

## 3 BASIS FOR MANAGEMENT

### 3.1 Introduction

This section comprises the Basis for Management for Callan Park. It describes the legislative and policy framework applying to the site, and the community's aspirations and direction for it.

### 3.2 Planning context

#### 3.2.1 Introduction

Callan Park is governed by a comprehensive legislative and planning framework as outlined below. This framework represents the interests of both State and local government, and the community.

#### 3.2.2 Callan Park (Special Provisions) Act 2002

The main legislation that is relevant to the Master Plan and all future planning of Callan Park is the *Callan Park (Special Provisions) Act 2002* (the Callan Park Act) which commenced on 24 December 2002. Callan Park is a unique site, such that it has a specific Act applying to it.

The Act provides the framework for a very clear vision for the site. The Long Title of the Callan Park Act describes its purpose well:

***'An Act to preserve the public ownership of Callan Park; to protect its current features and restrict its future use; and for other purposes.'***

The Callan Park Act determines how the site is to be used and managed. It limits permitted land use on the site to health, community and education facilities. Further, such community and education facilities must provide services on a 'not-for-profit' basis (refer to **Section 3.5**).

The Callan Park Act uniquely limits land use and the application of environmental planning instruments, overriding certain provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Callan Park Act describes how land should be leased, and includes controls on building envelopes, floor area and retention of existing open space (refer to **Section 3.6**).

The Callan Park Act requires that the environmental planning instruments that apply to the site are those that existed immediately before the Act commenced on 24 December 2002. The primary environmental planning instruments that are so 'frozen in time' are:

- State Environmental Planning Policy 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56).
- Sydney Regional Environmental Plan No 22 – Parramatta River (SREP 22).
- Leichhardt Local Environmental Plan 2000 (LEP).

In addition, Callan Park is a State Heritage item and the Callan Park Act specifically notes that the *Heritage Act 1977* applies to the site.

The application of these instruments to Callan Park is set out below. This legislation will also apply to any development application submitted for Callan Park.

### **3.2.3 State Environmental Planning Policy 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56)**

SEPP 56 was prepared to co-ordinate the planning, use and development of land comprising the foreshores of Sydney Harbour and its tributaries. SEPP 56 does this by providing guidelines for any development, preparation of Master Plans for strategic foreshore sites, identifying areas of State significance, and providing clear consultation procedures for planning and development of all foreshore locations.

SEPP 56 determines that Callan Park is of State significance, and that a Master Plan for such a State-significant site should be prepared.

Clause 19(2) of SEPP 56 requires that a master plan for a site of State significance should illustrate and explain, where appropriate, proposals for the following aspects:

- a) Design principles drawn from an analysis of the site and its context
- b) Phasing of development
- c) Distribution of land uses including foreshore public access and open space
- d) Pedestrian, cycle and road access and circulation networks
- e) Parking provision
- f) Subdivision pattern (not relevant)
- g) Infrastructure provision
- h) Building envelopes and built form controls

- i) Heritage conservation, implementing the guidelines set out in any applicable conservation policy, and protection of archaeological relics
- j) Remediation of the site
- k) Provision of public facilities
- l) Provision of open space, its function and landscaping
- m) The impact on any adjoining land that is reserved under the *National Parks and Wildlife Act 1974* (not relevant).

The Master Plan and Plan of Management for Callan Park have been prepared in accordance with these requirements.

The Callan Park Act and the non-binding Memorandum of Understanding stipulate that future development of the site must be consistent with SEPP 56. SEPP 56 was repealed in 2005, but the Callan Park Act makes special provision for SEPP 56 to guide any future development on the site.

SEPP 56 identifies guiding principles and requirements which underpin the Master Plan for Callan Park. Guiding principles must be taken into consideration and, where possible, achieved in the preparation of master plans and environmental planning instruments. These guiding principles, which underpin the Master Plan for Callan Park, are set out in **Section 3.4**.

SEPP 56 also requires that the views of relevant public authorities and community groups are sought during preparation of a Master Plan. The consultation process during preparation of the Master Plan is outlined in **Section 1**. The outcomes of the consultation process and community engagement are detailed in the Master Plan Report.

