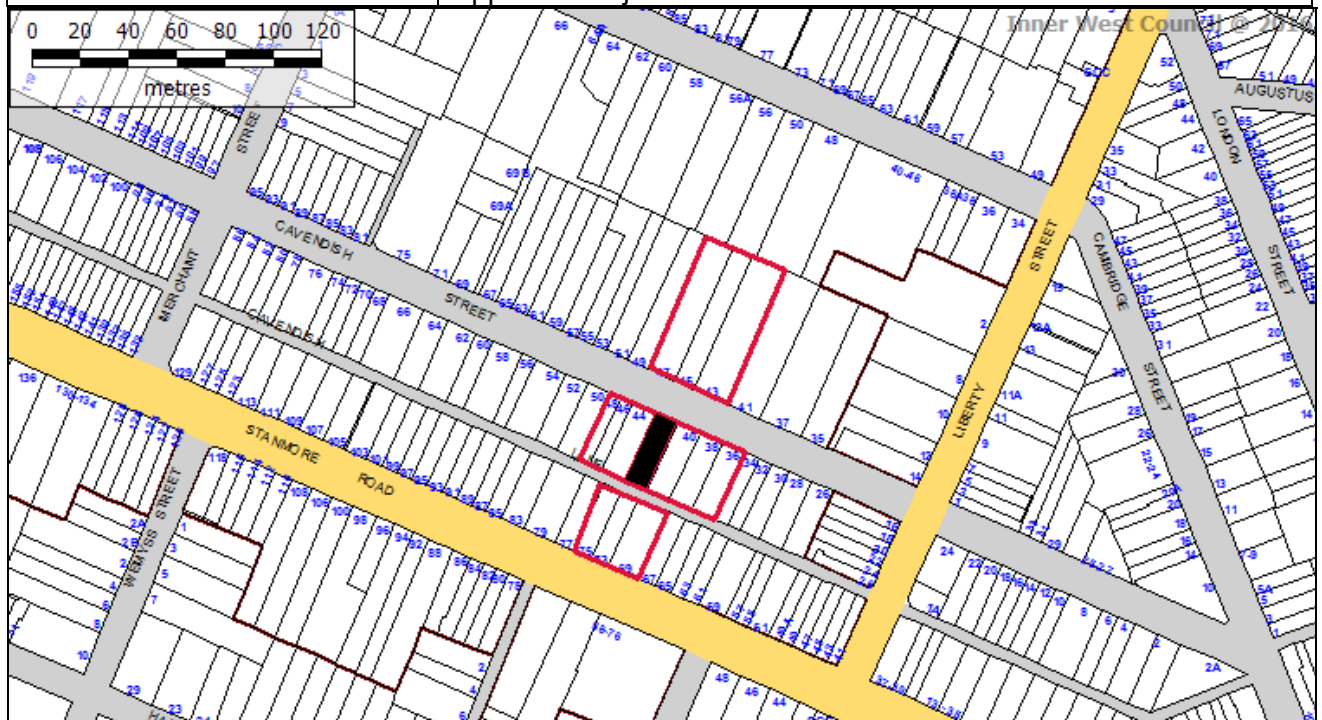







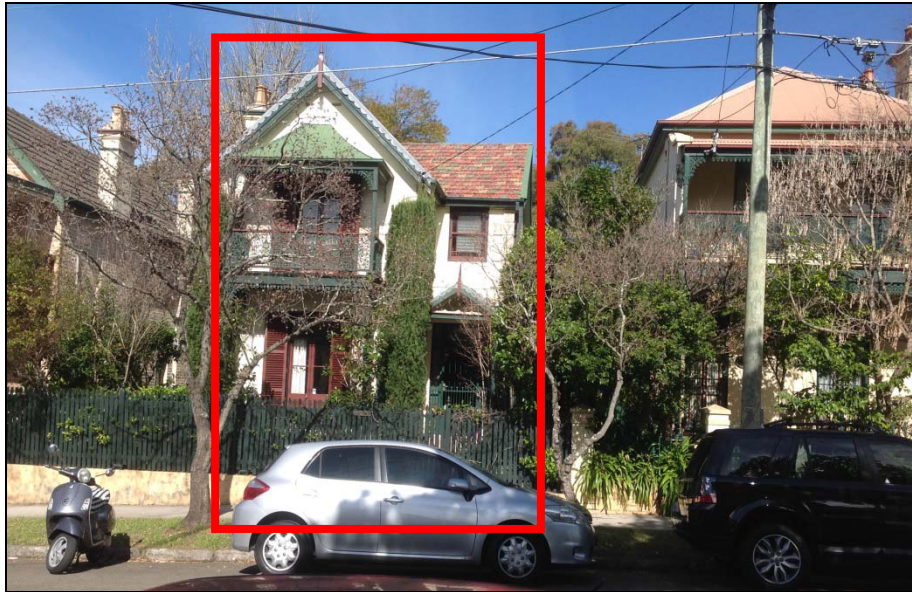
# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA201800062
<b>Address</b>	42 Cavendish Street STANMORE
<b>Proposal</b>	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house
<b>Date of Lodgement</b>	9 February 2018
<b>Applicant</b>	Seemann Rush Architects
<b>Owner</b>	Mr J Lazoglou and Ms B Psychogios
<b>Number of Submissions</b>	Nil
<b>Value of works</b>	\$321,750
<b>Reason for determination at Planning Panel</b>	Partial demolition of Heritage Item
<b>Main Issues</b>	Heritage, landscaping and open space and tree management
<b>Recommendation</b>	Approval subject to conditions



Subject Site: 	Objectors:  [Nil]
Notified Area: 	



*Image 1: The Site*

## 1. Executive Summary

This report is an assessment of the application submitted to Council to demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house. The application was notified to surrounding properties and no submissions were received. The main issues that have arisen from the application include:

- Ensuring the works adequately protect the significance of the heritage item;
- Providing adequate landscaping and open space; and
- Tree management.

The plans were amended during the assessment process to ensure a suitable outcome for the heritage item. The western wall of the rear wing was required to be retained, and a flat roof with a parapet was required where floor space extended south beyond the original wing, so the gable end of the rear wing can be viewed and interpreted.

The proposal results in a numerical non-compliance with minimum open space requirements. However the overall outcome of the proposal is supportable, primarily due to the shared car-space and open space arrangement which improves upon the existing situation.

Trees are generally not impacted upon because the development occurs where existing built structures are located, including a concrete slab. Tree impacts can be managed by conditions requiring details from, and supervision by, an arborist, in addition to the provision of one replacement tree.

## 2. Proposal

Approval is sought to demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house. The Statement of Environmental Effects identifies the following works:

