

**ITEM 9. DEVELOPMENT APPLICATION: 140 GLEBE POINT ROAD GLEBE
– FOLEY PARK**

FILE NO: D/2006/2091

SUMMARY

Date of Submission: 22 November 2006. Additional information submitted on 2, 8 and 30 January and 26 February 2007.

Applicant: City of Sydney

Site: 140 Glebe Point Road, Glebe – Foley Park

Proposal: Upgrade of Foley Park including demolition of the existing baby health clinic (to be relocated off-site), retention of the Wireless House and installation of a public art strategy, interpretation of the footprint of the former Hereford House through paved areas, demolition of the existing toilet block and replacement with a new toilet block in the north-west corner (adjacent to Bridge Road entry), removal of the existing child play area and replacement with new play areas in the western part of the park, upgrade of the area around the existing war memorial to accommodate visitors on peak occasions such as Anzac Day, improved entry/exit points, upgraded pathways, new lighting and removal of some trees.

Summary Recommendation: The proposal is generally consistent with the Plan of Management for the park which was adopted by Council on 12 September 2005 and the subsequent Concept Design Plan that was endorsed by Council on 18 September 2006.

The DA originally proposed the demolition of the Wireless House. However, on further assessment, and in consideration of the issues raised in the public submissions opposing its demolition, the Wireless House is now recommended for retention.

A total of 18 submissions were received citing concerns about the demolition of the wireless house, the proposed interpretation strategy and questioning the need for an upgrade of the park.

The development application is recommended for a deferred commencement approval, subject to conditions including the requirement for a Detailed Site Investigation in relation to potential for soil contamination.

Attachments:

- A - Location Plan
- B - Extracts from Plan of Management and Concept Design Plan
- C - Selected Drawings

RECOMMENDATION

It is resolved that:

- (A) deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:-

Conditions to be satisfied prior to consent operating:

The consent is not to operate until the following conditions are satisfied (to Council's written satisfaction), within **12 months** of the date of this determination.

(1) CONTAMINATION ASSESSMENT

- (a) A Detailed Environmental Site Assessment (Stage 2 Site Assessment) is to be carried out in accordance with the NSW DEC Contaminated Sites guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.
 - (b) If required by the Stage 2 Site Assessment, a Remedial Action Plan (RAP), Site Validation Assessment (SVA) and Site Audit Statement (SAS) are to be carried out.
 - (c) Where the Detailed Environmental Site Assessment states that the site is suitable for the proposed use it is to be peer reviewed by a NSW DEC accredited site auditor and a Site Audit Statement submitted to Council certifying that the site is suitable for the proposed use.
 - (d) Where the Detailed Site Assessment states that a Remediation Action Plan is to be undertaken, the RAP is to be peer reviewed by a NSW DEC accredited site auditor and include a statement certifying that the RAP is practical and the site will be made suitable after remediation for the proposed use.
- (B) upon completion of the requirements of Condition (1) in clause (A) above, a full development consent in accordance with Section 80(4) of the Environmental Planning and Assessment Act 1979 be issued, subject to the following conditions and any other additional conditions reasonably arising from the consideration of the matters specified in clause (A) above.

Conditions of Consent (once the consent is in operation)

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2006/2091 dated 22 November 2006 and Statement of Environmental Effects prepared by David Crane and Associates Pty Ltd, dated November 2006 and the following drawings:

Drawing Number	Title	Prepared by	Date
DA02	Landscape Plan	Aspect Studios P/L	15/11/06
DA03	Planting Strategy	Aspect Studios P/L	15/11/06
DA04	Elevations	Aspect Studios P/L	15/11/06
DA05	Sections:1	Aspect Studios P/L	15/11/06
DA06	Sections:2	Aspect Studios P/L	15/11/06
DA07	Demolition Plan	Aspect Studios P/L	15/11/06
N/A	Foley Park Toilets	City Projects	13/11/06
N/A	Foley Park Toilets – Elevations	City Projects	6/11/06
N/A	Foley Park Toilets – Perspective 1	City Projects	6/11/06
N/A	Foley Park Toilets – Perspective 2	City Projects	6/11/06
ESK01	Foley Park – Pedestrian Lighting only	Lighting, Art + Science Pty Ltd	16/10/06
ESK02	Foley Park – Pedestrian and Area Lighting	Lighting, Art + Science Pty Ltd	16/10/06
N/A	Foley Park – Heritage Issues	Aspect Studios	24/2/07

Drawing Number	Title	Prepared by	Date
N/A	Foley Park – Glebe Point Road boundary walls	Aspect Studios	24/2/07

and as amended by the conditions of this consent:

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

(2) THE WIRELESS HOUSE & PUBLIC ART STRATEGY

The Wireless House is to be retained *in-situ* (and repaired where necessary) and an appropriate heritage interpretation/public art strategy applied to the building.

Final details of the interpretation/public art strategy for the Wireless House are to be submitted for the approval of the Director City Planning, in conjunction with the Manager, Project Development, prior to the issue of a Construction Certificate for the works approved under this development consent.

The strategy is to be implemented to the satisfaction of the Director City Planning prior to the issue of an Occupation Certificate.

(3) HERITAGE INTERPRETATION STRATEGY

- (a) An interpretation plan for the site must be submitted to and approved by the Director City Planning, prior to a Construction Certificate being issued or commencement of demolition works, whichever is the earliest.
- (b) The interpretation plan must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding location, public accessibility, signage and lighting. It is to specifically address the history and significance of Hereford House, the rest park, the Wireless House and Baby Health Centre. Public art, details of the heritage design, the display of selected artefacts and an audio program are some of the means that can be used. It is to also incorporate any findings of the archaeological investigations.
- (c) The strategy is to be implemented to the satisfaction of the Director City Planning prior to the issue of an Occupation Certificate.

(4) WAR MEMORIAL

Final details of the proposed scope of works for the War Memorial is to be prepared by a suitably qualified and experienced heritage practitioner and submitted to the satisfaction of the Director City Planning prior to the commencement of works on site.

(5) INTERPRETATION OF HEREFORD HOUSE

The interpretation of the Hereford House verandah and house outline is to be based on secure archaeological information, from either remote sensing or archaeological excavation, as recommended in the Archaeological Assessment and Research Design Report prepared by Banksia Heritage and Archaeology dated September 2006.

(6) SANDSTONE

Any sandstone approved for removal from the existing wall along the Bridge Road frontage shall be carefully removed and reused on site where possible or stored for future use.