SEPP 56 requires the Minister for Planning to approve a Master Plan before any consent for development on the site can be granted.

Once the final Master Plan has been adopted, SEPP 56 requires that the Master Plan be considered prior to granting of development consent and that the development is consistent with the Master Plan. SEPP 56 identifies that Leichhardt Council is the consent authority for development that is carried out on the Rozelle Hospital site.

### **3.2.4 Sydney Regional Environmental Plan No. 22 – Parramatta River (SREP 22)**

Whilst SREP 22 has been repealed, it remains relevant to Callan Park as the Callan Park Act ‘freezes in time’ the relevant environmental planning instruments to those that applied on 24 December 2002.

SREP 22 contains incentives for heritage conservation.

The Master Plan is consistent with the requirements of SREP 22. Any development application lodged will have regard to the provisions of SREP 22.

Further, there are consultation requirements in SREP 22 for ‘development control guidelines’ (such as a Master Plan) and for Plans of Management. These consultation requirements were

implemented as part of the consultation and approval process for the Master Plan and Plan of Management.

### 3.2.5 Leichhardt LEP 2000

The Leichhardt LEP 2000 is still in force. However as the Callan Park Act 'freezes in time' the relevant environmental planning instruments to those that applied on 24 December 2002, the version of Leichhardt LEP 2000 that applied at that time is relevant to Callan Park.

The Leichhardt LEP 2000 establishes environmental planning objectives, land use controls and heritage considerations for the Callan Park site, which is zoned for Public Purpose.

The Master Plan is not inconsistent with any of the requirements of LEP 2000. However, any development application lodged will have regard to the provisions of the LEP. In terms of the uses permitted in the Public Purpose Zone which applies to the site under LEP 2000, the uses proposed in the Master Plan fall within those uses permitted in the zone being specifically: car parking, community facilities, community gardens, educational establishments, hospitals (which includes a wide range of professional health care and ancillary services), passenger transport terminals, public amenities, public buildings, public transport stops, recreation facilities, roads, and demolition.

Refer to **Section 3.5** and **Appendix A** for permissible uses in Callan Park.

### 3.2.6 Heritage Act 1997

The Heritage Act identifies the entire Callan Park site as 'State Significant' and many of its features as 'State Significant' items.

Under Part 3B of the Heritage Act, the Minister may enter into a heritage agreement for items that are listed on the State Heritage Register (including those at Callan Park). Such an agreement can include provisions listed under Part B. However Part 3B of the Heritage Act may allow a relevant heritage item to be used for a purpose that would otherwise be prohibited under the Callan Park Act.

A Development Application for works to heritage items at Callan Park which are listed on the State Heritage Register will be integrated development under the EP&A Act, which require approval from the Heritage Council of NSW before consent may be granted. Such works include demolition, damage, excavation, development, alteration, and display of notices or advertisements.

### 3.2.7 Local Government Act 1993

The relevant provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* are included here because Leichhardt Council will be the consent authority for development of the site. Although Callan Park is not classified as Council-owned

'community land' under the Act, relevant provisions of the Act are included here as a management tool.

Requirements of the Local Government Act for preparation of a Plan of Management for and management of community land were set out in **Table 1.2**.

