

**Item 4.****Development Application: 79A John Street, Pyrmont - D/2021/987****File No.:** D/2021/987**Summary**

<b>Date of Submission:</b>	27 August 2021, amended plans received 20 October 2021
<b>Applicant:</b>	City of Sydney
<b>Architect/Designer:</b>	Welsh and Major
<b>Owner:</b>	The Council of the City of Sydney
<b>Planning Consultant:</b>	Lockrey Planning and Development Solutions Pty Ltd
<b>Heritage Consultant:</b>	Urbis
<b>DAP:</b>	The proposal has been considered twice by the Design Advisory Panel at pre-DA stage, on 11 March 2021 and 22 April 2021.
<b>Cost of Works:</b>	\$4,519,300
<b>Zoning:</b>	R1 – General Residential zone. The development is defined as a 'community facility', which is permissible with consent.
<b>Proposal Summary:</b>	<p>The application seeks consent for alterations and additions to the community facility known as the Pyrmont Community Centre. Key works proposed include demolition of the existing c1990s Mount Street facing building and construction of a new two-storey building in this location, comprising a new foyer, lift, reception and office space, and new gym and community room.</p> <p>Other alterations are also proposed including internal changes to buildings such as new joinery and surfaces, services upgrades, reconfiguration of access and doors, and external changes such as a new playground area and tree planting, infilling of windows, rendering of walls, and new window openings. The proposal also includes heritage conservation works.</p>

The application is reported to the Local Planning Panel as the applicant and landowner is the City of Sydney Council.

The application was notified for a period of 21 days between 1 September and 23 September 2021. Four (4) submissions were received. Due to amendments to the proposal, the application was renotified for a period of 14 days between 18 October and 2 November 2021. Two (2) further submissions were received.

Issues raised include design choices, use and operation of the community facility, the construction phase of the upgrade, the provision of alternate and additional facilities, and accessibility within the new development.

The proposal is generally consistent with the requirements and objectives of the LEP and DCP in terms of building height, FSR, amenity, and character of the local area.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- (iii) State Environmental Planning Policy (Infrastructure) 2007
- (iv) State Environmental Planning Policy No 55 - Remediation of Land
- (v) State Environmental Planning Policy No 64 - Advertising and Signage
- (vi) Sydney Local Environmental Plan 2012
- (vii) Sydney Development Control Plan 2012
- (viii) City of Sydney Community Participation Plan 2019

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings

## **Recommendation**

It is resolved that consent be granted to Development Application No. D/2021/987 subject to the conditions set out in Attachment A to the subject report.

### **Reasons for Recommendation**

The application is recommended for approval 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.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 2 DP 230424, known as 79A John Street, Pyrmont. It is irregular in shape with area of approximately 1,686.4sqm. The site is located on the corner of John Street and Mount Street toward the northern end of the Pyrmont Peninsula. It has a primary street frontage of 51.98m to John Street and a secondary street frontage of 35.51m to Mount Street. The site is located close to the intersection of John Street and Harris Street. Levels on the site fall by approximately 5.5m from south to north-east.
2. The site contains the Pyrmont Community Centre. Its built form can be divided into four buildings:
  - (a) Building 1 - principal two-storey form fronting John Street;
  - (b) Building 2 - secondary, single-storey form fronting Mount Street;
  - (c) Building 3 - contemporary two-storey building; and
  - (d) Building 4 - contemporary two-storey building, connected to Building 3 via a steel and glass entry lobby.



**Figure 1:** Aerial view of the site with numbered buildings and yards - image taken from submitted Statement of Environmental Effects prepared by Lockrey Planning and Development Solutions

3. Building 1 houses a childcare centre at ground floor, an outside school hours care (OSHC) centre and two community rooms on the first floor. Building 2 is a community hall. Building 3 comprises an unspecified room and kitchen at ground floor and bathroom facilities at the first floor. Building 4 has office/administration and bathroom facilities at ground floor and an unspecified room on the first floor.

4. The surrounding area is characterised by a mixture of land uses, primarily being residential and commercial. To the east of the site, at the nearby intersection of Harris Street and John Street are various business uses such as the Terminus Hotel, the Pymont Point Hotel, a café, a restaurant, and commercial premises such as a real estate agent and clothing store. Across John Street to the north is John Street Square and its light rail stop. Cafes, a convenience store, and other retail uses are located in the square. To the west of the site are residential terraces and the Jackson's Landing tennis courts. To the south of the site is a recent residential development comprising multi-level contemporary terraces, known as 'Grande Pymont Bay Estate.'
5. The site is a local heritage item known as the 'Former Pymont Public School including interiors, fences and grounds' (I1237). It is not located within a heritage conservation area.
6. The site is located within the Pymont locality and is identified as being subject to flooding.
7. A site visit was carried out on 10 September 2021. Photos of the site and surrounds are provided below:
8. Photos of the site and surrounds are provided below:



**Figure 2:** Aerial view of site and surrounds





**Figure 3:** Site viewed from John Street, looking south



**Figure 4:** Site viewed from corner of John Street and Mount Street, looking south-east





**Figure 5:** Site viewed from Mount Street, looking west - Grande residences to right of image



**Figure 6:** Site viewed from Mount Street - Building 4 to be demolished and replaced





**Figure 7:** Site viewed from Mount Street, looking north - Building 4 at centre of image, community hall building to left



**Figure 8:** Building 4 as viewed from Mount Street entrance





**Figure 9:** Buildings 3 and 4 as viewed from internal courtyard, looking west

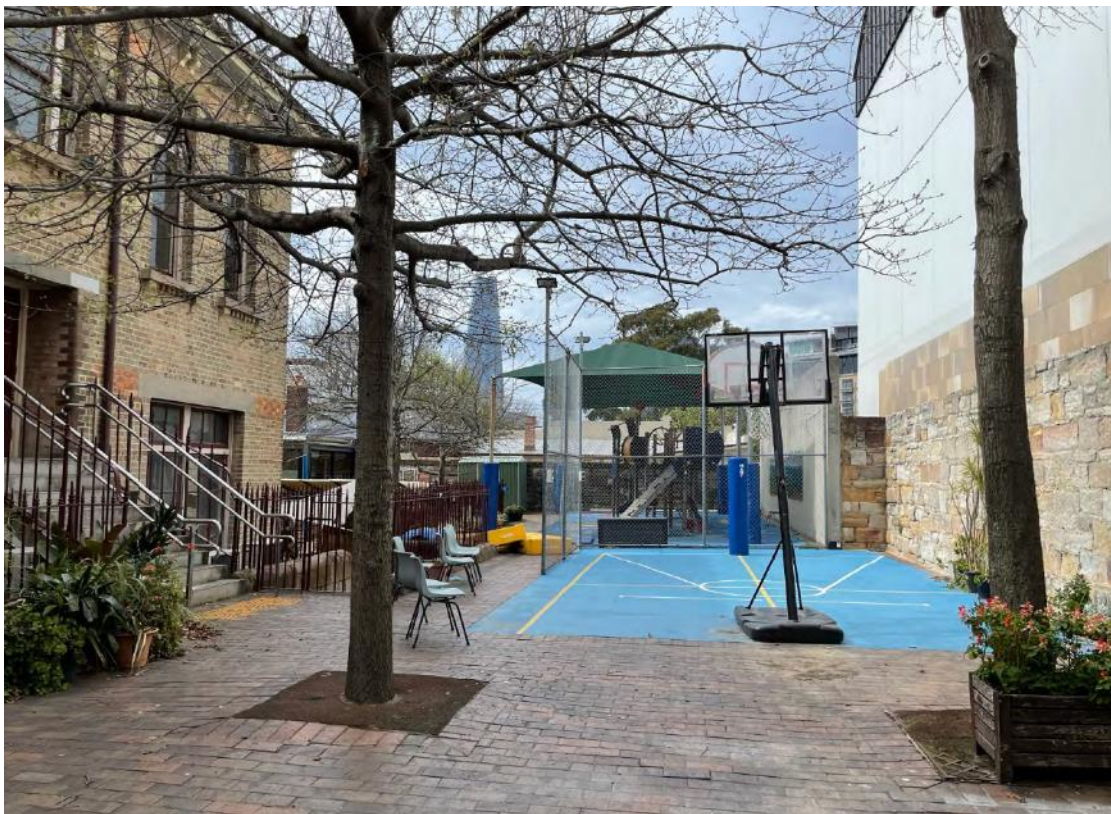


**Figure 10:** Internal courtyard and Buildings 3 and 4, taken from rear steps of Building 1, looking west





**Figure 11:** Existing playground and half-court within courtyard of site viewed from rear of Building 1, looking south - neighbouring Grande residences in background



**Figure 12:** Internal courtyard of 79A John Street, looking east - rear of Building 1 to left of image





**Figure 13:** Buildings 3 and 4 viewed from rear first floor windows of Building 1, looking south



**Figure 14:** Existing junction between Building 1 and Building 3 viewed from internal courtyard, looking north-west





**Figure 15:** Interior of existing 'Library Link' between ground floor Community Hall and Building 1



**Figure 16:** Interior of ground floor Community Hall



**Figure 17:** Community Room 2 on the first floor of Building 1, looking west

## History Relevant to the Development Application

### Development Applications

9. The following applications are relevant to the current proposal:

- **D/1991/571** – Development consent was granted on 12 December 1991 for internal and external restoration, refurbishment work and demolition of outbuildings to 79A John Street, known as John Street Annexe. The approval included two tandem parking spaces at the southern end of the site and an area marked for service.
- **D/1995/456** – Development consent was granted on 10 July 1995 to erect a vergola awning over part of the open recreation area attached to the Pymont Community Centre.
- **D/1995/596** – Development consent was granted on 4 September 1995 to relocate the entrance to the existing staff room of the Pymont Childcare Centre by the installation of new entry doors adjacent to the existing breezeway.
- **D/2010/1519** – Development consent was granted on 15 November 2010 for facade remediation and other maintenance works of the Pymont Community Centre.

- **HWC/2017/3** – An exemption from development consent was approved on 24 February 2017 to dismantle the sandstone boundary wall adjoining the outdoor play area of Pymont Community Centre with offsite storage of sandstone blocks and reconstruction of wall.

### Design Advisory Panel

10. The proposed upgrade of the Pymont Community Centre was first presented to the Design Advisory Panel (DAP) on 11 March 2021, as part of a request for pre-DA advice. Comments included:
  - (a) ensuring the Mount Street elevation, with the pre-Federation building, unsympathetic 1990s addition, and new upgrade, is harmonious, including investigating applying a finish to the latter to minimise its dominance;
  - (b) support for the contemporary masonry expression of the community building, however it was suggested that the facade could be less solid to help animate the street;
  - (c) critical nature of interface and details of the connection between old and new, with the addition being understated. Materiality was discussed, with the Panel recommending the addition should be contemporary in expression but natural and calm;
  - (d) support for the use of a clerestory, noting that in addition to providing daylight, the clerestory needs to have solar protection and could also provide natural ventilation; and
  - (e) investigations into an additional street tree to replace the one removed.
11. A revised concept proposal was brought before the DAP for a second time on 22 April 2021, at their request. The Panel noted:
  - (a) The materiality of the addition needed further consideration and resolution, including either brick (masonry) or concrete. Initial thoughts from the Panel indicated a preference for concrete, however the Panel advised it was content for the consultants to develop, design, and select the final materials.
  - (b) Current project budget constraints limit the scope of works. The budget does not allow for work to reduce the dominance of the unsympathetic building addition constructed in the 1990s or allow for additional excavation to better rationalise floor levels. Given the building's heritage significance, the Panel recommended that the budget be reviewed and expanded to allow for these additional works.
12. On 22 April 2021, the Panel advised the proposal (as lodged) was not required to be presented a third time for comment. Where appropriate, comments provided by the Panel have been incorporated into the subject proposal.

### Amendments

13. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 5 October 2021. The request included:
  - (a) Additional detail drawings were requested in relation to works to the heritage-listed buildings on site (Buildings 1 and 2).