(7) EXISTING COMMEMORATIVE PLAQUES

Existing commemorative plaques are to be retained on site and conserved.

(8) MATERIALS AND FINISHES TO MATCH EXISTING

All new works for making good of the sandstone wall to Bridge Road must match the existing original work.

(9) MATERIALS AND FINISHES OF NEW TOILET BLOCK

The colour of the bricks used in the new toilet block are to respond appropriately to the existing sandstone walls along the Bridge Road elevation of the park. In this regard, the bricks shall be predominantly earthy tones. A schedule of colours is to be submitted to the Director City Planning's satisfaction prior to the release of the Construction Certificate.

(10) CHILDREN'S SANDPIT

The proposed sandpit is not approved and is to be removed from the design of the park. Alternative children's play equipment may be installed in its place.

Details are to be submitted for the approval of the Director City Planning prior to a Construction Certificate being issued.

(11) COMMUNITY SHARPS BIN

Following the relocation of the community sharps bin to the new toilet block, an appropriate sign shall be placed on the wall in the bin's former location to notify users of its new location. Details shall be provided to the satisfaction of the Director City Planning prior to the installation of the signage.

(12) LIGHTING

The floodlights and pole mounted uprights must not be positioned or installed so as to cause excessive or adverse light spill into the adjoining St John's Retirement Village.

(13) TREES

- (a) Park trees: Trees 1, 5, 6, 7, 10, 15, 18, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 37, 38, 39, 40, 41 and 42 shall be removed or transplanted during or prior to demolition. All other trees shall be retained as part of this development application.
- (b) The *Ficus rubiginosa* (tree 19) and *Ficus macrophylla* (tree 20) located in close proximity to the playground area shall be removed prior to demolition.
- (c) The *Eucalyptus paniculata* (Grey Ironbark), located within the neighbouring St John's Anglican Church grounds, shall be protected prior to demolition or construction works. The parameters for work within this tree's Tree Protection Zone shall be submitted to the Tree Management Team for approval, prior to the issue of a Construction Certificate.
- (d) Street trees, adjoining the Park boundary in Pymont Bridge Road, shall be retained and protected during construction.
- (e) The Frangipani tree located in the neighbouring retirement village grounds, adjacent to the southern boundary wall, shall be protected during demolition and construction works.

Tree Protection Plan

- (f) A comprehensive Tree Protection Plan shall be prepared by a consulting arborist (minimum AQF Level 5). The Tree Protection Plan shall be submitted to the Tree Management Team for approval, prior to Council issuing a Construction Certificate.
- (g) The Arborist who has prepared the Tree Protection Plan shall become the Site Arborist. The Site Arborist shall monitor the trees which are being retained and supervise all tree protection measures.
- (h) The Tree Protection Plan (min scale 1:200) shall indicate:
 - (i) tree protection zones;
 - (ii) the location of site sheds;
 - (iii) waste storage and stockpiling areas;
 - (iv) access routes for any large machinery;
 - (v) level changes impacting on trees to be retained;
 - (vi) location of pathways and retaining walls; and
 - (vii) the zone of impact of retaining walls and extent of excavation and filling.

- (i) The Site Arborist shall certify the installation of the tree protection zones (TPZ) to Council's Tree Management Team prior to the commencement of any site works. "Site works" includes the demolition of existing structures or large scale rubbish removal or the entrance onto the site of any machinery.
- (j) The Site Arborist shall supervise any work in or above the TPZ (including excavation, soil fill, trenching or tunnelling).
- (k) The Site Arborist shall submit to Council's Tree Management Team a fortnightly report on the health and condition of the trees.

Tree Transplanting

- (l) Trees 15 and 18 shall be removed and transplanted to another site within the City.

Replacement Tree Planting

- (m) Replacement trees shall include the species mix listed in the Indicative Planting Schedule, drawing No. 26013-DA03, Revision A dated 15th November 2006. The trees shall be planted in accordance with the locations indicated on the Planting Strategy drawing. The minimum container size for tree planting shall be 400lt.
- (n) A single *Ficus species* approximately 4-5 metres tall shall be planted to replace trees 19 and 20.

Hardworks & Excavation

- (o) There shall be no excavation or relocation of the Glebe Point Road boundary retaining wall, within 4 metres either side of the trunk of tree 12 (*Ficus macrophylla*).
- (p) Flush concrete edge to northern pathway/planting edge to be lifted 100mm above existing level. Tree roots shall be bridged during construction of in-situ concrete edging.
- (q) Permatrak precast decking to be installed at grade along western side of monument within the root zone of tree No.4.
- (r) Soil levels shall not be raised or lowered around the existing Fig trees.
- (s) New bench seats (on northern side of pathway) shall be set in mulch on pad footings, to limit damage to roots of existing trees.

Mulch

- (t) A minimum of one (1) metre of mulch shall be installed around all newly planted trees and a minimum of three (3) metres of mulch shall be retained around the trunks of all of the existing Fig trees.

Lighting

- (u) Locations of proposed light poles and uplighting shall ensure minimal canopy pruning and root disturbance.
- (v) Screw pile footings to be used for light poles to minimize root disturbance.

Boundary Walls

- (w) The proposed fence along Pymont Bridge Road shall be secured into the top of the existing sandstone wall to prevent damage to existing tree roots.

SCHEDULE 1B

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

(14) DEMOLITION/CONSTRUCTION MANAGEMENT REQUIREMENTS

Prior to any demolition or construction works commencing on site, the applicant shall install protective plastic sheeting along the length of the existing metal palisade fence atop the southern boundary wall to minimise the transference of dust and other debris into the adjoining retirement village. Details shall be provided to the satisfaction of the Director City Planning prior to the issue of any Construction Certificate or the commencement of works whichever occurs first.

(15) GENERAL HERITAGE

Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

(16) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MINOR WORKS

Prior to a Construction Certificate being issued, an archival photographic record of all the structures and walls to be demolished is to be prepared to the satisfaction of the Director City Planning in accordance with the NSW Heritage Office guidelines. The photographic record is to include black and white archival quality 35mm photographs, coloured photographs, proof sheets, negatives and photographic location reference sheets. The record is to be in an A4 format and is to be placed in an appropriate archival folder and include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record. Written confirmation that the Council reserves the right to use the photographs for its own purposes and genuine research purposes is also to be included. One copy of the record is to be lodged with Council.

(17) ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.
- (g) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.