### Ground floor

The plans do not indicate any major changes to the existing front lounge and dining room on the ground floor, other than new openings in the southern and western (internal) walls of the dining room, replacement of an existing window in the southern wall of the dining room and new windows in the eastern external wall of the dining room (approved under a separate application).

An existing kitchen, family room and laundry located at the rear of the ground floor is proposed for demolition and replacement with a new combined family room and kitchen, with a new centrally located laundry and WC. The reconfigured ground floor results in a more compact courtyard and a portion of the new kitchen located further toward the western boundary. The new ground floor arrangements result in the open space being more readily accessible.

### First floor

The plans do not indicate any changes to bedrooms 1 and 2 on the first floor.

The proposal seeks to reconfigure that portion of the first floor containing bedrooms 3 and 4, such that two bathrooms are centrally located and the bedrooms increased in floor area and are located toward the rear.

### Private open space

An existing carport at the south eastern corner of the site is proposed for demolition, and a new pergola is proposed at the rear south western corner of the lot. A portion of the rear wall on the south western side is proposed for demolition. New masonry walls are proposed along the rear portions of the east, west and south (rear) boundaries, a new bin store is proposed in the south east corner and various landscaping is proposed.

## 3. Site Description

The subject site is located on southern side of Cavendish Street, Stanmore, between Liberty Street and Merchant Street. The site has a total area of 303.5sqm and is legally described as Lot 37 in Deposited Plan 656574.

The site has a frontage to Cavendish Street of approximately 10 metres, and a similar frontage to Cavendish Lane at the rear. The site is relatively flat, sloping gently from the rear to the front. The site supports a two storey period dwelling house and a single carport at the rear.