- (b) Additional information concerning proposed external materials, colours and finishes, and proposed signage.
  - (c) An amended Waste Management Plan (WMP) and a Demolition and Construction Waste and Recycling Management Plan.
14. On 5 October 2021, the applicant queried amending the submitted proposal to include a rainwater tank near the southern boundary of the site.
15. Amended plans to address the matters listed above and include the rainwater tank were submitted on 15 October 2021.

### **Proposed Development**

16. The application seeks consent for the following:

#### *Demolition*

- Demolition of existing c1990s Mount Street facing building (Building 4) including access ramp and landscaping, existing steel and glass canopy, and paving and slab adjacent to Building 2.
- Removal of all existing joinery, modern flooring (retaining original timber floor), partitions and the like in Level 1 of Building 1 (rooms F1, F2, and F6).
- Removal of floor finish, doors and internal walls from existing WCs in Level 1 of Building 3.

#### *Additions*

- Construction of a new two-storey building to Mount Street, with new level internal foyer, lift, office/administration/reception space, new gym and community room.
- New built form to be constructed in concrete, with exposed concrete (textured and smooth), polycarbonate with expanded mesh and steel-framed metal roofing.
- New concrete entrance canopy to Mount Street including glazed wall along northern side, skylights and steel columns. The canopy will be connected to the eastern wall of the Community Hall (Building 2), with the removal of approximately x3 bricks at 900mm centres to allow a connection to the concrete structure.

*Alterations*

Changes to Building 1 include:

- Mandatory BCA upgrades including to existing sprinklers, egress signs, smoke detectors, and re-swinging existing entry door for compliance; new joinery units including new wet areas; installation of a new, reversible room divider curtain; repair and refinishing of timber floor; upgrade of existing services, installation of new AC units and replacement of modern door to bridge link to Community Room 2.
- Installation of mandatory new resilient cork flooring over existing timber flooring; new joinery to walls including new kitchen and services including new stainless steel bench with sink; upgrade of existing services; and installation of new AC units (concealed in joinery units) to OSHC (Room F2).
- Removal of existing plasterboard ceiling and installation of new raked ceiling and skylight; refinishing of existing timber floor; and upgrade of existing services to OSHC Homework (Room F3).
- Removal of one existing door (to be stored on site) and installation of a new glazed door; fix one door closed; upgrade of existing services; and installation of AC units (in joinery units) to Community Room 3 (Room F6).
- Installation of a new laundry, store, and WCs including all required services, ceiling over WCs and new flooring, and removal of one existing door (to be stored on site) to OSHC WC/store.
- Replace existing (modified) door to rear yard (F7) with new timber-framed, accessible, glazed door with sidelight.

Changes to Building 2 include:

- Partial demolition of eastern wall, including remnant chimney breast to create new accessible entrance into main hall comprising new double door and new fixed glazing to dormer door opening; installation of new, freestanding timber partition to the northern end of the hall; installation of new floor mounted AC through the hall; installation of joinery along southern wall; installation of new projector and screen to existing beams; refinishing of timber floor and removal of fireplace covers and making good of the fireplaces (non-functional) in the hall (Room G14).
- Raising of the floor level through existing library space to meet Community Hall level and to provide better accessibility across the site; replacement of existing (modern) fire doors with new glazed doors through library space to meet code; install new reversible shelving, built in seating through the library space; new services and upgrades; and removal and replacement of southern door to foyer with new glazed door within library link (Room G15).

Changes to Building 3 include:

- Reconfiguration of amenities at level 1, installation of new joinery and reconfiguration of doors to Store and Kitchen (Rooms G18 and G19); infilling of window to G18 and installation of new painted steel window box with louvre windows to G19 along the eastern façade; rendering of southern wall at ground floor level to match external walls; partially demolition of existing link between Building 3 and Building 1, retention of steel frame and reconfiguration; installation of new fixed glass windows and glazed door to Building 1; installation of new painted steel window box to enlarged opening on eastern wall, and infill of one window on the eastern wall.
17. The application does not propose any change to existing community centre operations. The centre's operating hours are 9am to 9pm, Monday to Thursday, 9am to 6pm Friday, and 10am to 4pm Saturday and Sunday. The community centre is currently open.
18. Plans and elevations of the proposed development are provided below.



**Figure 18:** Photomontage - Mount Street



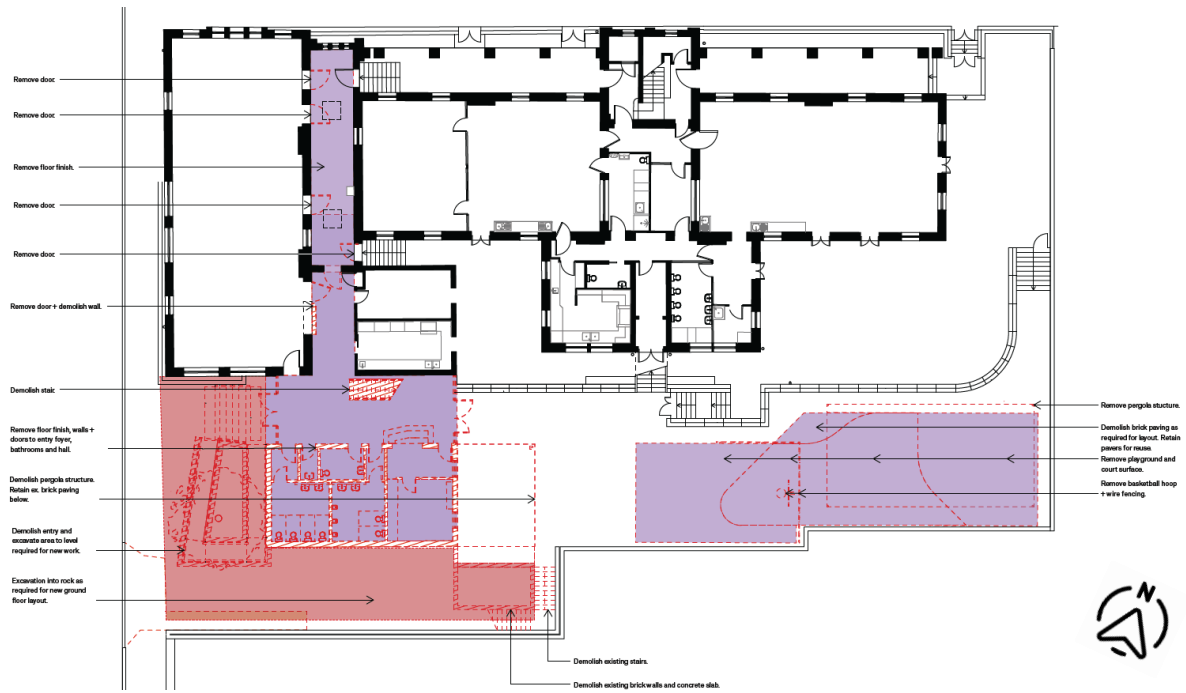


Figure 19: Ground floor demolition plan

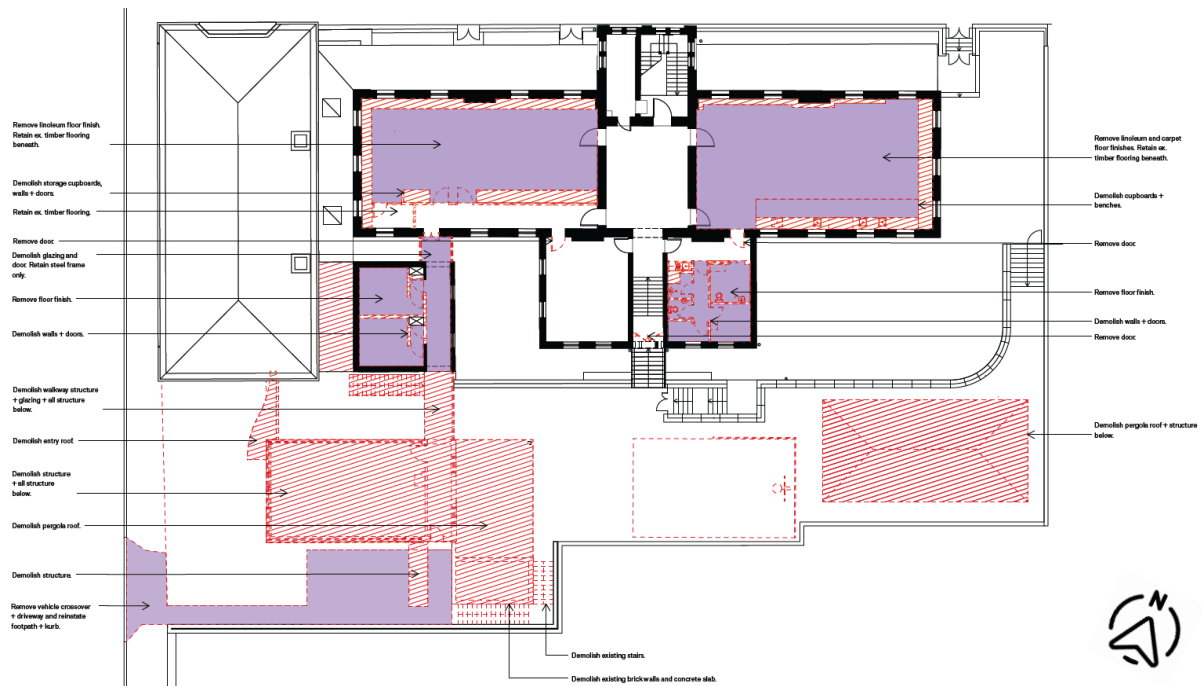
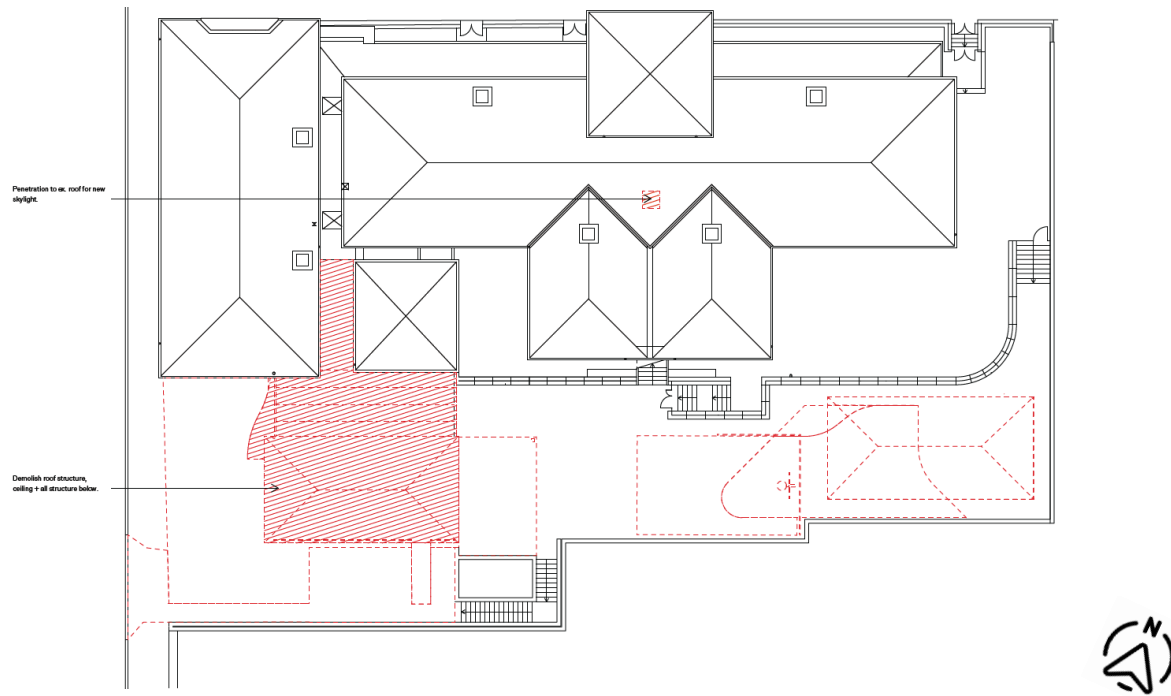
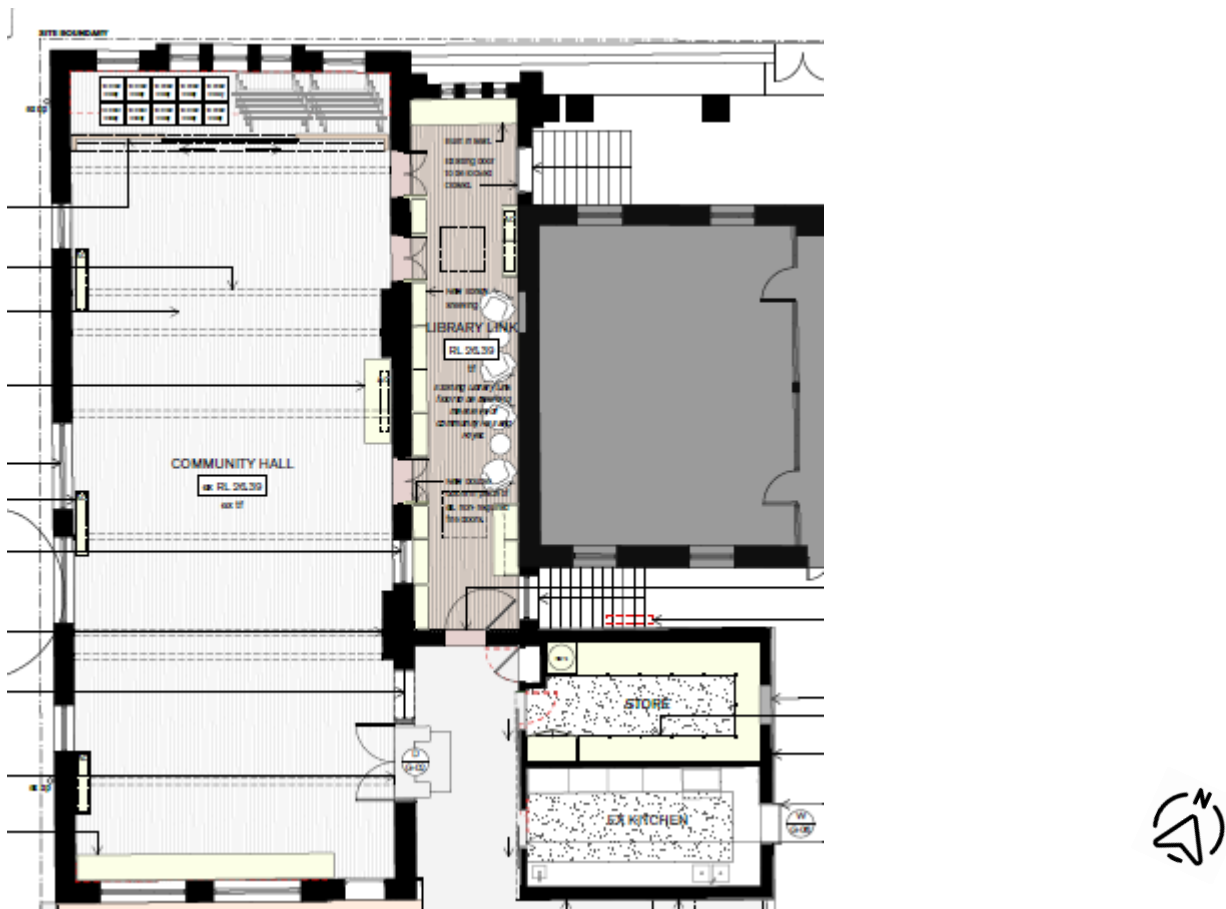