- (h) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

- (18) USE OF CONSERVATION ARCHITECT**
- (19) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**
- (20) CLASSIFICATION OF WASTE**
- (21) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**
- (22) EROSION AND SEDIMENT CONTROL – MORE THAN 2,500SQM**
- (23) LANDSCAPING OF THE SITE**
- (24) UTILITY SERVICES**
- (25) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**
- (26) ACCESS AND FACILITES FOR PERSONS WITH DISABILITIES**
- (27) ALIGNMENT LEVELS**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (28) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (29) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (30) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (31) LIGHTING OF SITE OUTSIDE OF STANDARD CONSTRUCTION HOURS**
- (32) NOTIFICATION OF EXCAVATION WORKS**
- (33) EROSION AND SEDIMENT CONTROL**
- (34) HAZARDOUS AND INDUSTRIAL WASTE**
- (35) COVERING OF LOADS**
- (36) VEHICLE CLEANSING**

- (37) LOADING AND UNLOADING DURING CONSTRUCTION**
- (38) NO OBSTRUCTION OF PUBLIC WAY**

SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

BACKGROUND

The Site and Surrounding Development

1. Foley Park is located at the intersection of Glebe Point Road and Bridge Road Glebe. The site is approximately 6,000sqm in size and forms one of the area's largest neighbourhood parks. The Park's official name is H J Foley Reserve and was named after a former Mayor and local community campaigner.
2. The Park is owned by the Department of Lands (Crown Land) while the City of Sydney is the Trust Manager for its care and control. The Department of Lands was properly notified of Council's intention to lodge a development application for the site in accordance with Clause 49(2) of the Environmental Planning and Assessment Regulation 2000 on 6 November 2006.
3. Built structures within the park include a war memorial, the Wireless House, a baby health clinic, a works depot, toilet block and children's playground. The park was also the site of Hereford House (built 1829, demolished 1929).
4. Immediately adjoining the Park to the south is St John's Church and Retirement Village, which addresses St Johns Road. To the west, along Bridge Road is a three storey residential apartment building with two storey terrace housing beyond. To the east, on the opposite side of Glebe Point Road are two storey commercial/retail buildings. To the north, on the opposite side of Bridge Road is two storey terrace housing and a two storey commercial building on the corner of Glebe Point Road.
5. Foley Park is identified as a heritage item under the Leichhardt LEP 2000. Significant elements within the park include the Wireless House, baby health clinic, the war memorial, sandstone boundary walls and Fig tree plantings.
6. Photographs of the site are provided below:



Photo 1: View across Foley Park towards Glebe Point Road.



Photo 2: The existing Wireless House located in the centre of the park.



Photo 3: Existing children's playground in north-west corner of the park proposed to be relocated to the south-west corner away from the interface with Bridge Road.



Photo 4: Existing toilet block in the south-west corner of the Park proposed to be demolished.



Photo 5: Existing baby health clinic proposed to be relocated to an off-site location and the building demolished to make way for the new children's playground.



Photo 6: Existing entry to the Park from Glebe Point Road. It is proposed to upgrade this entry in order to provide an accessible entry point. The existing sandstone walls, associated with the historical Hereford House, are to be retained.



Photos 7 & 8: Existing pathways within the park are proposed to be upgraded to provide a better level of accessibility.



Photo 9: Aerial photograph of Foley Park with key elements noted.

7. A site location Plan is provided at **Attachment A**.

History of Development Applications Relevant to this Site

8. There are no development applications that are considered relevant to the proposed development. However, there is an adopted Plan of Management (PoM) for the park and a Concept Design Plan which was endorsed by Council in September 2005 and September 2006 respectively.
9. The PoM provides the basis for Council's ongoing management, enhancement and maintenance of the park. The overall vision of the PoM is:

Foley Park shall be conserved and enhanced as a community "village green" for Glebe interpreting the site's diverse historical past, incorporating improved access and visual connections to adjoining street frontages and providing enhanced family passive recreational amenity."

10. The PoM also includes a staging plan for the implementation of a Concept Design Plan which was a precursor to the current Development Application. It was endorsed by Council in September 2006 and developed in consultation with the local community and in accordance with the principles established in the PoM.

Pre-Development Application Discussions

11. Limited pre-DA discussions have taken place with the applicant with respect to the proposed development. Issues discussed included the requirement for the DA to be consistent with the adopted Plan of Management and the requirement for the submission of a Heritage Impact Statement, addressing the significant elements of the park given its listing as a heritage item.

PROPOSAL

12. This application proposes an upgrade to Foley Park including the demolition of existing buildings (with the exception of the Wireless House), generally consistent with the adopted Plan of Management and Concept Design Plan for the park.
13. Specifically, the development application is seeking consent for:
 - (a) Installation of an interpretive display (public art) for the retained Wireless House;
 - (b) Interpretation of the footprint of the former Hereford House through paved areas. The former verandah of the house is interpreted as a concrete slab which forms a multi-use area and encircles a turf/decomposed granite area where the body of the former house stood;
 - (c) Demolition of the existing baby health clinic building and its relocation of a new offsite location (St. Helens Centre adjacent Glebe Library);
 - (d) Demolition of the existing toilet block and replacement with a new toilet block in the north-west corner (adjacent to Bridge Road entry) containing one male, one female and one accessible toilet;
 - (e) Removal of the existing child play area and replacement with new play areas in the western part of the park including a sand pit with waterplay, swings, a slide, spinning and rocking spinning pieces and rope mesh climbing unit;
 - (f) Upgrade of the area around the existing war memorial to accommodate visitors on peak occasions such as Anzac Day;
 - (g) Improvements to the Glebe Point Road entry to the park to provide a better level of access. The existing sandstone boundary walls (associated with the former Hereford House) are to be retained along the Glebe Point Road and Bridge Road frontages;
 - (h) New and upgraded pathways within the park to provide improved pedestrian movement and access for the aged and disabled;
 - (i) New lighting is proposed to the entry and pathway areas of the park; and
 - (j) Removal of a number of existing trees within the proposed village green and adjoining framed turfed area to the west and replacement with new plantings in adjacent locations.

