

NOTICE OF DETERMINATION - APPROVAL

Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	DA/2021/1082
Applicant	Centennial Park and Moore Park Trust
Land to be developed	Callan Park - Glover Street LILYFIELD NSW 2040
Approved development	Maintenance, repair, conservation, and upgrade (including demolition of intrusive elements) to buildings 497 & 512 in Callan Park; and change the of use of these buildings to community facilities
Cost of development	\$395,000.00
Determination	The application was determined by Local Planning Panel and was granted consent subject to the conditions attached.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
Determination date	12 April 2022
Consent is to operate from	12 April 2022
Consent will lapse on	21 April 2027

Reasons for conditions

To protect the environmental amenity of the area and the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Ferdinand Dickel** on **02 9392 5125** or **ferdinand.dickel@innerwest.nsw.gov.au**.



Martin Amy

Acting Manager Development Assessment

CONDITIONS OF CONSENT

1. Documents related to the consent

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

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

Use 001 (Building 512)	Floor Plans	January 2022	not stated
59919106 Version 3	Construction Environment Management Plan	01/10/2021	Cardno
600- 22SYD1474	Microbat survey	07/02/2022	ecological

As amended by the conditions of consent.

2. Long Service Levy

Written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

3. Photographic Recording

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

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

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

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

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital

catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

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

4. Heritage Induction for Contractors

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

5. Works to Trees

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

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

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

6. Waste Management Plan

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

7. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and

specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

8. Standard Street Tree Protection

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

9. Works Outside the Property Boundary

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

10. Section 60 Application

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

11. Approved Use of Buildings

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

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

12. Patron Capacity

The number of patrons must not exceed the following:

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

13. Sale of Liquor

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

14. Traffic and Parking Assessment and Management

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

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

15. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

16. Light Spill

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

17. Structural Certificate for retained elements of the building

The Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of

construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

18. Sydney Water – Tap In

The Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

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

19. Construction Environmental Management Plan

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

20. Heritage Consultant

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

21. Unexpected Historical Archaeological Relics

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

22. Change of Use to Community Facilities

During construction works, the installation of modern services such as lighting, air conditioning, power distribution, computer cabling will need to be carefully considered to avoid

inappropriate or adverse impact on historic building fabric. Should additional works be required to the buildings to accommodate future community facility uses of the buildings, it is recommended that if the level of intervention is beyond that identified in this application, that a future application/s be submitted.

23. Contamination – New Evidence

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

24. Construction Hours – Class 2-9

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

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

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

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

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

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

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

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

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

25. Stormwater Drainage System

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

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

26. Certification of Tree Planting

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

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

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

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

27. Operational and Management Plan

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

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

28. Tree Establishment

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

29. Noise General

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

30. Hours of Operation

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

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

31. Food Preparation

The premises do not need to notify Council as they are a not-for-profit organisation. All fundraising events at which only food that is "not" potentially hazardous or is to be consumed

immediately after thorough cooking are to be sold. Basic hygiene and food safety requirements are to be followed as outlined in the Food Standards Australia New Zealand (FSANZ).

Arborists standards

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

Tree Pruning or Removal (including root pruning/mapping)

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

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

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

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

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

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

Failure to comply with conditions

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by

this consent must be carried out in accordance with the requirements of the National Construction Code.

Dividing Fences Act

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

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

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

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100

			www.dialprior toyoudig.com.au
Landcom		9841 8660	
			To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441	
			www.lspc.nsw.gov.au
NSW Food Authority		1300 552 406	
			www.foodnotify.nsw.gov.au
NSW Government			www.nsw.gov.au/fibro
			www.diySAFE.nsw.gov.au
			Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	
			www.environment.nsw.gov.au
Sydney Water		13 20 92	
			www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA	1300 651 116	
			www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)			www.waterrating.gov.au
WorkCover Authority of NSW		13 10 50	
			www.workcover.nsw.gov.au
			Enquiries relating to work safety and asbestos removal and disposal.

Annual Fire Safety Statement

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

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

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