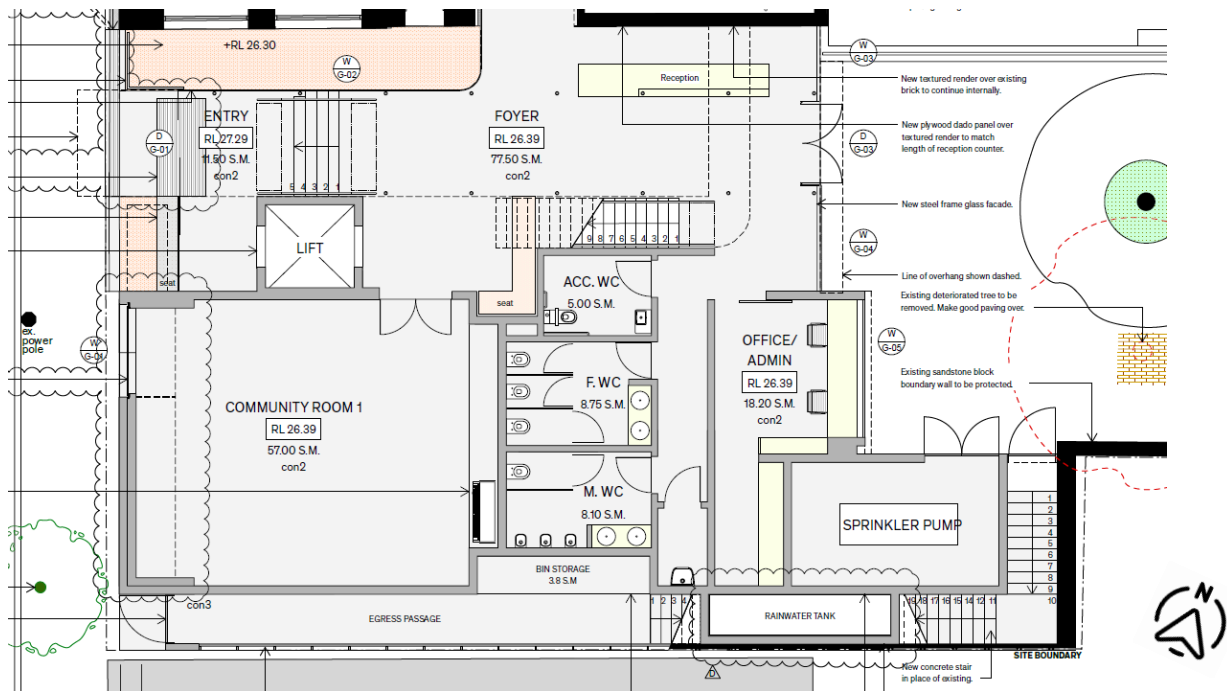
Figure 20: First floor demolition plan



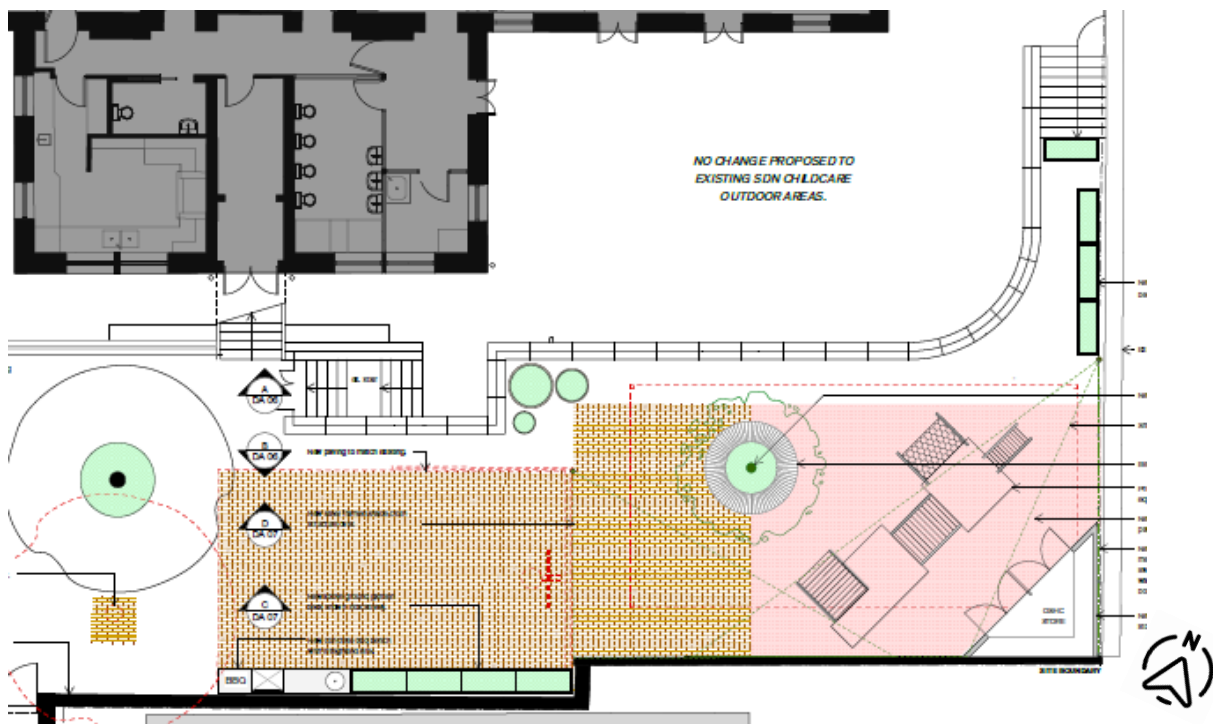
**Figure 21:** Roof demolition plan



**Figure 22:** Ground floor plan detail - north-western corner of site including works to Community Hall, library link and Building 3

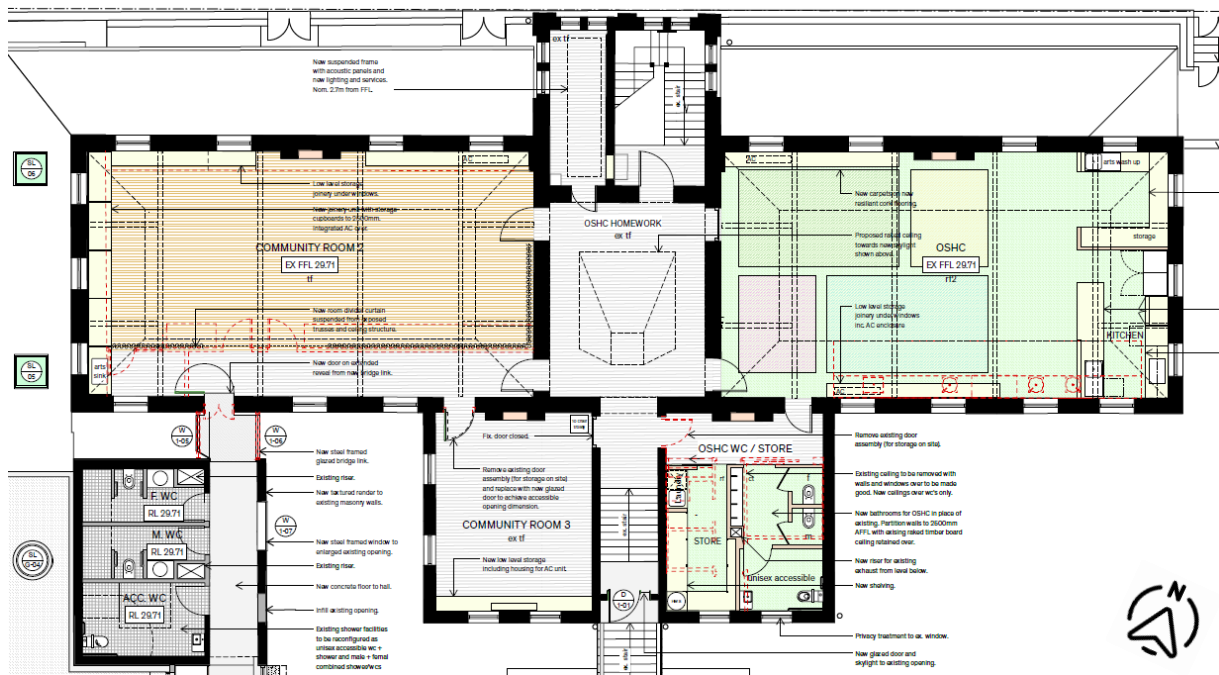


**Figure 23:** Ground floor plan detail - south-western corner of the site including new building to replace Building 4 and links to Building 3