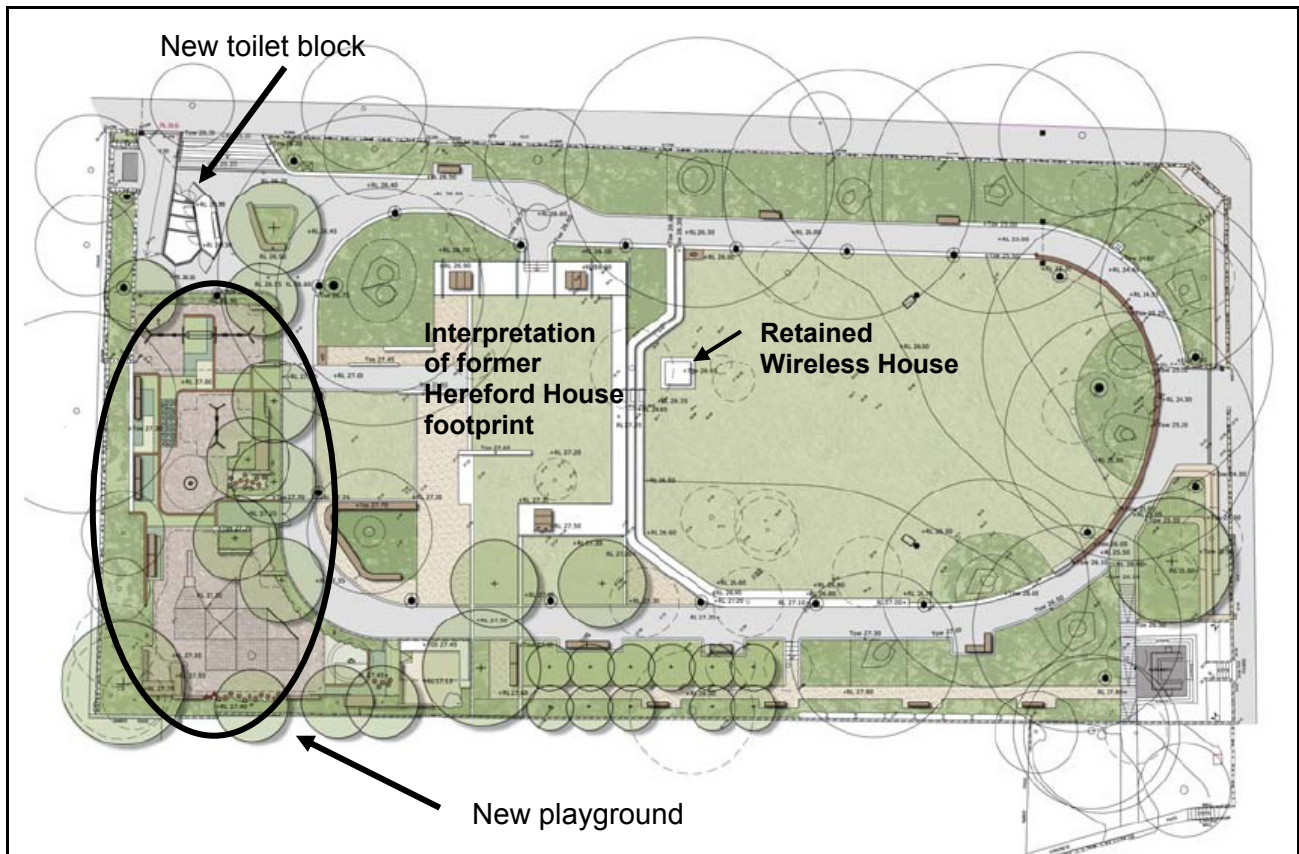


Figure 1: Plan of proposed upgrade showing major features.

- Plans, elevations and photomontages of the development are provided at **Attachment B**.

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

- An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been made, including the following:-

Section 79C(1)(a) Environmental Planning Instruments, DCPs and Draft Instruments

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs) and REGIONAL ENVIRONMENTAL PLANS (REPs)

- The proposed development is subject to the provisions of State Environmental Planning Policy No. 55 – Remediation of Land. SEPP 55 provides for a State-wide planning approach to the remediation of contaminated land. In particular, the Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.
- The DA was supported by a Stage 1 Preliminary Site Investigation (PSI) which recommended that *“no further investigations were required at the site in its current conditions”*. However, the report stated that *“if the site is to be redeveloped and any potential earthworks are required, the underlying soil material should be analysed to assess the potential nature and extent of contaminants in the soil”*.

18. In this regard, further investigations will be required in order to assess the likelihood of any contaminants in the soil potentially disturbed as a result of the earthworks required for the park upgrade. Appropriate certification will need to be provided to verify that the site can be made suitable for its proposed use.
19. A deferred commencement requirement is included as part of the recommendation which requires certification from a suitably qualified consultant verifying that the site can be made suitable for its intended use to satisfy the requirements of State Environmental Planning Policy 55 - and the City of Sydney Contaminated Land DCP 2004.

LEPs and DCPs

Leichhardt Local Environmental Plan 2000

20. Compliance of the proposal with the LEP controls is summarised below:

COMPLIANCE WITH LEICHHARDT LEP 2000

Development Controls	Permissible under Leichhardt Local Environmental Plan 2000	Proposal as assessed Leichhardt Local Environmental Plan 2000
Zoning CI 24, 25 & 26	The site is zoned Open Space	Permissible with consent.
Heritage Conservation CI 15 & 16	The site is listed as a heritage item under Schedule 2 and is located within a Conservation Area	The proposal does not adversely affect the heritage significance of the site and/or the heritage significance of the Conservation Area. Refer to Issues section of report.

COMPLIANCE WITH THE LEICHARDT DCP 2000

Part C – Non-Residential

21. Compliance of the proposal with DCP Part C is summarised below:

Matter to be Considered	Compliance	Comment
Landscaping Part C1.3	✓	Complies: The proposed upgrade of the landscaping within the park is suitable for its intended use. Proposed new planting involves the use of low-water demand native and exotic species and has been designed to complement the existing trees and vegetation to be retained within the park. With the exception of 2 Fig trees that are in poor health, all significant trees within the park are to be retained. Refer to Issues section of report.
Site Facilities Part C1.5	✓	Complies: New toilet facilities are to be constructed in the south-western corner of the park to replace the existing toilet block and improve the current level of amenities. The new toilet block has been designed in accordance with crime prevention principles. Refer to Issues section of report.
Playgrounds Part C4.4	✓	Complies: The proposed new child play equipment areas have been appropriately sited in the western area of the park to minimise impacts on established vegetation and maximise the open areas for recreation within the park. The proposed child play equipment will be designed and constructed to comply with the relevant Australian and NSW Standards and licensing requirements. The proposed child play areas have been suitably designed and located to permit parent supervision.

Matter to be Considered	Compliance	Comment
Public Domain Part C4.5	✓	Complies: The proposed park upgrade will provide safe, efficient and functional areas of public open space within the park which will cater to a range of active and passive recreational uses. The additional lighting will improve the safety and security of the park, while allowing a better appreciation of the park from the road frontages.

