

Relevant Information for Local Planning Panel

FILE: D/2021/987 **DATE:** 15 December 2021

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning and Development

SUBJECT: Information Relevant To Item 4 – Development Application: 79A John Street, Pyrmont – D/2021/987

Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2021/987, subject to the conditions detailed 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 ~~strikethrough~~):

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."

Background

Condition 33 – Advance Tree Planting

The subject proposal includes the removal of two existing trees on site, being a semi-mature Pin Oak within the courtyard, and a mature Sweet Pittosporum located near the existing ramp entry to the building. The Pin Oak has been significantly crown raised resulting in reduced amenity value and canopy cover. To offset the removal of these trees, the application proposes to plant a new tree nearby the playground within the courtyard, and a new street tree on Mount Street to Council's specification.

The applicant has queried whether two replacement trees on site are required, given both trees to be removed will be replaced, with one new on site tree and one new street tree introduced on Mount Street.

The proposed development will replace both of the existing trees on site that are to be removed. It is not considered necessary to accommodate two replacement trees within the courtyard, given the Pin Oak to be removed has suffered in its location, and an existing healthier Pin Oak is proposed to be retained.

As amended, Condition 33 of the recommendation to the Local Planning Panel continues to ensure the development achieves the objectives of relevant tree management provisions.

Condition 59 – Overhead Powerlines

The application was referred to Ausgrid pursuant to Clause 45(2) of the *State Environmental Planning Policy (Infrastructure) 2007* on 16 November 2021. As the referral agency, Ausgrid was provided 21 days to provide comment. At the time of writing the report for 79A John Street, Pyrmont, for the Local Planning Panel, a response from Ausgrid had not been received.

A response was provided by Ausgrid on 9 December 2021, advising no objection was raised to the proposed development and that the applicant/developer should note comments regarding any proposal within the proximity of existing electrical network assets. The comments provided form the advisory condition (detailed above) that has been inserted into the consent.

Condition 59 of the recommendation to the Local Planning Panel requires the development to comply with Ausgrid's advice.

Prepared by: Anna Kaskanlian, Specialist Planner

Attachments

Attachment A. Applicant's Email Concerning Advance Tree Planting Condition

Attachment B. Ausgrid Referral Response Letter

Approved

AJT

ANDREW THOMAS

Executive Manager Planning and
Development