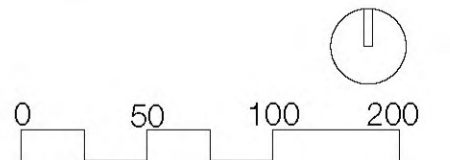
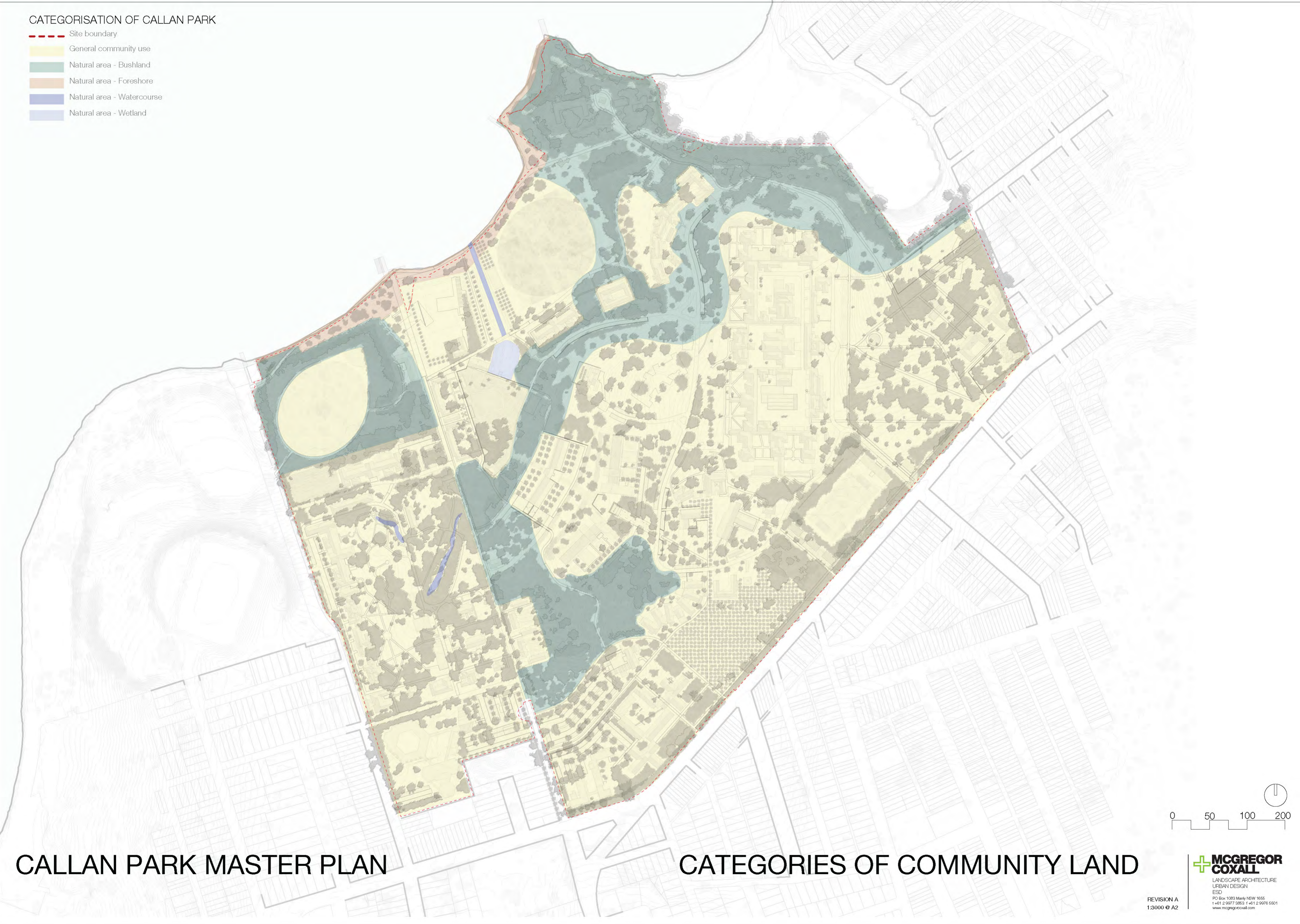
Land in Callan Park is proposed to be categorised according to the guidelines set out in the *Local Government (General) Regulation 2005* as 'General Community Use', 'Natural Area – Bushland', 'Natural Area – Foreshore', 'Natural Area – Watercourse', and 'Natural Area – Wetland'. Given the site's cultural heritage significance as a whole entity, the 'Area of Cultural Significance' category is proposed to apply to the whole of the site. **Figure 3.1** below shows the land covered by these categories.

The guidelines for categorising community land and core objectives for managing community land are outlined below.

