

Resolution of Local Planning Panel

15 December 2021

Item 4

Development Application: 79A John Street, Pyrmont - D/2021/987

The Panel granted consent to Development Application No. D/2021/987 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 15 December 2021, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~):

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

(33) ADVANCE TREE PLANTING

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing any Occupation Certificate:

- (a) ~~Two trees are~~ ***One tree is*** to be planted in Courtyard 1 at the completion of all construction works.
- (b) The tree species, when mature, must attain a minimum height of no less than 8 metres and minimum canopy spread of 6 metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement.
- (c) The tree must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'.
- (d) At the time of planting, the container size is to be a minimum of 200 litres and a minimum height of 3 metres.
- (e) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting.

- (f) The tree/s must be appropriately located away from existing buildings and structures to allow healthy tree maturity to be achieved without restrictions.
- (g) The trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).
- (h) The trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (i) Prior to the issue of any Occupation Certificate, suitable documentation (including a written statement and photographic evidence) is to be submitted to Council for review and written confirmation is to be obtained from Council's Area Planning Coordinator / Area Planning Manager confirming all trees have been planted to Council's satisfaction (excluding tree maintenance).
- (j) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

SCHEDULE 3

The following condition has been imposed by Ausgrid:

(59) OVERHEAD POWERLINES

Safe Work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal generally complies with the provisions of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
- (B) The proposal generally complies with the provisions of the State Environmental Planning Policy No 64 – Advertising and Signage.
- (C) The proposal is generally consistent with the relevant objectives and controls of Sydney Local Environmental Plan 2012 (LEP) and Sydney Development Control Plan 2012 (DCP).
- (D) The proposal exhibits high quality built form, design and materiality in the context of the heritage item on site and wider heritage conservation area and is appropriate within the streetscape. Through restoration works and the introduction of a high quality contemporary building, the proposal improves the presentation of the development to the public domain.
- (E) The application has demonstrated the proposal will not result in unacceptable amenity impacts on surrounding properties.
- (F) The continued use of the site as a community facility is consistent with the objectives of the R1 – General Residential zone.
- (G) The proposal provides for a use that is compatible with the surrounding area. The proposal is in keeping with the future desired character of the area and is considered to be in the public interest.
- (H) Condition 33 was amended to replace one tree on site and a new street tree in line with the Street Tree Master Plan, and to ensure the development achieves the objectives of relevant tree management provisions.
- (I) Condition 59 was added in response to advice provided by Ausgrid.

Carried unanimously.

D/2021/987