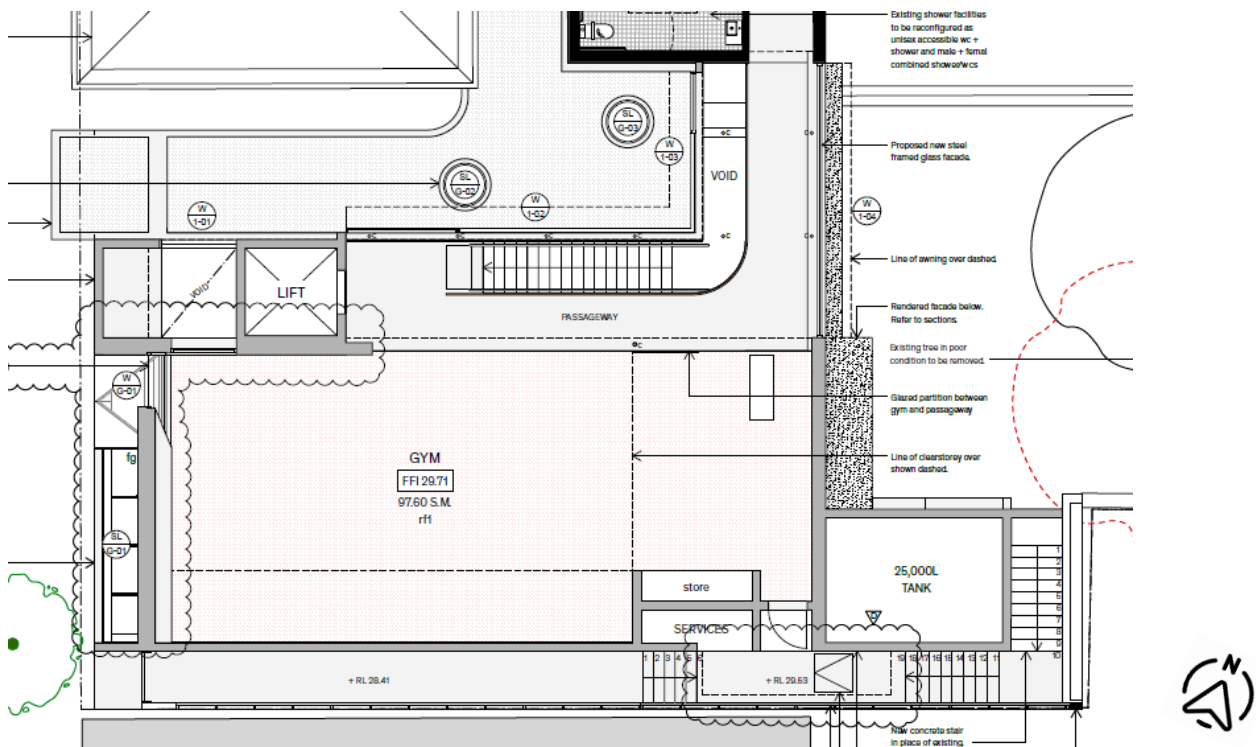


**Figure 24:** Ground floor plan detail - south-eastern corner of site including new playground, new paving and garden beds, new barbeque facility

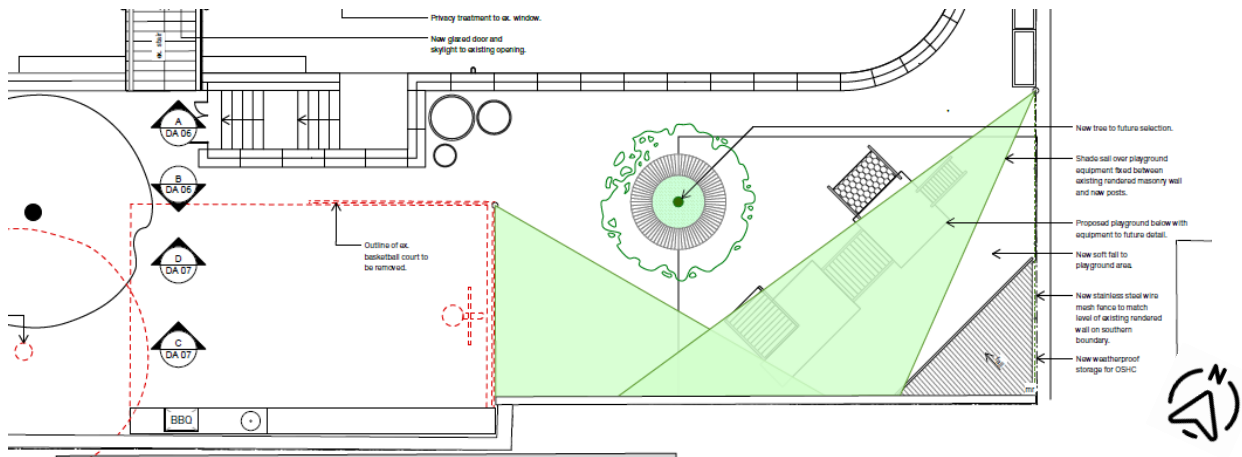




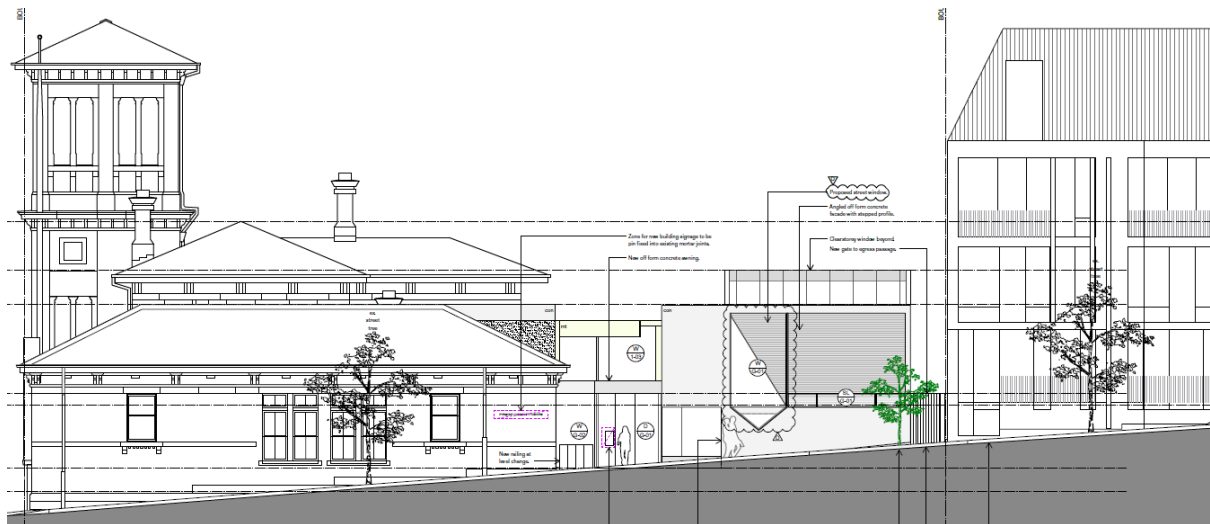
**Figure 25:** First floor plan detail - internal alterations to Building 1, alterations to link between Building 3 and Building 1, internal alterations to Building 3



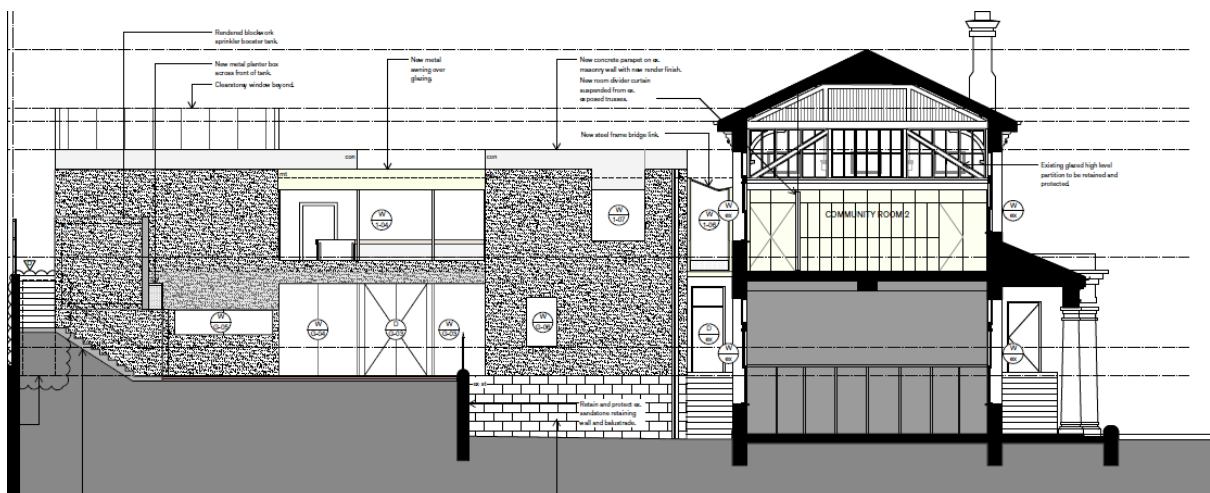
**Figure 26:** First floor plan detail - south-eastern corner of site including new building to replace Building 4 and link to Building 3



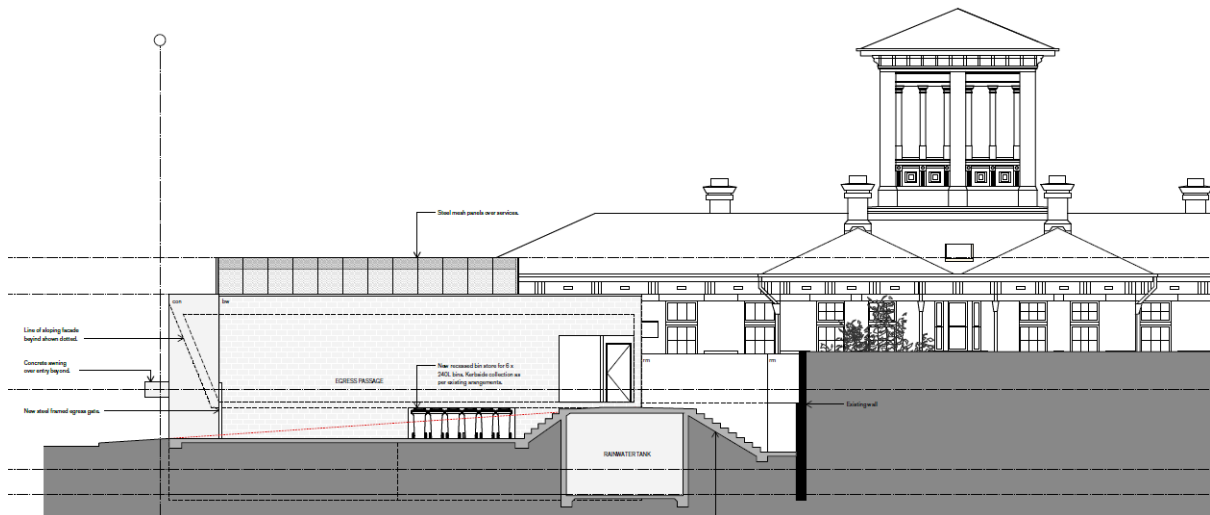
**Figure 27:** First floor plan detail - south-eastern corner of site including new shading device to playground



**Figure 28:** West elevation (Mount Street)



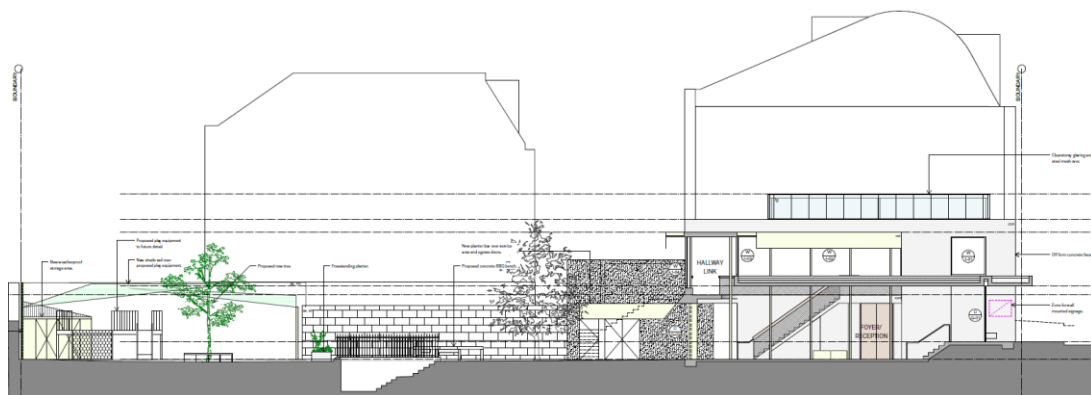
**Figure 29:** East elevation (internal courtyard)