**Figure 3.1 Categorisation of Callan Park**

CATEGORISATION OF CALLAN PARK

- Site boundary
- General community use
- Natural area - Bushland
- Natural area - Foreshore
- Natural area - Watercourse
- Natural area - Wetland



CALLAN PARK MASTER PLAN

CATEGORIES OF COMMUNITY LAND

REVISION A  
1:3000 @ A2

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**Table 3.1 Guidelines and core objectives for categories of community land**

Category	Guidelines	Core objectives
Area of cultural significance	<p>Land should be categorised as an area of cultural significance under section 36 (4) of the Act if the land is:</p> <p>(a) an area of Aboriginal significance, because the land:</p> <ul style="list-style-type: none"> <li>(i) has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or</li> <li>(ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or</li> <li>(iii) is of significance or interest because of Aboriginal associations, or</li> <li>(iv) displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or</li> <li>(v) is associated with Aboriginal stories, or</li> <li>(vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or</li> </ul> <p>(b) an area of aesthetic significance, by virtue of:</p> <ul style="list-style-type: none"> <li>(i) having strong visual or sensory appeal.</li> <li>(ii) including a significant landmark, or</li> <li>(iii) having creative or technical qualities, such as architectural excellence, or</li> </ul> <p>(c) an area of archaeological remains:</p> <ul style="list-style-type: none"> <li>(i) evidence of past human activity (for example below-ground features such as building foundations,</li> </ul>	<p>(1) to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.</p> <p>(2) Those conservation methods may include any or all of the following methods:</p> <ul style="list-style-type: none"> <li>(a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,</li> <li>(b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,</li> <li>(c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,</li> <li>(d) the adaptive reuse of the land, that is, the, enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the 'area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),</li> <li>(e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.</li> </ul> <p>(3) A reference in subsection (2) to any buildings erected on the land.</p>

Category	Guidelines	Core objectives
	<p>occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or</p> <p>(ii) any other deposit, object or material that relates to the settlement of the land, or</p> <p>(d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or</p> <p>(e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or</p> <p>f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.</p>	
General community use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<p><input type="checkbox"/> promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to:</p> <ul style="list-style-type: none"> <li>- public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.</li> <li>- purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul>
Natural Area	If the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore	<p><input type="checkbox"/> conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area.</p> <p><input type="checkbox"/> maintain the land, or that feature or habitat, in its natural state and setting.</p>

Category	Guidelines	Core objectives
	under section 36(5) of the Act.	<ul style="list-style-type: none"> <li><input type="checkbox"/> provide for the restoration and regeneration of the land.</li> <li><input type="checkbox"/> provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.</li> <li><input type="checkbox"/> assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.</li> </ul>
Natural Area – Foreshore	Land that is categorised as a natural area should be further categorised as Foreshore if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.	<ul style="list-style-type: none"> <li><input type="checkbox"/> maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area.</li> <li><input type="checkbox"/> facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</li> </ul>
Natural Area – Bushland	<p>Land that is categorised as a natural area should be further categorised as bushland if the land contains primarily native vegetation and that vegetation:</p> <p>(a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land.</li> <li><input type="checkbox"/> protect the aesthetic, heritage, recreational, educational and scientific values of the land.</li> <li><input type="checkbox"/> promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion.</li> <li><input type="checkbox"/> restore degraded bushland.</li> <li><input type="checkbox"/> protect existing landforms such drainage lines, watercourses and foreshores.</li> <li><input type="checkbox"/> retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to</li> </ul>

Category	Guidelines	Core objectives
Natural Area – Watercourse	Land that is categorised as a natural area should be further categorised as a watercourse if the land includes: (a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and (b) associated riparian land or vegetation, including land that is protected land for the purposes of the <i>Rivers and Foreshores Improvement Act 1948</i> or State protected land identified in an order under section 7 of the <i>Native Vegetation Conservation Act 1997</i> .	<p>survive in the long term.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> protect bushland as a natural stabiliser of the soil surface.</li> <li><input type="checkbox"/> manage watercourses so as to protect the biodiversity and ecological values of the in stream environment, particularly in relation to water quality and water flows, and</li> <li><input type="checkbox"/> manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and</li> <li><input type="checkbox"/> restore degraded watercourses, and</li> <li><input type="checkbox"/> promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.</li> </ul>
Natural Area – Wetland	Land that is categorised as a natural area should be further categorised as wetland under section 36 (5) of the Act if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.	<ul style="list-style-type: none"> <li><input type="checkbox"/> protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands.</li> <li><input type="checkbox"/> restore and regenerate degraded wetlands.</li> <li><input type="checkbox"/> facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of the wetlands.</li> </ul>

