pavilion or nearby buildings that contain toilets.

Issue: Will Council obtain a second opinion and quotes from other arborists for the proposed works (i.e. trimming and removal of trees) if this DA is approved?

Comment: Council's Landscape officer has reviewed the Tree Assessment Report that accompanies this application and supports removal of dead trees and certain other trees that will affect existing structures on site and has not objected to the pruning of a number of Hills Weeping figs to allow for adequate installation of flood lights onto playing fields. Any tree removal or pruning will need to be completed in accordance with the recommendations of the Arboricultural Assessment and Tree Protection Plan supervised by an AQF5 Arborist and other consent conditions.

Issue: Will roof top solar panels be installed on refurbished pavilion.

Comment: This is not a matter for consideration under this present DA.

Issue: What measures will be in place to protect the Sydney Harbour Bridge War Memorial during construction?

Comment: This war memorial is located well outside of the proposed works zone, however a condition can be incorporated that safety fencing, etc. be erected surrounding significant monuments or features in close vicinity of the development proposal.

Issue: No plans for moving the location of rubbish bins used by sporting clubs or dog walkers.

Comment: This is not a matter for consideration under this DA.

Issue: Will water fountains/ drinking bubblers for sports and public be installed?

Comment: This is not a matter for consideration under this DA.

Issue: Has consideration be given to the repairing of the sea wall adjacent to the waterfront oval to protect the upgraded facilities from king tides, storms, strong wind, etc.

Comment: This is not a matter for consideration under this DA. Council is not responsible for the care, control and management of the seawall as this lies with State Government and its agencies. Council Engineers have also advised that works are not required to this sea wall given the works to be undertaken as part of this DA.

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 except for tree removal matters below.

- Heritage Officer
- Development and Traffic Engineers
- Landscape Officer
- Environmental Health
- Building Officer

Landscape Officer

Council's Landscape officer has provided the following comments:

- Tree management for the site is to be undertaken in accordance with the recommendations included in Section 4 and Appendix 4 of the Arboricultural Assessment Report and Tree Protection Plan (version 2) dated 9 October 2017 and prepared by Paul Vezgoff on behalf of TreeServe and section 4 of *AS4970—Protection of trees on development sites*.
- There are a number of trees proposed for removal; this is supported subject to replacement planting:
 - § Tree 1 is an old Poplar stump. Removal is supported as it is considered that the tree is insignificant in the landscape and that replacement planting could better achieve the objectives of Council's Tree Management Controls.
 - § Tree 2 is senescing Turpentine. This tree is in an advanced state of decline therefore, removal is supported.

- § Tree 3 is an old Poplar stump. Removal is supported as it is considered that the tree is insignificant in the landscape and that replacement planting could better achieve the objectives of Council's Tree Management Controls.
- § Tree 6 is dead therefore, no objection is raised to its removal.
- § Tree 7 is an over mature Liquidambar of poor health and vigour. Removal is supported as it is considered that the tree is insignificant in the landscape and that replacement planting could better achieve the objectives of Council's Tree Management Controls.
- § Trees 8 and 9 are mature Norfolk Island Hibiscus. Whilst it is noted that this species of tree is exempt, removal is supported given the trees' location and current impact on adjoining infrastructure (Bomb Shelter and drainage channel).
- § Pruning of several Hill's Weeping Fig is proposed to allow greater light coverage/penetration. This is supported as the works are considered minor in nature.

Conditions will be attached to any development consent that the recommendations of the Arboricultural Assessment Report and Tree Protection Plan dated October 2017 be adhered to and tree protection zones be established in accordance with the Tree Protection Plan. Also the pruning of any trees on site should be in accordance with *AS4373—Pruning of amenity trees*, and will be supervised by an AQF5 Arborist.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Heritage Council; and
- Office Environment and Heritage

7. Section 94 Contributions

Section 94 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 2000 and Leichhardt Development Control Plan 2000 and the provisions of the *Callan Park (Special Provisions) Act 2002*. The development will not result in any significant impacts onto any heritage item or surrounding conservation area, on the amenity of any adjoining properties and nearby waterways. The application is considered suitable for approval with the exception of the pavilion given Heritage Council GTA's and its non support for the pavilion and subject to the imposition of appropriate conditions.