**Figure 30:** South elevation

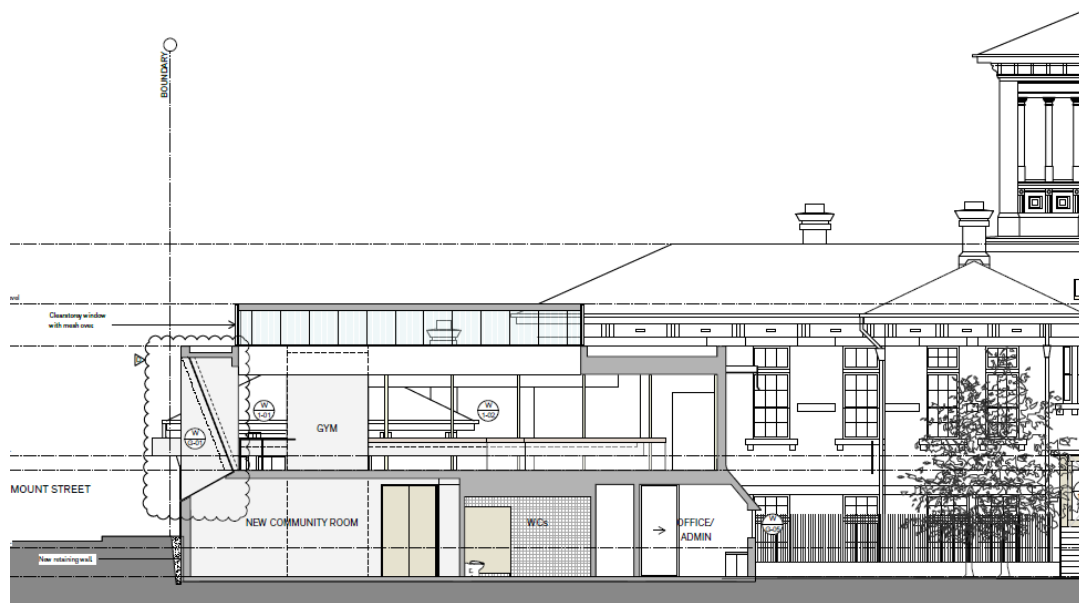


**Figure 31:** Section A



**Figure 32:** Section B

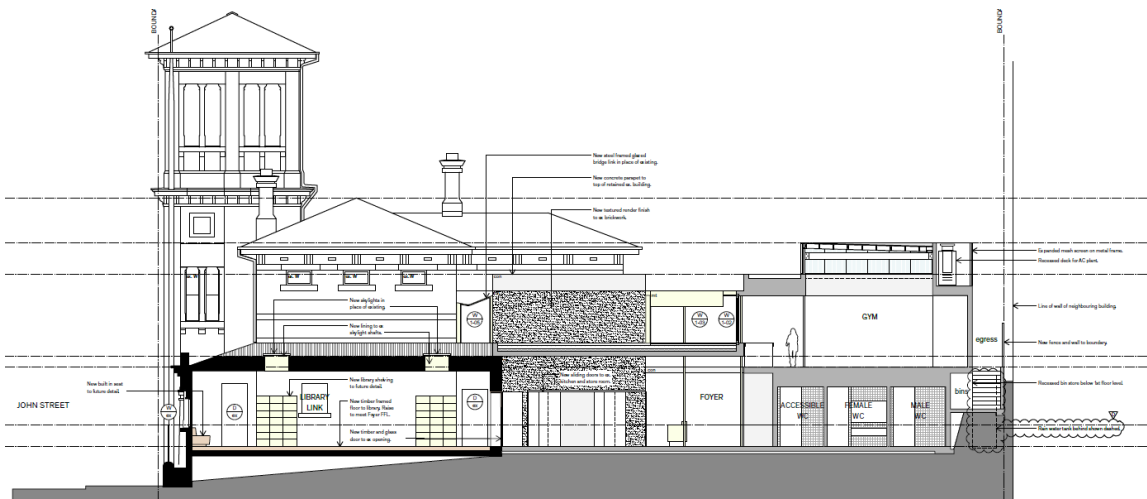




**Figure 33:** Section C



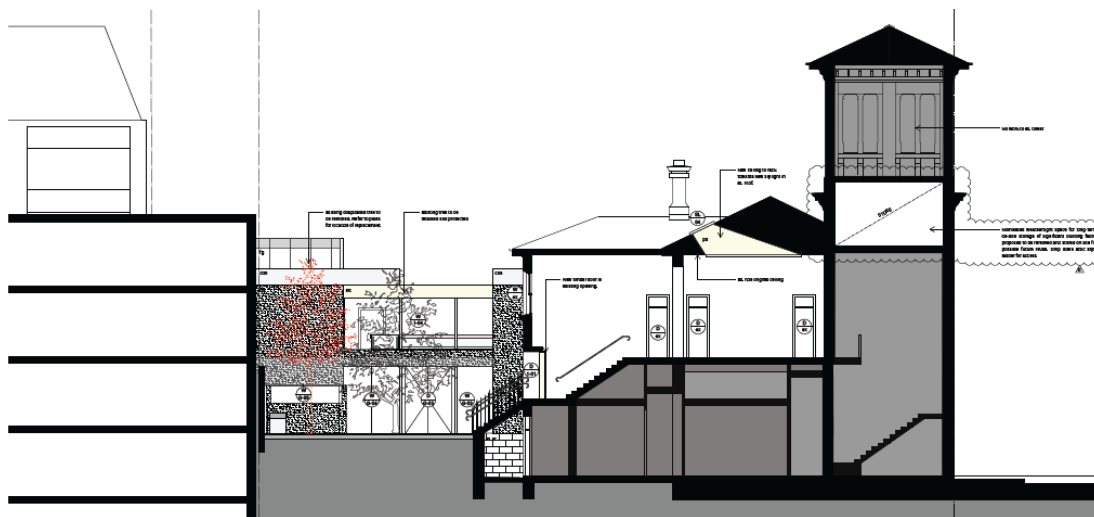
**Figure 34:** Section D



**Figure 35: Section E**



**Figure 36: Section F**



**Figure 37: Section G**

## Assessment

19. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## State Environmental Planning Policies

### State Environmental Planning Policy No 55 - Remediation of Land

20. The aim of State Environmental Planning Policy (SEPP) No 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
21. There is no change of use proposed as part of the subject application. Furthermore, the site contains a heritage item, which is occupied by an existing community centre with a high built form site coverage. The site is located in an R1 - General Residential zone and has been, or for a similar purpose, for many years. Advice provided in the submitted Heritage Impact Statement indicates it does not appear that over the course of the last 130+ years the site has ever been used for an industrial or agricultural purpose.
22. The Statement of Environmental Effects states that evidence suggests the site has not been associated with any activities listed at Table 1 in the SEPP 55 guidelines. Having regard to the evaluation of the site as above, it does not appear there is any evidence to suggest the land might be contaminated or that further enquiry into potential land contamination is required in this instance. The proposal has been discussed with Council's Environmental Health Unit who advised it is acceptable subject to the imposition of standard conditions, which have been included in the consent.

### State Environmental Planning Policy (Infrastructure) 2007

*Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network*

Clause 45 Determination of development applications – other development

23. The application is subject to Clause 45 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.
24. As such, the application was referred to Ausgrid for a period of 21 days. At the time of writing, no response from Ausgrid had been received.

### State Environmental Planning Policy No 64 - Advertising and Signage

25. The aim of State Environmental Planning Policy (SEPP) No 64 is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.



26. The application includes three signs or signage zones:

- (a) A building identification sign is proposed to be affixed to the Mount Street elevation of the Community Hall building. The signage zone measures 2000mm (w) x 300mm (h). The plans indicate the signage is to comprise bead blasted stainless steel lettering 100mm high x 30mm deep, with stainless steel pin fixings into existing mortar joints. The letters are proposed to be fixed 10mm clear of face of bricks.
- (b) A second building identification sign is proposed on the north-facing wall of the new addition, perpendicular to Mount Street. The signage zone measures 1100mm (w) x 800mm(h). Plans indicate 100mm high lettering to be created by 6mm diameter holes into the textured concrete façade with brass rod plugs sitting 15mm proud of the surface.
- (c) The third signage zone is proposed to glazing at the entrance of the Mount Street Building and measures 500mm(w) x 750mm (h). Material information is not provided however it is anticipated this sign is likely to consist of a decal affixed to glass.

27. The proposed signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 1 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage is generally consistent with the character of the area, subject to conditions.
2. Special areas	Yes	The proposed signage is not located within a special character area or a heritage conservation area.  The signage is on a heritage item. It is considered appropriate in its location and design and will not detract from the heritage listed buildings on site.
3. Views and vistas	Yes	The proposed signage does not obscure or compromise any important views. It does not dominate the skyline and has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion and form and provides a positive contribution to the streetscape and setting of the area.

Provision	Compliance	Comment
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage is acceptable and the materiality is compatible with the finishes and colours of the building.
6. Associated devices and logos	Yes	Not applicable.
7. Illumination	Yes	Not applicable.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

28. The proposed signage is consistent with the objectives of SEPP 64 as set out in Clause 3 (1) (a) and satisfies the assessment criteria specified in Schedule 1.

#### **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

29. The proposal includes physical alterations to the existing out-of-hours school care (OSHC) service provided at the site. This is defined as a centre-based childcare facility and as such, the proposal is subject to the provisions of the above SEPP. Notwithstanding, it is noted that no change to the operation of the OSHC or to the number of children it caters for is provided.
30. The application does not propose any changes to the existing childcare centre located on the ground floor of the site (and run by SDN Children's Services).
31. Clause 23 of the SEPP requires all applications for development to take into consideration any applicable provisions of the *Child Care Planning Guideline*.
32. The relevant matters to be considered under Section 3 of the *Child Care Planning Guideline* for the proposed development are discussed below.

**Child Care Planning Guideline: Section 3 - Matters for Consideration**

Provision	Compliance	Comment
3.1 Site selection and location	Yes	<p>The site is consistent with the zone objectives of the R1 General Residential zone under the Sydney LEP 2012.</p> <p>The OSHC is located within Building 1, which is separated from nearby residential uses by a courtyard. The playground at the ground floor is an existing feature of the site. Its refurbishment is not expected to result in detrimental impacts on the locality noting that no changes to operation (either in terms of trading hours or the number of children catered for) are proposed as part of the subject application, which is limited to an upgrade of the facilities.</p> <p>The proposed alterations are unlikely to have additional acoustic impacts than the existing operation, when considering the proximity of the proposed outdoor play areas to nearby sensitive residential receivers.</p>
3.2 Local character, streetscape and the public domain interface	Yes	<p>The proposed external alterations to the building that directly relate to the OSHC service, including the removal of the basketball half-court, refurbishment of the playground, re-paving of the area and installation of garden beds and barbeque facilities. These aspects of the development are largely screened from the public domain. The proposed works will not adversely affect the heritage item on site.</p>
3.3 Building orientation, envelope and design	Yes	<p>The proposed external alterations relating to the OSHC service including removal of the basketball half-court, refurbishment of the playground, re-paving of the area and installation of garden beds and barbeque facilities are located a sufficient distance from the heritage listed portion of the site, being buildings 1 and 2. These works will not have a detrimental impact on the heritage significance of the site.</p>



Provision	Compliance	Comment
3.4 Landscaping	Yes	The application proposes some minor landscaping within the outdoor play area/internal courtyard of the site consisting of above ground garden beds and the planting of a new tree with a bench seat surrounding it. These landscaping works are acceptable.
3.5 Visual and acoustic privacy	Yes	<p>The design and setting of the site permit very limited oblique views between the outdoor area of the OSHC centre and the residential terraces to the south.</p> <p>The playground on site is an existing feature. While it is proposed to be refurbished, no change is proposed to its size or to the number of enrolments at the OSHC service. The change of use of a portion of the courtyard from a basketball court to a paved area with barbeque facilities is not anticipated to result in any greater noise impacts.</p> <p>An acoustic report has been submitted with the application for the continued use of the community facility. The report has been reviewed by Council's Environmental Health Unit, who have advised it is satisfactory.</p> <p>The proposal will not result in unacceptable acoustic impacts arising from the external changes to the site's courtyard and playground, subject to compliance with recommendations of the acoustic report which are discussed below in this report at Clause 4.2.3.11 of the DCP. A condition is recommended to address this.</p>
3.6 Noise and air pollution	Yes	The site is located on a local road within a residential area that is unlikely to be impacted by adverse noise or air pollution impacts. The site is not located near any industrial areas.