Other DCPs

City of Sydney Heritage DCP 2006

22. Foley Park is listed as a heritage item under the Leichhardt LEP 2000. There are a number of elements within the park that have been identified as having a level of heritage significance including the War Memorial, Wireless House, Baby Health Clinic, the sandstone walls and Fig tree plantings.
23. A full discussion of heritage issues is contained in the Issues section of this report.

Access DCP 2004

24. One of the aims of the City of Sydney Access DCP 2004 is to ensure the provision of equitable and safe access to areas within the public domain. The proposed upgrade of the existing pathways within the park and the provision of new paved areas will allow for a better level of access for persons with limited mobility. The pathways will have compliant gradient levels. In this regard, the provisions of the DCP have been satisfied.

Issues

25. The issues identified in the above instruments/policies as non-complying or requiring further discussion in the abovementioned tables are discussed in detail below:

Heritage

26. The site is listed as a heritage item under Schedule 2 of the Leichhardt LEP. Foley Park has high local significance as public open space in the form of a rest park which has evolved on the site of the villa Hereford House which was demolished in 1929. The site of the house provides evidence of the original subdivision of Glebe. It is also important for the social historical connection with the Teachers' Training College. The park is named after Dr HJ Foley, a local medical practitioner and former Glebe Mayor, who campaigned for the property's conversion to a rest park. It is held in high esteem by the local community.

27. There are a number of elements within the park that contribute to its overall significance and an assessment of each element in terms of the potential heritage impacts is provided below:

The Wireless House

28. The Wireless House is an unusual and significant building within the park. It is the first example of its type in NSW and the building is intact. It dates from a key period of public broadcasting in NSW and makes a positive contribution to the park.
29. This small building is located centrally in the lawn area. Erected during the mid 1930s, possibly as the first in Australia, the building provided a place for the community to come and listen to radio (wireless) broadcasts. While it has no current functional use in the park or outside community, it provides a unique element of the park's heritage and has potential for appropriate interpretation to assist the community in understanding its past function.
30. The 2005 Plan of Management proposes its relocation to another area of the park. This would require it to be demolished and rebuilt and as such would diminish its significance. This is not supported and interpretation, possibly through adaptation of its fabric and contemporary expression of its function, is recommended on its original site.
31. It is recommended that the Wireless House be retained *in situ* and an appropriate public art strategy be implemented. The DA originally proposed to demolish the Wireless House but following community consultation and an assessment of its level of heritage significance, the building is recommended for retention. A suitable condition is recommended.

The Baby Health Clinic

32. The Baby Health Clinic is proposed to be demolished and the service relocated off-site to the St Helen's Community Centre on Glebe Point Road.
33. The Baby Health Centre is a good example of a post war purpose built centre that is highly intact and located in the park. It dates from a key period of centre construction in NSW and makes a positive contribution to the park.
34. The community workshops for the Plan of Management identified that the continuation of the existing Glebe Health Care facility function was appropriate in its current form, subject to all lease conditions being met. It was noted however that should the Baby Health function be able to be practically located to an alternative location, that demolition of the building would enable better community use of this section of the park.
35. Whilst it is acknowledged that the Baby Health Clinic makes a positive contribution to the park, its demolition is supported on the basis that the area it currently occupies can be better utilised as open space as a children's playground relocated away from its current interface with Bridge Road. The siting of this building and associated plantings has created areas of low visibility to the west and south which raises security issues about the use of those areas which are presently fenced off from the main spaces of the park.
36. A condition is recommended which requires the archival recording of this building prior to demolition.

The War Memorial

37. The War Memorial is a very significant commemorative structure which is highly intact. It dates from the key period of memorial construction in NSW and makes a positive contribution to the park and the streetscape.
38. The 2005 Plan of Management proposes the removal of the brick wall, fence and steps of the War Memorial to create an expanded paved area and stepped seating both of which is proposed to extend into the St John's Church grounds. This would have a negative impact on the significance of the War Memorial composition.
39. Whilst a full restoration of the memorial is outside the scope and budget for the park upgrade, the existing setting of the war memorial will be maintained and the steps and brick walls retained and stabilised where necessary. Access around the War Memorial, which has been identified as an issue in the Plan of Management, will be improved. The existing red coloured concrete path along the front of the war memorial will be replaced by a new concrete path and extended around the northern side to tie into a new path along the back of the memorial. This will improve direct access between the memorial and the park and address current safety issues. The sloping gravel area in front of the memorial will be terraced with concrete steps to address the current erosion problems and provide additional standing areas for people attending ANZAC day services.
40. The proposed works are acceptable in principle as they will improve appreciation of Memorial and create a better commemoration space. However, further details of the paving and conservation works are required as there is the potential to adversely affect the original setting of the War Memorial unless the works are carried out sympathetically. A suitable condition is recommended.

Remnant sandstone walls associated with the former Hereford House

41. The sandstone wall along Glebe Point Road is to be largely retained and incorporated into the design of the entry. The design has been further developed to better address the significance of this wall while still achieving the design objective for this area, which is to improve pedestrian amenity and safety along Glebe Point Road. The footpath is only about 2m wide in this location, with a bus stop immediately to the north of the War Memorial. During ANZAC Day services people currently congregate around the front of the memorial on the footpath and in the roadway. Portions of these remnant walls will be recapped with compatible sandstone. The broken segments behind the existing bus stop seat will be dressed and re-used a paving in the area of the removed portions of wall.

Trees

42. As submitted, the DA did not propose the removal of any significant trees in the Park. The existing Fig trees around the perimeter are to be retained and protected during the construction period.
43. However, following an inspection by Council's Tree Management Officer and an independent arborist, there are two existing Fig trees adjacent to the children's playground which are in poor health and require removal. Both of the trees were recommended for removal based on their declining health, poor form and future hazard potential.

44. The public exhibition of the DA indicated that all Fig trees would be retained. However, in light of the condition of the two Figs identified, removal is considered to be the only option to ensure public safety.
45. There are a number of smaller exotic and native trees and shrubs which are proposed to be removed as part of the upgrade. This is acceptable to Council's Tree Management Officer subject to the imposition of suitable conditions in relation to the protection, removal, transplanting and replacement trees. These conditions are included in the recommendation.