9. Recommendation

- A. The variation to Clause 33 of the Leichhardt Local Environmental Plan 2000 – Foreshore Building Line be supported under the provisions of State Environmental Planning Policy No. 1.
- B. That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2017/313 for refurbishment of air raid shelter, sporting ground upgrade including regrading of field, new flood lighting, cricket nets, irrigation, sub surface drainage and replacement

of existing cricket wicket and deteriorated boundary fencing at Callan Park/Rozelle Hospital Glover Street Lilyfield subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application D/2017/313 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan	Tim Brown	28 July 17
AR.DA.0000 Cover Sheet/Existing Conditions Plan Rev C	TKD Architects	18/10/17
AR.DA. 1002 Existing Air Raid Shelter Plan Rev A	TKD Architects	18/10/2017
AR.DA. 1005. Existing Elevations Rev A	TKD Architects	18/10/2017
AR.DA.2002 Air Raid Shelter Plan Rev C	TKD Architects	18/10/17
AR.DA 2004 Air Raid Shelter Elevations Rev A	TKD Architects	18/10/17
0137520 Callan Park Ovals 200 Lux	Gerard Lighting	29/09/17
11690_DES_3G Plan Showing Proposed Sports Field & Design Contours Rev G	Surveyplus	6/10/17
17699_SK_C000 Cover Pages & Notes Rev 01	Henry & Hymas	July 2017
17699_SK_C100 Overall Plan Rev 02	Henry & Hymas	July 2017
17699_SK_C101 General Arrangements Sheet 1 Rev 02	Henry & Hymas	July 2017
17699_SK_C102 General Arrangements Sheet 2 Rev 01	Henry & Hymas	July 2017
17699_SK_C200 Sections Rev 01	Henry & Hymas	July 2017
Proposed Cricket Nets Location Survey	Unknown	27 June 2017
80815346-ST-S101 Cricket Nets Rev B	Cardno	2/9/2015

Document Title	Prepared By	Dated
Arboricultural Assessment & Tree Protection Plan (Final Version 2)	TreeServe Pty Ltd	9/10/2017
Advice on screen planting for proposed water tanks	Colleen Morris	July 2017
Statement of Heritage Impact	TKD Architects	June 2017
Lie_WP_1706_01 Automatic Irrigation System Layout Rev A	Water Wise Consulting	23/06/2017
Lie_WP_1706_02 Automatic Irrigation System Layout Rev A	Water Wise Consulting	23/06/2017
Cx3000-GA 3M Sports lighting Crossarm	International Poles	21/01/2016
HS-28L-89-GA 28M Steelmax Light Duty Sports	International Poles	13/06/2017

Pole		
Site Waste Minimisation & Management Plan	Tim Brown	
SEPP NO. 55 Assessment	CONSARA Pty Ltd	19/6/17
Construction Environmental Management	CONSARA Pty Ltd	20 June 2017

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

2. The Heritage Council has given the following general terms of approval in relation to the development, as referred to in Section 91A of the Environmental Planning and Assessment Act 1979:

1. APPROVED DEVELOPMENT

a) **Development must be in accordance with drawings as listed below:**

- Architectural drawings prepared by TKD Architects;
- Lighting Plan prepared by Gerard Lighting;
- Stormwater Drainage Design prepared by Henry and Hymas;
- Cricket Nets prepared by Cardno;
- **Site Plan prepared by Inner West Council;**
- Sports field and Design Contours prepared by Survey Plus;
- Irrigation System Layout prepared by Water Wise Consulting; and
- Lighting Design prepared by International Piles.