Provision	Compliance	Comment
3.7 Hours of operation	Yes	The existing hours of operation of the OSHC service are between 3.00pm and 6.00pm Monday to Friday during school term and between 8.00am and 6.00pm during school holidays. These hours are consistent with recommended hours of operation for centres within residential areas.
3.8 Traffic, parking and pedestrian circulation	Yes	<p>The site does not currently accommodate parking; nor is it proposed as part of the subject application.</p> <p>The application does not seek to change any operational aspects of the OSHC.</p> <p>The provision of no on-site car parking spaces is consistent with LEP parking provisions and is considered acceptable, particularly with regard to heritage constraints on site.</p>

33. In addition to the matters of consideration under Section 3 of the Guidelines, Section 4 of the Guidelines requires developments to be considered against the provisions of the *Education and Care Services National Regulation*. These considerations are outlined below.

#### Child Care Planning Guideline: Section 4 - Applying the National Regulations

Provision	Compliance	Comment
104 Fencing or barrier that encloses outdoor space	Yes	Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.
106 Laundry and hygiene facilities	Yes	<p>The proposed development includes laundry facilities or access to laundry facilities.</p> <p>Laundry/hygienic facilities are located where they do not pose a risk to children.</p>
107 Unencumbered indoor space	Yes	The proposed development includes at least 3.25sqm of unencumbered indoor space for each child.

Provision	Compliance	Comment
108 Unencumbered outdoor space	Yes	The proposed development includes at least 7sqm of unencumbered outdoor space for each child.
109 Toilet and hygiene facilities	Yes	<p>The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</p> <p>The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>
110 Ventilation and natural light	Yes	<p>The proposed development includes indoor spaces to be used by children that:</p> <ul style="list-style-type: none"> <li>• will be well ventilated;</li> <li>• will have adequate natural light; and</li> <li>• can be maintained at a temperature that ensures the safety and well-being of children.</li> </ul>
111 Administrative space	Yes	The proposed development includes an adequate area for the purposes of conducting the administrative functions of the service; consulting with parents of children; and conducting private conversations.
112 Nappy change facilities	Yes	Not applicable. The OSHC service provides care for school aged children where designated nappy change facilities are not required.
113 Outdoor space – natural environment	Yes	The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.
114 Outdoor space – shade	Yes	The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.



Provision	Compliance	Comment
115 Premises designed to facilitate supervision	Yes	The proposed development is designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.

34. The development is generally acceptable when assessed against the above stated provisions and the SEPP.

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

35. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The SREP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
36. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, except for the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

### **State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017**

37. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.
38. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
39. The application proposes the removal of two trees on site, where the site is a locally listed heritage item. The trees identified for removal are tree 8, a mature Sweet Pittosporum located near the Mount Street entrance of the site, and tree 9, a semi-mature Pin Oak, located within the site's internal courtyard. The application also proposes the introduction of a new street tree to Mount Street, as per advice provided by the Design Advisory Panel.
40. The application has been referred to Council's Tree Management unit, who do not object to the removal of trees 8 and 9 and the planting of two replacement trees within the site and one new tree within the public domain. Relevant conditions have been included in the consent, including a condition requiring advanced tree planting to replace the two trees to be removed and for the new street tree. Subject to these conditions, the proposal is acceptable and complies with the provisions of the SEPP.

## **Local Environmental Plans**

### **Sydney Local Environmental Plan 2012**

41. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

**Part 2 Permitted or prohibited development**

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is in the R1 General Residential zone. The proposed development is defined as alterations and additions to a community facility, which is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

**Part 4 Principal development standards**

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 12m is permitted.  The maximum height of external works proposed as part of the subject application is 8.55m.  The proposed development complies with the maximum height of buildings development standard.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 1:1 or 1,686.4sqm is permitted.  A floor space ratio of 0.77:1 or approximately 1,298sqm is proposed.  The proposed development complies with the maximum floor space ratio development standard.

**Part 5 Miscellaneous provisions**

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is a local heritage item known as the 'Former Pymont Public School including interiors, fences and grounds' (I1237).  The proposed development will not have detrimental impact on the heritage significance of the heritage item.  See further details in the 'Discussion' section below.

Provision	Compliance	Comment
5.21 Flood planning	Yes	<p>The site is identified as being subject to flooding. The City's mapping indicates a very small portion of Mount Street is at low risk of minor flooding (0.15m to 0.4m) in a 1 in 20 year flood event.</p> <p>To mitigate flood impacts, the proposal has been amended to introduce a new linear stormwater grate to meet the existing perimeter drainage on site with a new connection from the grate to the existing kerb and gutter. A new drained grated entry mat in front of the Mount Street steps is also proposed.</p> <p>This solution has been discussed with Council's Public Domain unit, who have advised it is acceptable in this instance, particularly with regard to the heritage constraints of the site.</p>

#### Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposed development is of a high standard and uses materials and detailing which are compatible with the existing heritage listed fabric on site and development along the street.</p> <p>The use of smooth and textured concrete, steel, aluminium and stainless steel mesh and frameless glazing clearly identifies the addition to Mount Street as a contemporary building within the site, ensuring the new built form is clearly legible as distinct from the historic buildings on site.</p> <p>The height and bulk of the new addition is subservient to the primary buildings on site (Buildings 1 and 2) and will contribute positively to the character of the area.</p>



Provision	Compliance	Comment
		The development has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development satisfies the requirements of the design excellence provision.

**Part 7 Local provisions – general**

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
Other land uses	Yes	<p>A maximum of 6 car parking spaces are permitted.</p> <p>The proposed development results in the removal of two car parking spaces at the southern boundary of the site as well as the reinstatement of the kerb (where presently there is a driveway for car access). No car parking spaces are proposed or maintained. The proposal complies with the relevant development standards.</p>
Division 4 Miscellaneous		
7.13 Contribution for purpose of affordable housing	Yes	<p>The subject site is located on land within the Ultimo-Pymont locality and the proposal results in the creation of more than 60 square metres of gross floor area intended to be used for a purpose other than residential accommodation.</p> <p>Clause 7.13(6)(e)(iii) of the LEP advises that the floor area of a building that is used for the purpose of community facilities is excluded from the definition of total floor area.</p> <p>The additional 160sqm of floor space provided by the development is to be used for the purpose of community facilities. Consequently, pursuant to Section 7.13 of the LEP 2012, the proposed development is not required to pay an affordable housing contribution.</p>

Provision	Compliance	Comment
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

## Development Control Plans

### Sydney Development Control Plan 2012

42. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

#### Section 2 – Locality Statements

43. The site is located within the Pyrmont locality. The proposed development is in keeping with the unique character and the design principles of the Pyrmont locality. The proposed development will result in a high quality outcome for the Mount Street public domain and responds appropriately to the existing heritage listed buildings on site. The development provides the ongoing adaptive reuse of historical buildings and provides a mix of land uses in distinctive built forms.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	<p>The application proposes the removal of two trees on site, which is a locally listed heritage item. The trees identified for removal are tree 8, a mature Sweet Pittosporum located near the Mount Street entrance of the site, and tree 9, a semi-mature Pin Oak, located within the site's internal courtyard. The application also proposes the introduction of a new street tree to Mount Street, as per advice provided by the Design Advisory Panel.</p> <p>The application has been referred to Council's Tree Management unit, who do not object to the removal of trees 8 and 9 and the planting of replacement trees within the site. Relevant conditions have been included in the consent, including a condition requiring advanced tree planting to replace the two trees to be removed and for the new street tree.</p>

Provision	Compliance	Comment
		Subject to these conditions, the proposal is considered acceptable.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under section 5.21 above.
3.9 Heritage	Yes	<p>The site is a local heritage item known as the 'Former Pymont Public School including interiors, fences and grounds' (I1237).</p> <p>The proposed development will not have detrimental impact on the heritage significance of the heritage item.</p> <p>See further details in the 'Discussion' section below.</p>
3.10 Significant Architectural Building Types	Yes	<p>Clause 3.10.5 relates to public and community buildings older than 50 years. The clause requires alterations and additions to current and former public and community buildings to be sympathetic to the existing fabric and design of the building, not compromise its particular qualities from all periods of construction, allow for and encourage the ongoing public or community use for which the building was constructed, retain significant fabric and building elements, and retain significant internal features and spaces.</p> <p>The proposed works to the heritage listed portion of the original Pymont Public School buildings, Buildings 1 and 2, are largely confined to the interior. The proposal retains all significant external fabric, does not interfere with original design details or structural elements, and retains sufficient evidence of the significant internal layout to enable an understanding of the original building. The internal works will remove several unsympathetic elements such as partition walls whilst upgrading the building and its services, to bring it up to code.</p> <p>External stone and face brickwork are not proposed to be painted over or</p>



Provision	Compliance	Comment
		otherwise obscured, and the colour scheme of the new addition at Building 4 is sufficiently muted and recessive so as not to detract from the significance of buildings 1 and 2. The proposal complies with this clause.
3.11 Transport and Parking	Yes	<p>The proposed development removes two tandem car parking spaces from the south-western corner of the site, which is consistent with the City's transport and parking policies.</p> <p>No change to site servicing arrangements is proposed as part of the subject application, and the alterations and additions are not expected to generate additional transport demand.</p> <p>In terms of nearby street parking, there is a designated parking space for Council-authorized vehicles on Mount Street as well as a dedicated disabled parking space outside the community centre entry; ticketed 1 hour parking on Mount Street and John Street; and 1 hour unticketed parking on John Street Monday to Friday.</p> <p>These arrangements allow for adequate access for members of the community as well as for site servicing that may need to occur, noting that the area is highly walkable for locals and well serviced by buses (and ordinarily, light rail services - noting that at the time this report was prepared, the inner west light rail route was out of service).</p> <p>On balance, the proposal is acceptable from a transport and parking perspective in this instance.</p>
3.12 Accessible Design	Yes	<p>The proposed development includes upgrades to existing buildings to ensure their compliance with the Building Code of Australia (BCA) and the requirements of the Disability Discrimination Act 1992 (DDA) and relevant Australian Standards.</p> <p>A BCA and DDA assessment have been provided with the application, demonstrating the development satisfies the accessibility provisions of the BCA</p>

Provision	Compliance	Comment
		<p>and DDA provided numerous recommendations are undertaken during the design development and construction phase of the built form.</p> <p>With regard to the redesign of the Mount Street entrance, it is noted that the existing ramp is non-compliant. Pursuant to the <i>Disability (Access to Premises - Buildings) Standards 2010</i>, the principal pedestrian entrance and the accessway to any new areas are required to be upgraded to comply with the accessibility provisions of the BCA and relevant Australian Standard.</p> <p>The proposal replaces the existing ramp and stairs from the street level on Mount Street to Building 4 with a set of stairs and a lift from Mount Street ground level down to the foyer of Building 4 (a level change of 900mm).</p> <p>Whilst contingency for the lift has been identified as a matter of community concern, the submitted BCA report advises the development satisfies the accessibility provisions of the BCA. It notes the design will be subject to refinement in preparation of the construction documentation to capture detailed compliance matters - some of which will likely be dealt with via an access performance solution. It is also noted that the community centre will have a plan in place in the event of emergency for the safe evacuation of everyone on site.</p>
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	<p>Bin storage for 6x 240L bins is proposed adjacent to the egress passage along the site's southern boundary. The bins will be housed within a recessed bin store. The bins are proposed to be taken to the kerbside for collection as per current arrangements.</p> <p>The application has been reviewed by Council's Waste Management unit who</p>