Safety and Security

46. The proposed upgrade of Foley Park will address some of the current safety and security issues in and around the park by providing improved lighting, better visibility into the park from the street frontages by the removal of thick undergrowth and a new toilet block adjacent to the Bridge Road entry to replace the existing amenities in the south-western corner of the park. The proposed new toilet block has been designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). The toilet block is to be located in a more visually prominent location adjacent to Bridge Road allowing for better passive surveillance. The proposed materials and finishes of the toilet block are robust and vandal resistant.



Figure 2: Proposed new toilet block.

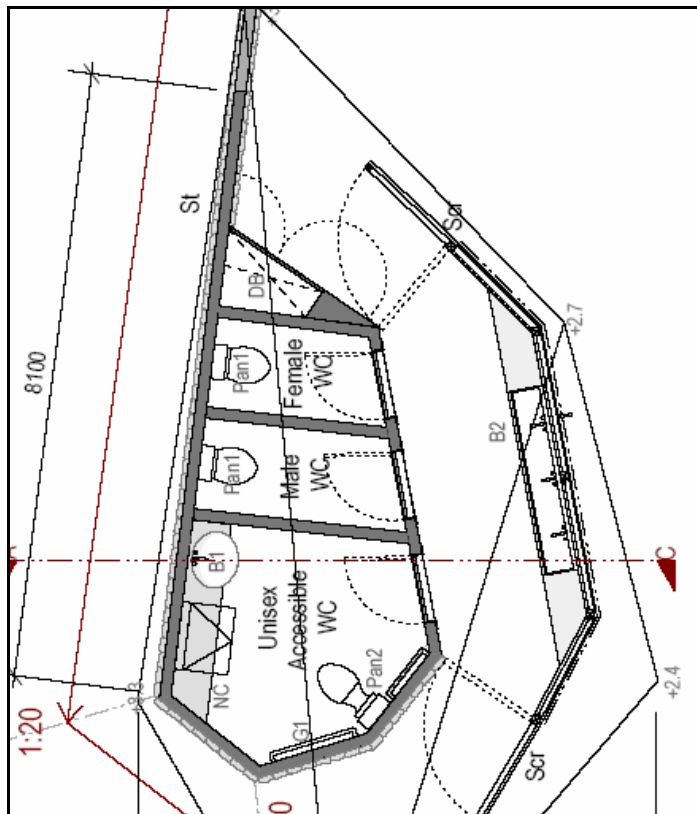


Figure 3: Design of proposed new toilet block. The hand washing area is located behind a semi-transparent wall which will discourage loitering and reduce opportunities for anti-social behaviour

47. However, concern is raised about the potential safety issues associated with the proposed children's sandpit located along the southern wall of the park. The DA was referred to Council's Safe City Unit and the NSW Police who both raised concern about the potential safety risks associated with the sandpit and recommended that it be deleted from the proposed upgrade. The sandpit presents a significant safety risk in terms of discarded needles and animal faeces.
48. There is an existing community sharps bin located along the southern wall of the park adjacent to the existing picnic tables. The location of the existing bin, and its proximity to the proposed sandpit, is shown in the photograph below.

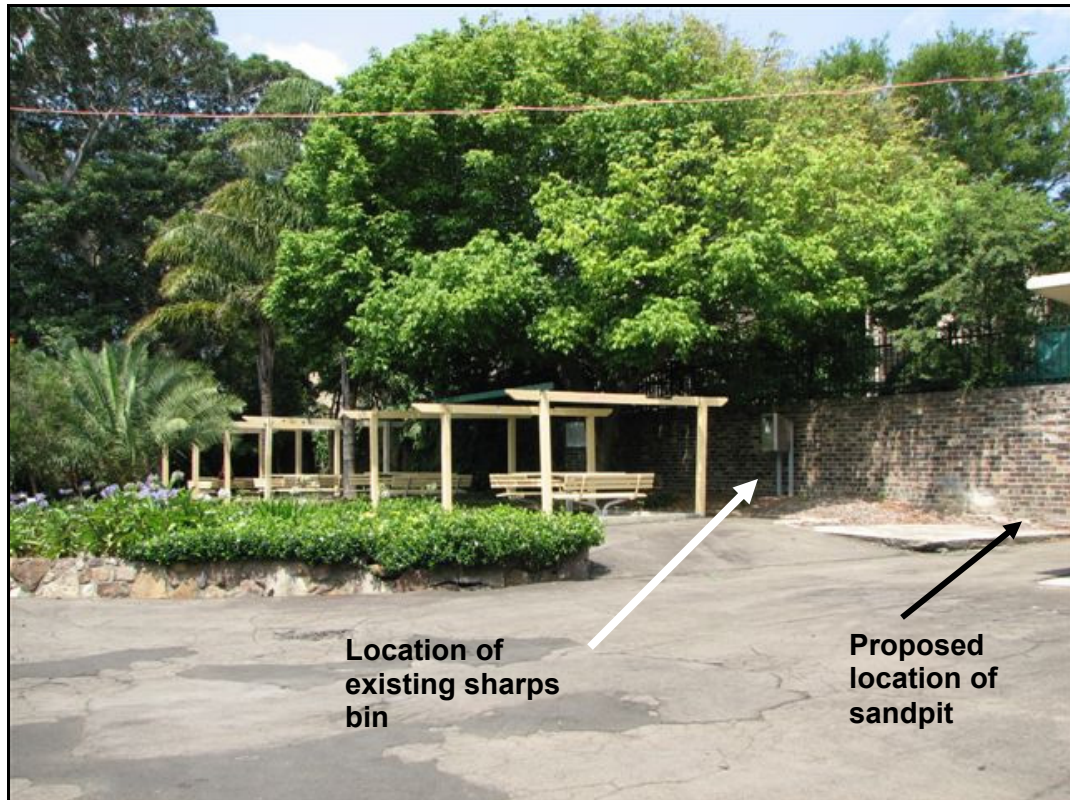


Photo 12: Location of existing sharps bin, showing proximity to proposed sandpit

49. It is proposed to relocate the sharps bin to the new toilet block adjacent to the Bridge Road entry. The new location is shown in Figure 4 below. This is a better location given the proposed, improved lighting and passive surveillance of the new toilet area. Whilst the proposed relocation of the sharps bin to the new toilet block is supported, it is inevitable that regular drug users may continue to return to the sharps' bin present location and if there is no bin available, discard needles in the proposed sandpit or playground area.