Drawing No.	Title	Date	Rev
Project Nam: Waterfront Drive Sports Complex			
AR.DA.0000	Cover and Existing Site Conditions	18/10/17	C
AR.DA.1001	Existing Sports Pavilion Plan	18/10/17	C
AR.DA.2001	Sports Pavilion Plan	18/10/17	C
AR.DA.1003	Existing Sports Pavilion Elevations	18/10/17	A
AR.DA.1004	Existing Sports Pavilion Elevations	18/10/17	A
AR.DA.2003	Sports Pavilion Elevations	18/10/17	A
AR.DA.1002	Existing Air Raid Shelter Plan	18/10/17	A
AR.DA.2002	Air Raid Shelter Plan	18/10/17	C
AR.DA.1005	Existing Air Raid Shelter Elevations	18/10/17	A
AR.DA.2004	Air Raid Shelter Elevations	18/10/17	A
0137520	Callan Park Ovals 200 Lux	29/09/17	D
17699_SK_C000	Cover Page and Notes	July 2017	01
17699_SK_C100	Overall Plan	July 2017	02
17699_SK_C101	General Arrangement Sheet 1 of 2	July 2017	02
17699_SK_C102	General Arrangement	July 2017	01

	Sheet 2 of 2		
17699_SK_C200	Sections	July 2017	01
80815346-STS101	Cricket Nets Plan, Elevations and Sections	2/09/2015	B
Site Plan		28/07/2017	
11690_DES_3G	Plan Showing Proposed Sports Field and Design Contours	06/10/2017	G
LIE_WP_1706_01	Automatic Irrigation System Layout	23/06/2017	A
LIE_WP_1706_02	Automatic Irrigation System Layout	23/06/2017	A
CX3000-GA	3M Sports-lighting Crossarm	27/01/2016	
HS-28L-89-GA	28m Steelmax Light Duty Sports Pole	13/06/2017	

- b) Statement of Heritage Impact, Waterfront Drive Sports Ground Callan Park, Lilyfield, prepared by TKD Architects, June 2017.
- c) Statement of Environmental Effects, Waterfront Drive Sports Ground Callan Park, Lilyfield, prepared by TKD Architects, June 2017.
- d) CEMP Upgrade of Waterfront Drive Sports Ground, Callan Park, NSW prepared by Consara, 20 June 2017. “
- e) ‘Arboricultural Assessment Report and Tree Protection Plan, prepared by Tree Serve, Version 2, June 2017.

EXCEPT AS AMENDED by the following conditions of this approval:

2. SPORTS PAVILION

The refurbishment of the Sports Pavilion as proposed is not approved as part of this consent as it is an intrusive element to the cultural landscape. Works on that building will entrench its continuing existence. However, the Approvals Committee strongly encourages the refurbishment of the 1930s Repatriation Ward.

Reason: To ensure consistency with Landscape Structure Plan and previous Heritage Council resolutions.

3. FENCING

The installation of new fencing along Waterfront Drive is approved in principle as part of this consent, however further details including elevations and materiality of the scheme must be presented to the Heritage Council at the s60 lodgement phase for approval.

Reason: To ensure the new fencing has minimal visual impacts.

4. PLANTINGS

The proposed plantings must be endemic to the area and will grow to be a suitable size to screen the water tanks. Details of the proposed landscape screening for the water tanks must be submitted for approval with the S60 application.

Reason: To ensure that the proposed landscape screen of the water tanks is adequate.

5. FLOODLIGHTS

The presence of lighting is supported in principle. It is critical that the number of floodlights and their height be minimised as much as possible. Detailed information to support the proposed number and height, specifically as it relates to the relevant Australian Standards must be supplied with the S60 application.

Reason: To minimise the potential for greater visual pollution in the zone.

6. TREE PROTECTION

Appropriate TPZ and SRZ measures must be implemented during works.

Reason: To ensure the survival of all trees to remain.

7. SITE PROTECTION

Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

8. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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.

9. ABORIGINAL OBJECTS

Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

10. COMPLIANCE

- a) Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval and may photograph, take samples or request records in relation to any aspects of the approved activity.
- b) The Applicant and the nominated Heritage Consultant may be required to participate in random audits of Heritage Council approvals to confirm compliance with conditions of consent at any time.

11. SECTION 60 APPLICATION

An application under section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

12. RIGHT OF APPEAL

If you are dissatisfied with this determination, section 70 of the Heritage Act 1977 gives you the right of appeal to the Minister for Heritage or, in the case of the determination of an application for approval, or application for modification of an approval, in respect of integrated development, to the Land and Environment Court.