Provision	Compliance	Comment
		<p>have advised it is satisfactory, subject to conditions.</p> <p>Conditions have been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.16 Signage and Advertising	Yes	<p>The proposed development includes the provision of three signs/signage zones.</p> <p>A building identification sign is proposed to be affixed to the Mount Street elevation of the Community Hall building. The signage zone measures 2000mm (w) x 300mm (h). The plans indicate the signage is to comprise bead blasted stainless steel lettering 100mm high x 30mm deep, with stainless steel pin fixings into existing mortar joints. The letters are proposed to be fixed 10mm clear of face of bricks.</p> <p>A second building identification sign is proposed on the north-facing wall of the new addition, perpendicular to Mount Street. The signage zone measures 1100mm (w) x 800mm(h). Plans indicate 100mm high lettering to be created by 6mm diameter holes into the textured concrete facade with brass rod plugs sitting 15mm proud of the surface.</p> <p>The third signage zone is proposed to glazing at the entrance of the Mount Street Building and measures 500mm(w) x 750mm (h). Material information is not provided however it is anticipated this sign is likely to consist of a decal affixed to glass.</p> <p>The proposed signs and signage zones are generally compliant with the requirements of <i>Clause 3.16.6.3. - Flat mounted wall signs</i>, <i>Clause 3.16.6.8 - Window signs and top hamper signs</i>, and <i>Clause 3.16.11 - Signage related to heritage items and conservation areas</i>. The signs are appropriately located at the</p>

Provision	Compliance	Comment
		<p>ground floor the entrance of the community centre and are compatible with the heritage significance of the heritage item on site, including the existing and proposed built form architectural style.</p> <p>The design, style, materials, colours and lettering of the new signage is high quality. The signage to the Community Hall is proposed to be stainless steel, which is minimal in style and will not detract from the heritage significant fabric to which it is affixed.</p> <p>Pursuant to Clause 3.16.1(1)(a) of the DCP, as the site is a local heritage item, a signage strategy is required. Where appropriate, Council can waive this requirement. The requirement for a signage strategy can be waived in this instance as the proposed signage is minor in nature and satisfied the objectives of the DCP in relation to signage.</p>

## Section 4 – Development Types

### 4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Yes	<p>The site is permitted a maximum building height of 3 storeys with a maximum street frontage height of 3 storeys.</p> <p>The proposed height of the new addition to Mount Street is 2 storeys in height with a street frontage height of 2 storeys and complies.</p>
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	Clause 4.2.1.2(1) details appropriate floor to floor heights for buildings with a commercial or retail use. The use of the proposed new building on site is



		<p>community facility and as such, the provisions do not strictly apply. However, as the uses within the new building are comparable to retail or commercial, the proposal has been assessed against relevant controls below.</p> <p>Clause 4.2.2(1)(b) and (c) state floor to floor heights of 4.5m on the ground floor and 3.6m on the first floor are required. This is to provide for future flexibility of uses.</p> <p>The proposed floor to floor height of the ground floor of the new addition is 3.3m. The floor to ceiling height of the first floor varies between 3m and 5m.</p> <p>The floor to floor height of 3.3m is considered adequate, noting that it is unlikely the building will be converted to a commercial or retail use in future.</p> <p>The additional height on the first floor will provide the area with a generous spatial quality. It is also noted that the overall height of the new building has been designed to respect the adjacent heritage buildings. On balance, the floor to floor and floor to ceiling heights proposed are acceptable in this instance.</p>
4.2.2 Building setbacks	Yes	<p>The new building to Mount Street matches and maintains the Community Hall's zero setback to the boundary, creating a consistent street wall in this location.</p> <p>The reduced southern setback is acceptable as the southern elevation of the new building is located across from the blank side wall of the development at 71 Harris Street, known as the Grande Terraces.</p> <p>The contemporary nature of the neighbouring development and the proposed addition, and their increased proximity, transition appropriately down to the heritage-listed Community Hall on Mount Street. The proposal will result in</p>

		an improved built form and enhanced presentation to the public domain.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	The proposed development will not result in adverse overshadowing impacts to any residential private open space or living room glazing.
4.2.3.6 Deep Soil	No, but acceptable	<p>The existing site is 1,686.4sqm, and as such, a minimum of 168sqm of deep soil is required. To comply, effectively the entire internal courtyard area would be required to be amended to constitute deep soil as the existing heritage-listed site is fully built out.</p> <p>The proposal does not seek to introduce deep soil and the works to the internal courtyard, where deep soil could be introduced, are fairly limited in scope (only repaving of the removed basketball court area and new soft fall to the playground are proposed). In view of the existing site conditions and the heritage listed buildings on site, the proposal is considered acceptable in this instance.</p>
4.2.3.11 Acoustic privacy	Yes	<p>An acoustic report has been submitted with the application to support the continued use of the community facility.</p> <p>The acoustic report has been based on the lowest background noise levels in the nearest commercial and residential receivers during typical maximum operations of the centre to try and achieve the most stringent criteria for the surrounding community and also to comply with the City of Sydney Criteria set out in Section 2.1 of the acoustic report.</p> <p>The acoustic consultant has displayed operation noise predictions from the use of the premises which has illustrated compliance, subject to the management plan recommendations set out in section 4.1 of the acoustic report. These measures include:</p>

		<ul style="list-style-type: none"> <li>• Ensuring the glass windows/doors of the gym are kept closed at all times, and ensuring the glass windows/doors of the community hall and community room are kept closed when internal noise levels are expected to be high (such as during music rehearsals).</li> <li>• Ensuring all courtyard use is held during the daytime period (7.00am to 7.00pm) and that all patrons using the outdoor area are made aware of noise impacts on surrounding neighbours.</li> <li>• The erection of clear signage at all entries and exits advising community users that they must not generate excessive noise when entering and leaving the premises.</li> <li>• Staff monitoring the behaviour of community users to limit noise.</li> <li>• Ensuring internal noise levels remain at LAeq, 15 minute 70dB or lower within the gym, and within the community hall and room when used for music classes.</li> <li>• Installation of sound absorbing flooring within the gym.</li> <li>• Noise limits on speakers for the internal areas.</li> <li>• The implementation of a management plan for the use of the PCC and for the use of the gym regarding use of weights.</li> </ul> <p>The acoustic report has been reviewed by the City's Environmental Health unit, who advise the report is acceptable. Relevant conditions have been recommended for inclusion in the consent, including compliance with the submitted acoustic report.</p>
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**4.4.4 Childcare centres**

<b>Provision</b>	<b>Compliance</b>	<b>Comment</b>
4.4.4.2 Allocation of childcare places	Yes	<p>The application does not seek any change to existing OSHC enrolment numbers. The OSHC currently caters for 30 children which complies with Clause 4.4.4.2(1)(a).</p> <p>Clause 4.4.4.2(1)(b) states childcare centres are to provide a minimum of 33% of childcare places for children aged under two years. As the service being operated at the Pymont Community Centre is an OSHC, the provision is not relevant.</p>
4.4.4.3 Location	Yes	The existing OSHC is located on the first floor of Building 1, with a playground located at the ground floor. The OSHC is suitably located within the existing heritage item.
4.4.4.4 Design of play areas	Yes	The outdoor play area is located away from areas where objects can be dropped from above; from main entrances, car parking or vehicle circulation areas (of which there are none on site); existing noise and environmental pollution sources; and living and bedroom windows of surrounding dwellings.
4.4.4.5 Control of noise impacts to childcare centres	Yes	An acoustic report for the continued use of the community facilities has been provided with the application and reviewed by Council's Environmental Health Unit, who have advised it is satisfactory. The recommendations made in the acoustic report are required to be complied with via a recommended condition, which is to be included in the consent.
4.4.4.6 Parking and pedestrian safety	Yes	The indoor and outdoor areas of the OSHC are suitably located away from any vehicle access points (i.e. John Street and Mount Street). There is no vehicular access on site.
4.4.4.7 Safety and security	Yes	The proposed entry is located on Mount Street. Visitors do not have to travel through the outdoor play area to access the foyer and sign in areas of the development.



Provision	Compliance	Comment
4.4.4.8 Additional considerations for childcare centres located above ground level	Yes	<p>The first floor OSHC can be accessed through three staircases - one discharging to John Street, one to the internal courtyard, and one located through the bridge link to Mount Street.</p> <p>The indoor areas are secure, are well proportioned, and are not interrupted by internal features like columns. The outdoor area is located on the ground floor, so clause 4.4.4.8(5) does not apply.</p>

## Discussion

### Heritage

44. The subject site is a locally listed heritage item known as the Former Pyrmont Public School including interiors, fences and grounds (I1237). Constructed c. 1884-1891, the Pyrmont Public School building is a highly intact early public school and is a fine example of a pre-Federation style, large, public building.

### *Works to Buildings 1 and 2*

45. Works proposed to Building 1 (the primary building) and Building 2 (the Community Hall) are all internal, consisting of:
- (a) services upgrades like new lighting, ceiling fans, dry fire, and egress signage;
  - (b) mandatory upgrades to the buildings to ensure they comply with the Building Code of Australia like upgrade of sprinklers, egress signs, and smoke detectors;
  - (c) changes to joinery and flooring throughout the buildings, such as removal of existing partition walls and installation of room divider curtains, retention of original timber floor in Building 1 (including its repair and refinishing), internal changes to the Community Hall;
  - (d) the installation of AC units, alterations to plasterboard ceilings, changes to doors;
  - (e) raising of the floor level within the Library Link to meet the Community Hall level, to provide better accessibility cross the site; and
  - (f) maintenance and conservation works.
46. The works above are considered to have a minor impact overall. Removal of intrusive elements (such as the corridor wall in community room 2, in Building 1) will be a good heritage outcome.

### *Changes to Building 3, demolition and re-construction of Building 4*

47. The changes to Buildings 3 and 4, which were constructed in the 1990s, will result in improvements to the site. Demolition of Building 4 will result in a more resolved infill building, the design of which has been the subject of several pre-DA discussions. The

new building will be of a sympathetic scale and respectful contemporary design. The new building has been designed to be visually and physically separated from the heritage buildings with careful consideration given to the design of the entry canopy joining the two.

The canopy has been set to maintain the visibility of the decorative eave brackets and the corner southern expression of Building 2 from Mount Street, with only a minor physical connection to its southern elevation to fix the canopy. External materials, finishes, and colours of the new building will be distinctly contemporary, such as the use of textured and smooth face concrete, but sympathetic to the heritage buildings on site.

### *Overall*

48. The application was referred to Council's Heritage Specialist for review, including the amended plans and additional detail drawings requested and provided during assessment. Subject to the imposition of standard heritage-related conditions, the proposal is acceptable from a heritage perspective. These conditions have been recommended for inclusion in the consent.

### **Materials**

49. The materials proposed are generally of a high quality and finish and will be complementary to the existing heritage fabric on site. Notwithstanding, Council's Urban Designer has requested some additional detail be provided, including:
- (a) the colour of the metal roofing;
  - (b) details of blockwork;
  - (c) the colour of the fibre cement;
  - (d) the colour of the steelwork including to windows; and
  - (e) the colour and finish for the proposed aluminium mesh.
50. Council's Urban Designer has also noted the codes on the drawings are not cross-referenced with the information in the materials schedule, and clear glazing has not been specified to have a Visible Light Transmittance (VLT) of 70% or over.
51. A condition of consent is recommended for inclusion in the consent to address the above issues; as has a condition requiring the submission of a physical sample of the glazing to be used, for Council's review.

### **Consultation**

#### **Internal Referrals**

52. The application was discussed with Council's Environmental Health Unit; Heritage and Urban Design Unit; Public Domain Unit; Tree Management Unit and the Waste Management Unit who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

### External Referrals

53. Pursuant to Clause 45 of the State Environmental Planning Policy (Infrastructure), the application was referred to Ausgrid for comment. At the time of writing, no response had been received.