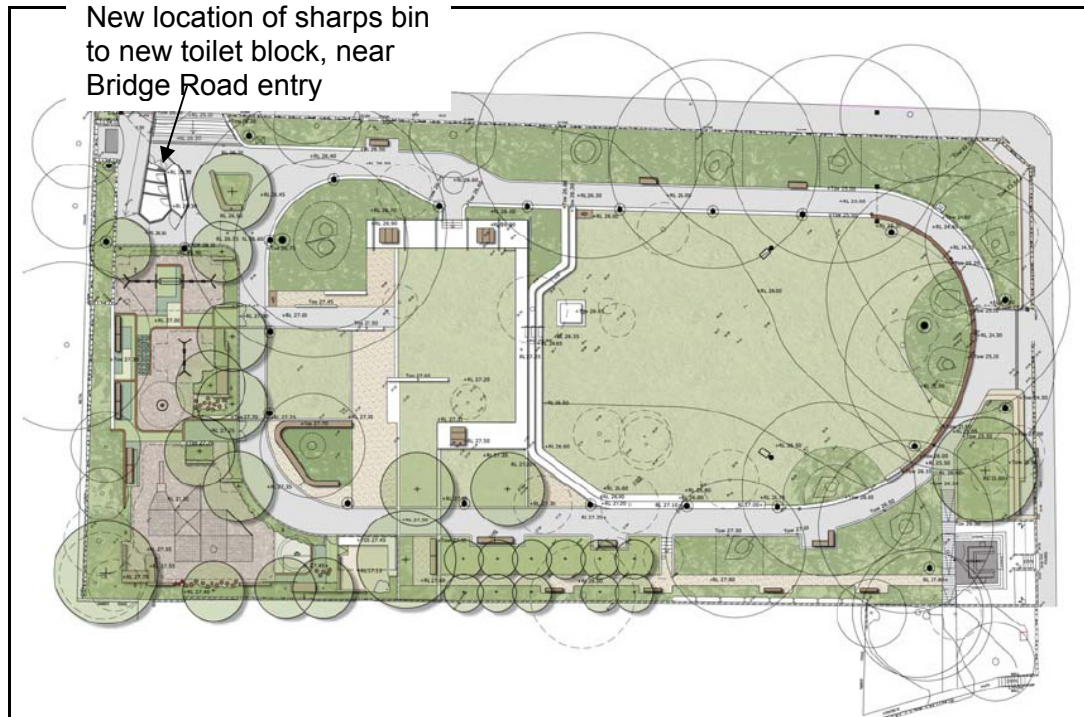


Figure 4: Proposed relocation of sharps bin

50. The DA was supported by a risk assessment of the sandpit and made a number of recommendations in order to ensure that the sandpit was used and maintained appropriately. The report recommended that heavy vinyl covers (which rely on carers/parents to remove/replace each day) be provided along with a rake (or sieve), adequate lighting, fencing and fewer seats to discourage drug users. The report concluded that the benefits of a sandpit to the community outweigh the risks associated with it.
51. However, in accordance with the advice received from Council's Safe City Unit and the NSW Police, it is recommended that the sandpit be deleted from the children's play area. A suitable condition is recommended.
52. A condition is also recommended that appropriate signage be placed on the wall where the existing sharps bin is located, to notify users that the bin has been relocated to the new toilet building, near the Bridge Road entry.

Section 79C (1) (b) Other Impacts of the Development

53. The proposed development will not result in any additional impacts other than those already identified and discussed above.

BCA Matters

54. The proposal is capable of satisfying the requirements of the BCA without significant modification.

Section 79C (1) (c) Suitability of the site for the development

55. The site is suitable for the proposed development. The site will remain as a public park.

Section 79C (1) (e) Public Interest

56. The proposal will contribute positively to the social welfare of the community by providing for an upgraded and more accessible Park environment that will provide increased opportunities for both active and passive recreation for a wide variety of user groups in a location which is readily accessible on foot from the Glebe commercial centre and surrounding residential areas. In this regard, the proposal is considered to be in the public interest.

POLICY IMPLICATIONS

57. Not applicable to this report.

FINANCIAL IMPLICATIONS/SECTION 94 CONTRIBUTIONS

58. The development is not subject to any Section 94 Contributions.

PUBLIC CONSULTATION

Section 79C (1) (d)

Notification and Advertising

59. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.
60. As a result 18 submissions were received. 15 submissions are from individuals, one submission is from the National Trust, one submission is a petition with 101 signatures and one submission is from the Glebe Society – albeit provided under three cover letters of different members of the Society. The grounds for objection are summarised as follows:

(a) *Objection to the demolition of the Wireless House*

Comment: It is recommended that the Wireless House be retained *insitu* due to its level of heritage significance within the Park. The retained Wireless House building shall be appropriately interpreted by a public art strategy which will be required to be implemented. A suitable condition is included in the recommendation.

(b) *The Wireless House should be retained but adaptively re-used/presented as a public art sculpture.*

Comment: It is recommended that the Wireless House be retained *insitu* and an appropriate public art strategy be implemented which will interpret the history and significance of the Wireless House.

- (c) *The Wireless House should be repositioned on the perimeter of Foley Park and the interpretive plinth and audio installation provided in its current position. It shouldn't remain in its current site as Glebe needs an uninterrupted stretch of grass to see and enjoy.*

Comment: Retaining the Wireless House in its present location will have only a minimal impact upon the visual qualities of Foley Park. The Wireless House has been in its current location since it was constructed in the 1930s and it is considered that the park can continue to function effectively as a "village green" with the House retained *insitu*.

- (d) *Support for the demolition of the Wireless House and replacement with an interpretive display. The building interrupts sight lines within the park and detracts from the proposed interpretation of Hereford House. The building itself is not of heritage significance but the history of the site. Retaining the Wireless House and making it into a piece of sculpture is inappropriate.*

Comment: The Wireless House is recommended to be retained in its current location and an appropriate public art/interpretation strategy is implemented.

- (e) *The baby health clinic should be retained and converted in part to a kitchen for an outdoor café. This would encourage people to come to the park and make the playground safer. The building is large enough to house a small café and health clinic.*

Comment: The 2005 Plan of Management (PoM) recommended that the function of the Baby Health Clinic be relocated to a new offsite location and the area it currently occupies be returned to open space to better utilise the park. The DA is consistent with the PoM and whilst the building has been identified as making a positive contribution to the park, its demolition is supported on the basis that the area can function more effectively as open space. Its purpose built function makes any other adaptive use difficult and its siting inhibits the options for future planning.

- (f) *Concerns about transference of dust etc during construction into the retirement village adjacent.*

Comment: It is recommended that protective measures including plastic sheeting along the top of the existing boundary wall be installed prior to any demolition or construction works commencing. A suitable condition is recommended.