### 3.2.8 Other legislation

Other environmental planning instruments that were in force at 24 December 2002 will apply to Callan Park. Such instruments include:

- Disability Discrimination Act 1992.*
- Companion Animals Act 1998.*
- Water Management Act 2000.*
- State Environmental Planning Policy No. 55 (SEPP 55) – Remediation of Land 1998.

These planning instruments are of limited relevance to the Master Plan and Plan of Management, but will be of greater relevance to any development application lodged and for ongoing management of the site.

### 3.3 Community interests in the future of Callan Park

Community interests in the site were derived from the extensive consultation undertaken during preparation of the Master Plan.

At the beginning of the consultation process the Callan Park Task Force (comprising Councillors, Council staff, and representatives of user and community groups) identified several areas of interest that the Master Plan should address. In Stage 1 of preparing the Master Plan a survey was distributed at the Workshop held at Balmain Town Hall on 26 June 2010. This same survey was recreated on the project website between 28 June and 23 July 2010.

The surveys showed the main interests of people at the workshop and on-line respondents were Recreation and Open Space (74% online, 60% workshop) and Public Space/Community Space (61% online, 60% workshop). These main interests were followed by Community Groups, History/Heritage, Geography/Environmental, Mental Health, Educational and Cultural, Transport and Access, Contamination and Remediation, and Financial Modelling.

These interests are addressed in the Master Plan and the Plan of Management.

In the same survey, key expectations of the community for the Master Plan were to:

- identify ways to fund maintaining and improving Callan Park.
- identify new health, community and education facilities for Callan Park.
- allow sporting groups to continue to use Callan Park.
- confirm mental health services for Callan Park.

These expectations are also reflected in the Master Plan and the Plan of Management.

### **3.4 Objectives and principles for managing Callan Park**

#### **3.4.1 State government objectives**

The Master Plan has been prepared in close observance of the relevant objectives enshrined in legislation as set out below.

#### **Callan Park Act**

The objects of the Callan Park Act are to:

- a) ensure that the whole of Callan Park remains in public ownership and subject to development control.
- b) ensure that the preservation of 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 foreshores of Iron Cove on the Parramatta River.
- c) allow public access to that open space, including that foreshore, for public recreational purposes of both an active and a passive nature.
- d) preserve the heritage significance of Callan Park, including its historic buildings, gardens and other landscape features.
- e) Impose appropriate controls on the future development of Callan Park.

The Project principles developed in Stage 2 of the Master Plan were derived directly from the objects of the Callan Park Act.

#### **SEPP 56**

SEPP 56 identifies guiding principles and requirements which also underpin the Master Plan for Callan Park as follows:

#### ***Promote public access and use***

- ❑ increase public access to, and use of, land on the foreshore.
- ❑ recognise the fundamental importance of the need for land made available for public access, or use, on the foreshore to be in public ownership wherever possible.
- ❑ use appropriate tenure mechanisms to safeguard public access to, and public use of, land not in public ownership, and to ensure the rights of public authorities to determine the design of, and amenities on, the land over time.

- ❑ retain and enhance public access between existing foreshore open space areas.

### ***Conserve open space and heritage***

- ❑ conserve significant bushland and other natural features along the foreshore, where consistent with conservation principles, and their availability for public use and enjoyment.
- ❑ identify the suitability of the site or part of the site for significant open space that will enhance the Harbour foreshore open space network.
- ❑ protect significant natural (including marine ecological) and cultural heritage values.
- ❑ conserve items of heritage significance identified in an environmental planning instrument or subject to an order under the *Heritage Act 1977*.

### ***Enhance visual quality***

- ❑ protect and improve unique visual qualities of the Harbour, its foreshores and tributaries.