### Advertising and Notification

54. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 1 September and 23 September 2021. A total of 469 properties were notified and five (5) submissions were received.
55. The application was renotified between 18 October and 2 November 2021 as a result of the additional excavation proposed near the boundary in order to accommodate the rainwater tank. The same 469 properties were renotified and one (1) further submission was received.
56. Of the submissions received, five were generally supportive of the proposed changes to the Pyrmont Community Centre but raised concerns with various elements. One submission was made in objection.
57. The submissions raised the following issues:

#### *Design*

- (a) **Issue:** Furniture should be provided to Community Room 1. Consideration should be given to the introduction of a second window to Community Room 1, and acoustic treatment should be provided to Community Room 1 (if used for choir rehearsals).

**Response:** Recessed storage space is provided in Community Room 1, presumably for the storage of furniture like tables and chairs. The introduction of an additional window to the ground floor of the new building (Community Room 1) is not necessary and may interfere with the integrity of the addition's design. With regard to acoustic treatment, Building 4 is proposed to be constructed in concrete with a thickness of at least 200mm which is expected to assist in minimising noise transfer. Similarly, the submitted acoustic report makes a series of recommendations (detailed above in this report) that includes ensuring the glass windows and doors of the community hall and community room are kept closed when internal noise levels are expected to be high (i.e. during music classes, etc). A condition referencing the acoustic report is included in the consent to ensure the recommended measures are complied with and are enforceable.

It is also noted that all development is required to comply with the Protection of the Environment Operations Act 1997. In the event use of the Community Room results in noise transfer or acoustic impacts, the matter can be reported to Council, or can be dealt with should it arise.

- (b) **Issue:** The visual impact of the proposed pale facade treatment (to Building 4) is conservative. Colour contributes to the locality; a design choice that considers form, scale, colour and landscaping needs to respond to its surrounding environment. E.g. green-coloured hues are resonating with commercial paint

companies, with organic, less-saturated shade gaining popularity over traditional greys and off-whites for exterior paint choices.

**Response:** The use of smooth and textured face concrete is integral to the design of the new addition. The use of a light grey colour ensures the new development is minimal and recessive when viewed alongside the heritage significant buildings on site. The exposed, neutral-hued concrete relates well to the masonry character of the existing heritage fabric; the use of which is supported by the City's Design Advisory Panel, heritage specialist, and urban designer. It is not considered necessary to introduce additional colours to the proposed materials and finishes palette.

- (c) **Issue:** The replacement canopy tree in the courtyard should be a well-established native.

**Response:** The proposal has been reviewed by Council's tree management officer, who has advised that an advanced tree planting condition is required. The condition stipulates that two trees are to be planted within the courtyard at the completion of all construction works.

The condition, which contains standard wording, requires the tree species to attain a minimum height of no less than 8m and a canopy spread of at least 6m when mature; have a minimum container size of at least 200L and a minimum height of 3m; and must be grown to Australian Standard 2302:1015 'Tree stock for landscape use.' Palms, fruit trees and species recognised to have a short life span will not be considered a suitable replacement.

Tree selection must be to Council's satisfaction - meaning the tree management unit will review the trees proposed to be planted and will advise whether the choices are suitable or not.

#### *Accessibility*

- (d) **Issue:** Concerns about the removal of the existing ramp and replacement with only a lift to access the ground floor foyer and first floor of Building 4. There is no emergency disabled access or contingency in the event of a lift malfunction, which can take time to repair. The provision of a single lift for access to the community centre will result in queuing. In the event of fire or medical emergency, there is no means for disabled egress from the building (without using the lift). Alternative disabled access should be provided.

**Response:** Noted. As detailed above in this assessment, the application has been accompanied by a Building Code of Australia (BCA) report that advises the development satisfies the accessibility provisions of the BCA, noting the design will be subject to refinement in preparation of the construction documentation to capture detailed compliance matters. Some of this will likely be dealt with via an access performance solution.

With regard to egress in case of emergency, like all Council facilities, the centre will have a plan in place for the safe evacuation of the building. The proposed development complies with the relevant provisions of the BCA and the Disability Discrimination Act 1992 (DDA) and is considered acceptable.

#### *Use and operation*

- (e) **Issue:** It is unclear whether the new community room is designated for use by certain community groups (such as the local choir) or what its capacity will be. Any refurbishment planned should ensure that the piano, currently at the centre, can be relocated to the Hall if need be, without damage to the instrument.

**Response:** Noted, the use and operation of the community facility, once refurbished, will continue to be managed by the City.

- (f) **Issue:** There are a variety of community activities provided on site presently, including music groups, art and photography, a book club, fitness classes etc. The Community Centre will be closed for the duration of the upgrade, assessed to be 70 weeks.

The only alternative space so far identified by Council is the Maybank Centre. The venue is small, with limited accessibility. Council should secure equivalent space in the nearby vicinity in the months before work commences, to enable equipment to be moved to the new location and to maintain easy access for local residents.

**Response:** These comments have been noted and provided to the relevant unit within Council for their consideration, as the temporary relocation of services is not a statutory planning matter.

- (g) **Issue:** CCTV installation at key locations attached to the Pymont Community Centre should be included.

**Response:** As the proposal is for alterations and additions to the centre and not for any change of use or change to existing operations, it is not considered necessary to include a planning condition requiring the installation of CCTV cameras. The installation of CCTV will be an operational matter for a separate section of the City.

- (h) **Issue:** The OSHC should be moved permanently to Ultimo Community Centre and/or Ultimo Public School, where children can access more indoor and outdoor space in both these venues, and more sporting and musical equipment at the school. Council should base this decision on children's welfare rather than convenience of parents, noting that for many it is not simply a matter of convenience as Pymont OSHC is valued by parents and children. Once the renovations are complete, Council might usefully explore and encourage co-operation between Pymont OSHC and the wider community.

**Response:** Noted. These comments have been noted and provided to the relevant unit within Council for their consideration, as the concerns raised cannot be addressed by statutory planning.

- (i) **Issue:** The OSHC should not be permanently relocated to Ultimo. Convenience of parents plays an important role in children's welfare. Permanently relocating the OSHC program to Ultimo can add up to 50 minutes extra time to the already tight schedules of parents. This makes an enormous difference to families and the quality of their time spent together. Consideration should be given to implementing a transport service from Ultimo to Pymont with 1-2 schedules to assist families throughout the proposed 70 week relocation.

Children who attend the Pymont OSHC benefit from its location and the fact that they get to spend time exploring Pymont's outdoor spaces, and from the sense



of neighbourhood community and wellbeing at the OSHC. The OSHC provides care to Ultimo Public School students and elsewhere, with various members of the community utilising the service.

**Response:** Noted. These comments have been noted and provided to the relevant unit within Council for their consideration, as the concerns raised cannot be addressed by statutory planning.

*Construction phase*

- (j) **Issue:** Existing furniture within library link should be donated to Pyrmont Cares or other services.

**Response:** The City of Sydney has an asset disposal policy, which may include donation to other charities or community organisations, depending on the item. Council officers will apply the policy for the upgrade of the Pyrmont Community Centre, determining what will be kept and what will be disposed.

- (k) **Issue:** Artwork in the library link should be protected during construction.

**Response:** It is anticipated the artwork in the library link will be removed during construction with reprints reinstated after completion.

- (l) **Issue:** The statement in the submitted Statement of Environmental Effects that "there is no significant vegetation on the site" is incorrect from a community perspective, in that there are established and maintained planter boxes within the courtyard and surrounding the community centre off Mount Street.

As part of the proposed development, new planter boxes should be provided in the area outside the southern wall of the Community Hall, which is open to the elements and unroofed. The existing planter boxes in the courtyard should be maintained and protected during construction. Any new planting should be undertaken in consultation with community volunteers.

**Response:** Noted. The comment regarding vegetation is interpreted as relating to more permanent vegetation, such as trees and integrated landscaping. The addition of a planter box to the southern wall of the Community Hall is not considered appropriate, given the heritage significance of the building and the impacts that vegetation (and particularly irrigation) may have on the historic fabric.

The introduction of new planter boxes within the internal courtyard as part of the proposed development application has been designed to offset the removal of the existing planters, which are unlikely to be able to be protected during construction.

- (m) **Issue:** The heritage stone wall to the south of the site appears to be crumbling. Measures should be undertaken to stabilise and protect the wall so that its heritage significance is maintained and so it does not become a safety hazard.

**Response:** The stone wall on the southern boundary was refurbished in 2017. Changes to the wall are not included in the scope of the proposal and the need for further maintenance has not been identified.

- (n) **Issue:** Council should work with government agencies to install services underground in Mount Street and upgrade lighting and the footpath on Mount Street.

**Response:** Public domain works such as undergrounding cables or changes to the condition of the footpath do not form part of the scope of the subject application.

*Additional facilities*

- (o) **Issue:** The proposed upgrade is necessary however is unlikely to meet the needs of the additional 8,500 residents and 23,000 workers anticipated to move into the Pyrmont Peninsula as forecast in the Pyrmont Peninsula Place Strategy. Additional facilities will be required. Council should consider the complete redevelopment of the Maybanke site as an indoor-outdoor recreation centre, to provide adequate fitness and sporting facilities as soon as funding can be allocated.
- (p) **Response:** Noted. This comment has been noted and provided to the relevant unit within Council for their consideration, as it is not a statutory planning matter.

## Financial Contributions

### Contribution under Section 7.11 of the EP&A Act 1979

58. The development is not subject to a Section 7.11 development contribution as it is development undertaken by or on behalf of Council, which is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution.

### Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

59. The site is located within the Ultimo/Pyrmont affordable housing contribution area. As the proposed development includes around 160sqm of additional floor space intended to be used for a purpose other than residential accommodation, a contribution would ordinarily apply.
60. However, Clause 7.13(6)(e)(iii) of the LEP advises that the floor area of a building that is used for the purpose of community facilities is excluded from the definition of total floor area.
61. The additional 160sqm of floor space provided by the development is to be used for the purpose of community facilities. Consequently, pursuant to Section 7.13 of the LEP 2012, the proposed development is not required to pay an affordable housing contribution.

## Relevant Legislation

62. Environmental Planning and Assessment Act 1979.

## Conclusion

63. The application seeks consent for alterations and additions to the community facility known as the Pymont Community Centre. Key works proposed include demolition of the existing c1990s Mount Street facing building and construction of a new two-storey building in this location, comprising a new foyer, lift, reception and office space, and new gym and community room.
64. Other alterations are also proposed including internal changes to buildings on site such as new joinery and surfaces, services upgrades, reconfiguration of access and doors, and external changes such as a new playground area and tree planting, infilling of windows, rendering of walls, and new window openings. The proposal also includes heritage conservation works.
65. The application is reported to the Local Planning Panel as the applicant and landowner is the City of Sydney Council.
66. The development is consistent with relevant provisions in both the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, concerning the Out of Hours School Care (OHSC) provided on site; and the State Environmental Planning Policy No 64 - Advertising and Signage, with regard to the signage proposed as part of the subject application.
67. The alterations and additions to the site are of an appropriate scale and will not adversely impact the heritage item on site, being the Former Pymont Public School (I1237). The proposal results in improvements to the site through the demolition of the existing, unsympathetic Mount Street addition (Building 4), the construction of a new two-storey building in the same location, required upgrades and conservation works to the heritage significant development on site (Buildings 1 and 2), and an enhanced internal courtyard with a refurbished playground, and the installation of planter beds and barbeque facilities for the community's use.
68. The contemporary addition is consistent with the nil setbacks to Mount Street, complements the heritage appearance of the existing heritage significant buildings, and will contribute positively to the streetscape. The selected materials are high quality and ensure the development is both recessive and easily distinguishable from the heritage fabric on site.
69. Subject to conditions, the development satisfies the relevant provisions for design excellence, is in keeping with the desired future character of the Pymont locality, and is considered to be in the public interest.
70. The proposal is recommended for approval, subject to conditions.

## ANDREW THOMAS

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