- (g) *Requirement for the protection of the existing frangipani tree in the grounds of the retirement village*

Comment: The proposed construction works are unlikely to cause any damage to the existing tree in the grounds of the adjoining retirement village as there are no works planned to the brick wall between the properties. Notwithstanding that, a suitable condition is included in the recommendation which requires the applicant to implement suitable tree protection measures.



Frangipani tree in neighbouring retirement village to be suitably protected during demolition/construction works

Existing toilet block to be demolished. There are no works to the boundary wall.

- (h) *Objection to the demolition of the toilet block – it only needs some renovation and painting*

Comment: The existing toilet block is located in a poor position and the space could be better utilised for the children's playground. The proposed new toilet amenities, located adjacent to the Bridge Road entry to the park, are acceptable and will reduce opportunities for anti-social behaviour. The local police have previously expressed concern about the existing toilets in terms of anti-social behaviour.

- (i) *The baby health clinic does not cause problems for visitors to the park and provides facilities to the community. Its demolition is unnecessary.*

Comment: The current function of the Baby Health Clinic is to be relocated offsite to the St Helen's Community Centre. The area occupied by the Baby Health Clinic will then be incorporated into the park as a children's play area.

- (j) *The full upgrade of the park is unnecessary. The existing grassed areas only need replacement topsoil/ Spending huge amounts of money to beautify an already adequately beautiful park seems obscene.*

Comment: Council resolved in 2005 that Foley Park would be upgraded to provide a better level of open space amenity for the community. The proposed scope of works under this DA are considered appropriate in light of the recommendations made in the Plan of Management in 2005.

- (k) *The existing picnic tables along the southern boundary should be provided with weather protection*

Comment: The DA proposes the demolition of the existing picnic tables and their replacement with new tables as they are a detracting element within the park.

- (l) *It is unfair that the public consultation period included the [Christmas] holiday period.*

Comment: The DA was advertised and notified in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications DCP 2005. The DA was on exhibition from 1 December until 29 December 2006 for a period of 28 days. To take into account the Christmas period, the DA was exhibited for an additional 7 days on top of the required 21-day notification period. In addition, any late submissions received after the notification period have been considered.

- (m) *Objection to the proposal to build an underground parking station under Foley Park at some time in the future. This would attract more cars, noise pollution and safety concerns associated with parking stations.*

Comment: There is no proposal for an underground car park at Foley Park. This idea was raised by the Glebe Chamber of Commerce as part of their submission to Council about the revitalisation of Glebe Point Road. The Chamber of Commerce suggested underground parking as a way of addressing some parking concerns on Glebe Point Road. However, Council has no intention of pursuing this idea. Underground parking at Foley Park does not form any part of the current DA.

- (n) *Objection to the removal of trees and replacement of lawns and gardens with pavements.*

Comment: There is only a minor increase to the total amount of paved areas within the park, largely as a result of the interpretation of the footprint of the former Hereford House and a new path at the rear of the War Memorial. The central grassed area will be retained as a "village green". The trees proposed to be removed are largely exotic species which will be replaced with native trees and shrubs.

- (o) *Objection to the increased area of paving, particularly around the War Memorial. The park should not be transformed into some kind of parade ground for memorializing war. If a bigger event on Anzac is required than Glebe Point Road should be closed for the morning of Anzac Day out of respect for the veterans.*

Comment: The only increase to the amount of paving around the War Memorial is at the rear where there is currently no access. Given its high level of significance within the park, the works to the Memorial are appropriate.

- (p) *The proposed seats along the new path from the war memorial to the playground are too close to the brick wall along the church property and present a security issue. The seats should be moved at least 2.5m from the wall or eliminated altogether.*

Comment: There is limited seating proposed along the southern boundary wall of the park (four in total) and they are set back approximately 1.5m from the wall. In this regard, it is unlikely that persons will be able to scale the wall. The proposed location of the seating is acceptable.

- (q) *Can the row of deciduous trees be limited in height to 3m to ensure that sunlight to the retirement village's drying area is not reduced?*

Comment: The plantings along the southern boundary wall are proposed to be Crepe Myrtle trees, planted as 400L pots. The species is deciduous and likely to grow to a maximum of about 5m. The existing height from the ground level of the park to the top of the existing fence is approximately 3m. It is considered that appropriate pruning of these trees can be dealt with as part of the on-going management and maintenance of the park rather than a DA condition.

- (r) *The current 4 elevated lights intrude on St John's Village residents – can the new lights be hooded to provide divergent shading?*

Comment: A condition is recommended that the floodlights and pole mounted uprights must not be positioned or installed so as to cause excessive or adverse light spill into the adjoining St John's Retirement Village.

- (s) *The seating should be separated to discourage problem gatherings leading to anti-social behaviour, generally at night.*

Comment: Unlike the existing park layout, the proposed new seating is scattered through out the park to encourage passive surveillance of various areas within the park.

EXTERNAL REFERRALS

NSW Police

61. The DA was referred to the NSW Police in accordance with the Development Application Protocol. The Police provided some initial verbal comments raising concern about the proposed sandpit but no written comments have been received to date.

INTERNAL REFERRALS

62. The application was referred to Council's Specialist Surveyor; Specialist Health Surveyor; Heritage Architect; Tree Management Officer and Safe City Project Co-ordinator.
63. No objection to the proposed development was raised, subject to the imposition of appropriate conditions which have been included in the recommendation and/or discussed in this report.

RELEVANT LEGISLATION

64. The Environmental Planning and Assessment Act 1979.

OPTIONS

65. The Committee may or may not concur with the recommendations of this report.

CONCLUSION

66. The proposed upgrade of Foley Park is generally consistent with the adopted Plan of Management and Concept Design Plan. The scope of works will provide for a greater area and a more efficient and functional use of public open space, enhance the visual setting of the park and provide opportunities for active and passive recreation, while improving pedestrian access both to and throughout the park.
67. The proposal recognises and provides for the retention and/or interpretive adaptation of existing and former significant historical buildings, structures and landscape elements within the park including the Wireless House, the former Hereford House and the remnant sandstone walls.
68. The proposal will result in safer and more secure environment for users of the park and will not give rise to any significant adverse environmental impacts on adjoining or surrounding properties.
69. The DA is recommended for approval, subject to conditions.
70. It is recommended that the period after which the development consent will lapse be two years.

GIOVANNI CIRILLO

Acting Director City Planning

(Francesca O'Brien, Senior Planner)