As the potential for Aboriginal objects to be located in the works area has not been assessed in the application, it is recommended that the Applicant consider obtaining an Aboriginal Heritage Impact Permit (AHIP) under the National Parks and Wildlife Act 1974. Other alternatives to an AHIP may be suitable but further consultation with the Office of Environment and Heritage's Planning and Aboriginal Heritage Section (Metropolitan) should be undertaken.

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

Tree/location	Approved works
1. <i>Populus nigra 'Italica'</i> (Lombardy Poplar located on the north eastern side of the playing field.	Removal
2. <i>Syncarpia glomulifera</i> (Turpentine) located on the north eastern side of the playing field.	Removal
3. <i>Populus nigra 'Italica'</i> (Lombardy Poplar located on the south eastern side of the playing field.	Removal
6. Dead tree located on the southern side of the playing field	Removal
7. <i>Liquidambar styraciflua</i> (Liquidambar) located on the southern side of the playing field	Removal
8. <i>Lagunaria patersonia</i> (Norfolk Island Hibiscus) located on the eastern side of the <i>Bomb Shelter</i> (SW corner)	Removal
9. <i>Lagunaria patersonia</i> (Norfolk Island Hibiscus) located on the western side of the grand stand adjacent the drainage channel.	Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

4. In accordance with the provisions of Section 81A 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 "Certifying Authority."
 - A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - 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, the Building Code of Australia and the relevant Australian Standards.

5. Amended plans are to be submitted incorporating the following amendments:
 - a) Relating to the air raid shelter, the following matters are to be addressed/overseen by a nominated Heritage Architect:
 - i) The replacement timber windows;
 - ii) The required repairs to the existing timber doors which are to be retained and reduced in size to accommodate the proposed new flooring as opposed to removing the brickwork above the doors to accommodate the new flooring, which is not permitted;
 - iii) The retention of the existing/ potential early or original incinerator/heater structure within the interior of the shelter which is to be conserved as part of the proposed new raised compressed FC Sheeting flooring. This structure is required to be retained in-situ due to its likely historical significance; and
 - iv) Any required waterproofing repairs/application of new waterproofing to the existing roofing.
 - b) Proposed fencing along the canal shall be 1.2m high black mesh fencing;
 - a) Details of the colouring of the water tanks with a dark green or black colouring being acceptable.

The amendments are to be provided prior to the issue of a Construction Certificate.

6. The floodlight poles shall be painted a dark, recessive colour to assist in blending with the surrounding environment. Details of light pole colouring shall be submitted to Council prior to the approval of the Construction Certificate.
7. Details and plans of proposed light poles must be provided and prepared by a practising Structural Engineer with suitable indemnity cover and is to be submitted to Council or the accredited certifier prior the issue of a Construction Certificate.
8. Consent is granted for the demolition of the lavatory block and flooring of the air raid shelter upon the site, subject to strict compliance with the following conditions:
 - a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to Council / Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by Council / Certifying Authority:

- i) A pre commencement inspection when all the site works are installed on the site and prior to demolition commencing.
- ii) A final inspection when the demolition works have been completed.

NOTE: Council requires 24 hours notice to carry out inspections. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
 - d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
 - e) The demolition plans must be submitted to the appropriate Sydney Water Office, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
 - f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: Demolition of structures.
 - g) The hours of demolition work are limited to between 7:00am and 5.30pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
 - h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Department of Environment and Climate Change NSW.
 - i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
9. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Service Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Building Developing and Plumbing then Quick Check or telephone 132092.

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

10. A stormwater drainage design, prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 17699_SK_C000/Rev 1, 17699_SK_C100/Rev 2, 17699_SK_C101/Rev 2, 17699_SK_C102/Rev 1 and 17699_SK_C200/Rev 1 prepared by Henry and Hymas and dated July 2017.

- b) Comply with Council's Stormwater Drainage Code.
- c) Charged or pump-out stormwater drainage systems are not permitted.
- d) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.
- e) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

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

11. A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prepared / prior to the issue of a Construction Certificate. The Plan must be prepared / amended to make provision for the following:

- a) The plan must be based on the flood characteristics in the vicinity of the site as defined by the Flood Certificate issued by Council dated 25 May 2017.
- b) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include but not be limited to the following:
 - i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
 - iii) Flood warning signs/depth indicators for areas that may be inundated
 - iv) A flood evacuation strategy.
 - v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below.