### ***Ensure appropriate scale and character of development and land use***

- ❑ consider the scale and character of any development, derived from an analysis of the context of the site.
- ❑ consider the character of any development as viewed from the water and its compatibility and sympathy with the character of the surrounding foreshores.
- ❑ apply ecologically sensitive development principles.
- ❑ consider the feasibility and compatibility of uses and, if necessary, appropriate measures to ensure co-existence of different land uses.
- ❑ consider the relationship between use of the water and foreshore activities.
- ❑ maintain a working-Harbour character and functions by the retention of key waterfront industrial sites, or at a minimum, the integration of facilities for maritime activities into development and, wherever possible, the provision of public access through these sites to the foreshores.

## **3.4.2 Local objectives**

Leichhardt Council's 2020+ Strategic Plan states that Council's vision is:

***Council and the community will work together to promote and develop Leichhardt as a sustainable and liveable community.***

Following on from this vision are their values:

1. our local community – making it the place where we want to live, work, play and visit.
2. democratic responsible government – open, participative and proactive Council leading the community.
3. sustainability – shared passion and commitment to consistently do all the things required to enhance and preserve the social, environmental and economic factors that are important to the lives of future generations and life on our planet.

## **3.5 Future use and development of Callan Park**

### **3.5.1 Permissible uses and developments**

#### **Introduction**

Land uses permitted in Callan Park must be permissible under the relevant legislation. Permissible uses and developments in Callan Park are determined by relevant environmental planning instruments which applied on 24 December 2002.

In relation to land use, any proposal must be permissible under both the Callan Park Act and Leichhardt LEP 2000. The only possible exceptions may be in relation to any lawful existing use at Callan Park which is no longer permitted under these pieces of legislation, or for some temporary uses. Under the EP&A Act, 'existing uses' are permitted to continue and, subject to development consent, changed or expanded.

#### **Callan Park Act**

The Callan Park Act has most relevance to the future use and development of the site. The Callan Park Act invokes former environmental planning controls contained in SEPP 56 and Leichhardt LEP 2000 as at 24 December 2002.

Under the Callan Park Act the only land uses that are permitted with development consent are health, community and education facilities. Retirement villages are specifically prohibited. There is a further requirement that community or education facilities must provide services on a 'not-for-profit basis'. This requirement does not apply to health facilities. A wide range of uses could potentially fall within these terms.

The Act effectively prevents any residential use on the site and specifically rules out aged care facilities on the site. However, housing associated with a permitted use may be considered.

The Callan Park Act does not make any provision for development to occur without development consent.

## **Leichhardt LEP 2000**

Callan Park is zoned for 'Public Purpose' under the Leichhardt LEP 2000. The objectives of this zone are:

*"to facilitate the equitable provision and improve the range, quality and distribution of community and cultural facilities and services to meet the needs of residents, workers and visitors."*

Clause 28 of the LEP contains the development control table for this zone, detailing development that is permitted without development consent and development that is permitted with development consent. All other development not listed is prohibited. Refer to the table of permissible uses in **Appendix A**.

Clause 16 of the LEP contains provisions relating to heritage conservation, under which an identified heritage item may be used for any purpose subject to development consent and consideration of certain matters.

## **Environmental Planning and Assessment Act 1979**

The EP&A Act establishes the assessment process for any development of the site and sets environmental planning objectives that apply to the site.

Existing uses are permitted under the EP&A Act.

Where the Callan Park Act is silent on certain issues, such as ecologically sustainable development, it is assumed that the amendments to the EP&A Act since the introduction of the Callan Park Act in 2002 apply.

## **SREP 22 – Parramatta River**

SREP 22 designates the Rozelle Hospital site as a conservation area. Clause 27 of SREP 22 states any building within a conservation area (or the land on which that building is located) may be used for any purpose subject to consideration of certain matters.

## **Heritage Act 1977**

The main relevance of this Act is to development applications, which, depending on what is proposed, will need the agreement of the NSW Heritage Council through the 'integrated development' provisions of the EP&A Act.

Despite heritage provisions of the Leichhardt LEP and SREP 22 which potentially allow the site to be used for any purpose, the provisions of the Callan Park Act would override these

provisions. However a heritage agreement under the Heritage Act may allow a use that is not permitted under the Callan Park Act.

