

Relevant Information for Local Planning Panel

FILE: D/2024/122 **DATE:** 18 December 2024

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning & Development, City Planning Development and Transport

SUBJECT: Information Relevant To Item 4 – Development Application: 141-155 Commonwealth Street, Surry Hills - D/2024/122

Alternative Recommendation

It is resolved that

- (A) the variation requested to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) the variation requested to Clause 4.4 Floor Space Ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (C) consent be granted to Development Application D/2024/615, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 18 December 2024, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strikethrough~~):

(46) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the [~~Street Name/s~~] **Commonwealth Street and Reservoir Street** frontage[s] of the site are to be retained and properly protected during demolition, excavation and construction works.

(b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be reinstalled in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.

(c) Note the following:

(i) all costs associated with the works are to be borne by the developer.

(ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.

(iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.

(iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.

(v) Council approval is required before kerbs are removed.

(vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Reason

To ensure the protection of stone kerbs.

(91) STREET TREE PROTECTION

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

(a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:

(i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.

(ii) Tree trunk/s and/or major branches to a height of two metres, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and

(iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.

(iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.

(b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.

(c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.

(d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.

(e) Materials or goods, including site sheds, must not be stored or placed:

(i) around or under the tree canopy; or

(ii) within two (2) metres of tree trunks or branches of any street trees.

(f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.

(g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within ~~specify~~ metres **the Tree Protection Zone** of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.

(h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.

(i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

To ensure the protection and ongoing health of the street trees.

Background

Corrections to consent conditions regarding protection of stone kerbs and protection of street trees in order to clarify condition requirements.

Prepared by: DANIEL STANLEY, SENIOR PLANNER

Approved

Handwritten signature of Andrew Thomas, consisting of the letters 'A', 'J', and 'T' in a stylized, cursive font.

ANDREW THOMAS

Executive Manager Planning & Development,
City Planning Development and Transport