Building Code of Australia	Development Control Plan 2013
<i>Defined flood level (DFL)</i>	<i>100 year Average Recurrence Interval flood level</i>
<i>Defined flood event (DFE)</i>	<i>100 year Average Recurrence Interval flood</i>
<i>Flood hazard level (FHL)</i>	<i>Flood Planning Level (FPL)</i>

- c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

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

12. The approved Architectural plans shall be amended to incorporate the recommendations of the Flood Risk Management Plan prepared by in accordance with **Condition No 11**. The plans addressing the requirements of this condition must be provided prior to the issue of a Construction Certificate. The design must be prepared to make provision for the following:
 - a) Specification of materials
 - b) Waterproofing works, where applicable.

No changes to the external form or appearance of the development contrary to the approved plans shall occur except as identified by this condition. Any changes to such must be subject to separate approval in accordance with Section 96 of the Environmental Planning and Assessment Act.

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

13. A landscape plan prepared by a qualified Landscape Architect or Landscape Consultant with heritage expertise must be provided prior to the issue of a Construction Certificate. The plan must include:
 - a) Location of all proposed planting endemic to the area and will grow to be a suitable size to screen the water tanks;
 - b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity;
 - c) The recommendation of the advice prepared by Colleen Morris on screening planting for the proposed water tanks shall be taken into consideration.

14. An experienced Heritage Architect must be commissioned to assist and to provide advice on the design development, contract documentation and to oversee the construction works for the duration of the project.

Details of the engagement of the experienced Heritage Architect are required prior to the issue of the Construction Certificate.

15. To minimise impact on adjacent trees, prior to the issue of a Construction Certificate, a lighting (and associated trenching) plan shall be supplied to the Project Arborist for review and approval.
16. 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 and supplied to the Project Arborist for review and approval. Details demonstrating compliance are to be shown on the

plans submitted by the Project Arborist to the Certifying Authority prior to the issue of the Construction Certificate.

17. The following replacement trees must be planted:

A minimum of 7 x 100 litre size additional trees, which will attain a minimum mature height of 16 - 20 metres, shall be planted in a more suitable location within the site. The trees are to conform to AS2303—*Tree stock for landscape use*.

Details of the species and planting locations of the replacement plants must be included on the site plan prior to the issue of a Construction Certificate.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

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

18. To preserve the existing trees on site, no work shall commence until their Protection Zone (in accordance with AS4970 Protection of trees on development sites) is fenced off in accordance with section 4 and appendix 4 of the Arboricultural Assessment Report and Tree Protection Plan (version 2) dated 9 October 2017 and prepared by Paul Vezgoff on behalf of TreeServe 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.

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. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

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.

19. Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

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.

20. Prior to works commencing or release of a Construction Certificate (whichever occurs first), tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the

fence changes direction. Each sign shall contain in a clearly legible form (Lettering should comply with AS 1319-*Safety signs for the occupational environment*), the following information:

- a) Tree protection zone;
- b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
- c) Any encroachment not previously approved within the tree protection zone shall be the subject of an Arborist's report;
- d) The Arborist's report shall provide proof that no other alternative is available;
- e) The Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council; and
- f) The name, address and telephone number of the builder and Project Arborist.

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 by the Project Arborist to the Principal

21. Prior to the issue of a Construction Certificate or works commencing on site, a Soil and Water Management Plan must be submitted to the certifying authority. The Soil and Water Management plan 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.
 - j) A durable sign, available from Council must be erected during the works in a prominent location on site, warning of penalties should appropriate measures required by the Soil and Water Management Plan not be maintained.