### **How the Master Plan satisfies requirements for future uses and developments**

The principal proposed uses of Callan Park as a wellness sanctuary are:

- community spaces
- mental health wellness centre
- mental health accommodation
- mental health vocational training
- recreational uses
- community garden
- car parking and access roads.

All of the uses proposed in the Master Plan fall within the definitions of health facilities, community facilities or educational facilities under the Callan Park Act, and the permissible uses in the Public Purpose zone in the Leichhardt LEP 2000 as required. This is discussed in detail in the Master Plan report. A summary table of permissible uses is in **Appendix A**.

There are also a wide range of uses which may not be permitted in isolation but could be considered to be ancillary to a permissible use. For example, a restaurant or café that forms part of a permitted use (but not the predominant part) could be permissible.

This could also apply to infrastructure related to sustainability, for example, tri-generation plants or solar panels. Alternatively, infrastructure related to sustainability could be considered to be a community facility as it relates to the 'welfare of the local community'.

### **Consent for proposed development**

The EPA Act establishes the assessment process for any development of the site and sets environmental planning objectives that apply to the site.

SEPP 56 requires that a Master Plan is approved by the Minister for Planning before consent for any development may be granted. Leichhardt Council is the consent authority for development at Callan Park.

In assessing and determining a development application, the consent authority must consider:

- the objects of the Callan Park Act.
- the Master Plan and ensure that the proposal is consistent with the Master Plan.
- all other matters that are required to be taken into consideration.

The actual permissibility of a proposal can only be properly determined once a development application is made. However the table in **Appendix A** summarises uses which are permissible under Leichhardt LEP 2000 and gives consideration as to whether these uses would also be permissible under the Callan Park Act.

Each specific proposal will need to demonstrate consistency with these requirements when a development application is submitted for Council's consideration.

### 3.5.2 Controls on scale and intensity of land use

Development controls that apply to the scale and intensity of land use in Callan Park under the Callan Park Act are listed below, with how the Master Plan meets these requirements.

**Table 3.2 Controls on scale and intensity of use**

Requirements	How the Master Plan meets these requirements
<b>Building footprint and envelope</b>	
<p>Development at Callan Park is limited to within the footprint and envelope of buildings that existed on the site immediately before commencement of the Callan Park Act in 2002.</p> <p>This provision does not prevent the erection of temporary structures.</p> <p>The Callan Park Act and Leichhardt Council's planning documents do not define 'building envelope', but 'approved building envelopes' are generally likely to involve front setbacks, building height and walls on boundaries. The building envelope for development that comes under the Leichhardt DCP 2000 Non-Residential Part C is determined on a site-by-site basis subject to the following principles that:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> new development fits with the height and scale of adjacent development, and provides for a balanced streetscape.</li> <li><input type="checkbox"/> the building form and design responds to the nature of the streetscape.</li> <li><input type="checkbox"/> the wall height is used as the key envelope control, applied to the front of the building only. A specific wall height may be identified in the Suburb Profile.</li> </ul> <p>The Callan Park Act and Leichhardt Council's planning controls do not define 'building footprint'. Ku-ring-gai Council's definition of 'building footprint' is the maximum extent of the two-dimensional area of the plan view of a building including all levels, but excluding any part of the building below ground and minor ancillary structures such as barbeques and pergolas.</p>	<p>The Master Plan does not provide for any new buildings outside existing building envelopes.</p> <p>Leichhardt Council's interpretation of building envelopes is discussed in Stage 4 of the Master Plan report.</p> <p>Temporary structures that do not affect the building footprints or envelopes may be erected on Callan Park.</p> <p>Minor fitouts and change of use of buildings that do not involve changes to the building footprint and envelope must be approved by Council.</p>