22. Prior to the issue of a Construction Certificate or works commencing on site, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:
- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and demolition related vehicles in the frontage roadways.
 - ii) Turning areas within the site for demolition and spoil removal vehicles, allowing a forward egress for all demolition vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) A dedicated unloading and loading point within the site for all demolition vehicles, plant and deliveries.
 - v) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vi) An on-site parking area for employees, tradespersons and demoolition vehicles as far as possible.
 - vii) The proposed areas within the site to be used for the storage of excavated material, waste and recycling containers during the construction period.
 - viii) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - b) Construction Noise
During excavation, demolition and construction phases, noise generated from the site must be controlled.
 - c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of 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.
 - e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Traffic Authority publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

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

PRIOR TO THE COMMENCEMENT OF WORKS

23. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

A copy of any WorkCover approval documents is to be included as part of the documentation.

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

24. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form and details of the appointed Principal Certifying Authority shall be submitted to Council.
25. 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.
26. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the erection or demolition of a building is being carried out. The sign must state:
 - a) Unauthorised entry to the work site is prohibited.
 - b) 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.
 - c) The name, address and telephone number of the 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.

27. The site must be secured and fenced prior to works commencing. Fencing shall be erected surrounding any significant heritage features occupying the site that require protection. Details shall be provided to Council prior to commencement of works.

Any fencing is to be removed when the work is completed.

DURING WORKS

28. 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.
29. The requirements of the Soil and Water Management Plan must be maintained at all times during the works and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.
30. A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.
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. Installation of floodlight poles shall be undertaken in accordance with procedures within Council’s Environmental Management Plan for Parks and Playgrounds dated prepared by HLA Environsciences Pty Ltd 27 September 2006 and the Acid Sulphate Management Plan prepared by Environment Investigation Services dated 30 March 2016.
- 33. Excavation, building or subdivision work must be restricted to the hours of 7:00am to 5:30pm Monday to Friday inclusive, 7:00am to 1:00pm Saturday. Work is not be carried out on Sunday or Public Holidays.
- 34. 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 Project Arborist undertaking the works to the Principal Certifying Authority

- 35. The trees to be retained 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"> • Directly following installation of protective fencing, • During excavation within the <i>Tree Protection Zone</i>, • At any time fencing is required to be altered, • At project completion to verify that protection measures have been undertaken. 	

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 Principal Certifying Authority.

- 36. Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by, or supervised by, an experienced 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).

Schedule	
Tree/location	Approved works
Grove of <i>Ficus microcarpa</i> var. <i>hillii</i> located on the eastern boundary of the playing field	Pruning in accordance with section 4 of the <i>Arboricultural Assessment Report and Tree Protection Plan (version 2)</i> dated 9 October 2017 and prepared by Paul Vezgoff on behalf of <i>TreeServe</i>

The person acting on this consent has approval under Council's Tree Management Controls to; prune the trees to allow appropriate light coverage to the playing surface. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—Pruning of amenity trees.

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.

37. No tree roots of 50mm 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.

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. All excavation within the tree protection zones (as nominated in the approved lighting and trenching plan shall be hand dug:

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

39. All excavation within the tree protection zones (as nominated in the approved lighting and trenching plan shall be hand dug:

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

40. 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 Management 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 ISSUE OF OCCUPATION CERTIFICATE OR USE

41. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent.
42. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Inner West Council (former Leichhardt Council) Environmental Management Plan for Parks and Playgrounds	HLA Envirosiences	27 September 2006
Construction Environmental Management Plan, Upgrade of	CONSARA Pty Ltd	20 June 2017

Waterfront Drive Sporting Ground, Callan Park NSW		
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have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

43. 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.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assess as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

44. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principle Certifying Authority stamped Construction Certificate plans.

45. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all aspects of the Flood Risk Management Plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer this condition has been complied with must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

ON-GOING CONDITIONS OF DEVELOPMENT CONSENT

46. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assess as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

47. 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 adverse effects on the amenity of the area.
48. The lights at Callan Park Oval shall be connected to automatic timer so that the lights are turned off at 9.00pm seven days a week.
49. The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
50. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.

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 the 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 80A (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.

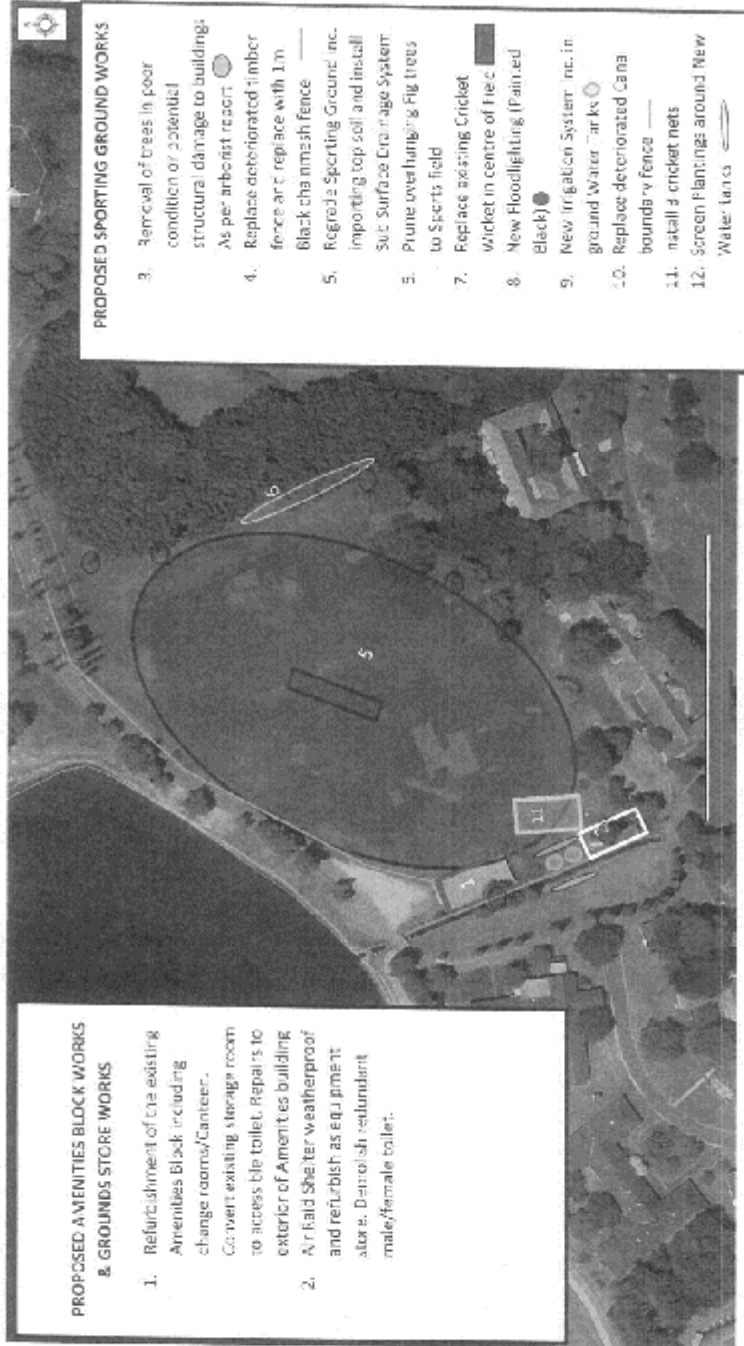
NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A 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, integrated 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 82A.
3. If you are unsatisfied with this determination, Section 97 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 96 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

WATERFRONT DRIVE SPORTING GROUND



PROPOSED AMENITIES BLOCK WORKS & GROUNDS STORE WORKS

1. Refurbishment of the existing Amenities Block including change rooms/Canteen. Convert existing storage room to access toilet. Repairs to exterior of Amenities building and refurbish as equipment store. Demolish redundant male/female toilet.
2. Refurbishment of the existing condition or potential structural damage to buildings As per arborist report.
3. Replace deteriorated timber fence and replace with 1.7m Black chainmesh fence.
4. Regrade Sporting Ground inc. importing top soil and install Sub Surface Drainage System.
5. Prune overhanging Fig trees to Sports field.
6. Replace existing Cricket Wicket in centre of field.
7. New Floodlighting (Painted Black).
8. New Irrigation System inc. in ground Water Meters.
9. Replace deteriorated Cana boundary fence.
10. Install 2 cricket nets.
11. Screen Plantings around New Water tanks.

(Not to scale)

SITE PLAN
 Drawn by Tim Brown
 Inner West Council
 28 July 2017