Requirements	How the Master Plan meets these requirements
<b>Floor area</b>	
An increase in the total floor area of buildings on the site is prohibited.	<p>The Master Plan provides for a decrease in the existing floor space on the site by approximately one hectare. The Master Plan includes the demolition of certain buildings which is permissible under the Leichhardt LEP.</p> <p>In order to comply with the Act in this regard, development will need to be staged to ensure that any new development does not increase the overall floor space on the site. Staging of proposed development and works is set out in the action tables in <b>Section 4</b>.</p>
<b>Retention and protection of open space</b>	
A decrease in the total area of open space at Callan Park is prohibited.	<p>The Master Plan provides for an increase in the existing open space on the site of around 1 hectare. In order to remain compliant with the Act in this regard, development will need to be staged to ensure that any new development does not diminish the overall open space on the site. Staging of proposed development and works is set out in the action tables in <b>Section 4</b>.</p>
Broughton Hall Gardens, Charles Moore Garden and Kirkbride Garden are protected from any adverse effects of new development.	<p>The development proposed in the Master Plan will not adversely affect Broughton Hall Garden, Charles Moore Garden or Kirkbride Garden, and in fact will enhance their heritage significance.</p>
<b>Heritage provisions</b>	
The <i>Heritage Act 1977</i> applies to Callan Park because it is a State Heritage Item.	<p>The Callan Park Conservation Management Plan (CMP) 2002 was drafted prior to the assent of the Callan Park Act. It does however offer the most comprehensive guidance on how to manage change on Callan Park.</p> <p>Design proposals for the Master Plan are consistent with the policies in the CMP.</p> <p>Approval from the Heritage Council of NSW is needed for proposed building works within the building footprint or envelope.</p>

## 3.6 Leases, licences and other estates

### 3.6.1 What are leases and licences?

Leases and licences formalise the use of public land by individuals, groups and organisations.

A lease will be typically required where exclusive use or control of part of Callan Park is desirable for effective use and management. A lease may also be required due to the scale of investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities in Callan Park justify such security of tenure.

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of part of Callan Park is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

### 3.6.2 Leases and licences in Callan Park

#### Authorisation of existing leases and licences

The Callan Park Act does not affect any easement, lease or licence that was in force immediately before the commencement of the Act, or affect the granting of a further lease under an option provided for in such a lease.

Existing leases to NSW Health, UTAS and NGOs will continue until the end of their current term.

Existing leases and licences should be reviewed before their expiry date in terms of the desirability of renewing the lease or licence and whether it is consistent with the Callan Park Act, the Leichhardt LEP 2000, and the Master Plan. If the lease or licence is intended to be renewed upon expiry, the terms of the lease or licence should be renegotiated with the applicant.

#### Permitted uses

Under the Callan Park Act a lease or a licence must not allow any use that is not a health, education or community facility or use. Leases and licences may be issued in the future for any use permitted on the site consistent with the Callan Park Act and the Leichhardt LEP 2000 (refer to **Section 3.5**).

A lease or a licence allowing the use of a building or part of a building within Callan Park, and of any adjoining land needed to enable the use of the building or part of the building, or any land within Callan Park, may be granted with the consent of the Minister.

Significant heritage buildings in Callan Park will be operated by the future governance structure, and will not be leased. Other buildings will be leased in accordance with the Callan

Park Act.

### Term of leases and licences

The Callan Park Act states that the term of any lease or licence, including the term of any further lease or licence that may be granted under an option for renewal of the lease or licence, must not exceed 10 years.

Leases or licences may be granted for terms of, or successive terms totalling, more than 10 years if:

- details of the proposed lease or licence has been tabled in each house of Parliament, and
- resolutions have been passed by each House confirming the proposal, or no resolution has been passed by either House disallowing the proposal for the term or terms within 15 sitting days after the notice was tabled in that House.

Before granting a consent for a lease or licence for more than 10 years, the Minister must ensure the proposal to grant the lease or licence or to enter into the contract:

- is publicised locally and Sydney-wide.
- gives the community an opportunity to make written comments within 30 days after the date of the last publication.
- publishes the reasons for the decision to grant consent.

Granting of temporary liquor licences are subject to other approvals and are not at the sole discretion of Council. This Plan of Management authorises Leichhardt Council as consent authority to give permission for liquor licences subject to other necessary approvals. Approvals for such licences will be on individual merit and if all relevant criteria for liquor licences have been met.