The following trees have been identified on the subject site:

- *Castanea* sp. (chestnut)
- Several small *Magnolia grandiflora* in front setback
- A couple of small trees along western boundary

The following tree has been identified on adjoining site (40 Cavendish Street):

- *Jacaranda mimosifolia* (jacaranda)

The subject site forms part of a listed heritage item [40-42 Cavendish Street]. The property is also located within Kingston South Conservation Area

Photographs of the front, courtyard, and rear of the dwelling house are included below.

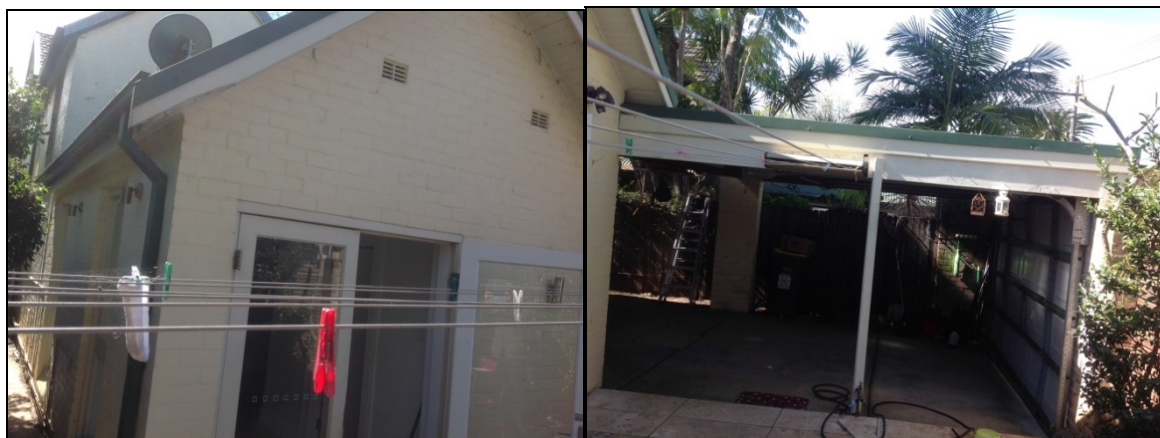




*Images 2 and 3: Internal Front and Internal Rear*



*Images 4 and 5: North and South parts of Courtyard*



*Images 6 and 7: Rear (south west) of Dwelling and Carport*



Image 8: Rear of property from Cavendish Lane

## 4. Background

### 4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

#### Subject Site

Application	Proposal	Decision & Date
DA200900125	To carry out internal alterations and alter the openings in the ground floor of the dwelling house	Approved 13 May 2009
DA200000347	To erect a first floor addition to the rear of a dwelling house	Approved 30 October 2000

#### Surrounding properties

Application	Proposal	Decision & Date
D186/96	To erect a carport at the rear of the property [40 Cavendish Street]	Approved 16 June 1996
DA200200918	To demolish a rear portion of the dwelling and construct a glass conservatory [44 Cavendish Street]	Approved 1 April 2003

### 4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter/ Additional Information
12 September 2018	Pre-Development Application Advice PDA 201700103 made reference to a need to justify the proposal in terms of heritage, including a Heritage Impact Statement. Other issues specifically identified were open space, general impact, visual and acoustic privacy, overshadowing and solar access and tree management.

9 February 2018	Application submitted to Council.
12 April 201	Amended plans submitted to Council including 900mm setback from the west boundary; articulation of the rear addition as a rectangular pavilion form, to clearly distinguish the original from the new; change in roof form of the addition to continue the original gable of the existing wing with matching ridge heights.
31 May 2018	Revised plans submitted indicating retention of the 2 storey rear wing.
20 July 2018	Amended shadow diagrams submitted to Council.

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

### 5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Marrickville Local Environmental Plan 2011.

The following provides further discussion of the relevant issues:

#### 5(a)(i) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 concerns the protection/removal of vegetation identified under Part 2.20 of Marrickville Development Control Plan 2011 (MDCP 2011). There are a number of trees protected by MDCP 2011 and the application was referred to Council's Tree Management Officer who provided the following summary comments:

*"The proposed development is essentially on the same footprint as the existing dwelling. Where the additions extend further than the existing footprint, there is already concrete slab. It is not anticipated that there will be any impact upon the mature chestnut tree in the subject property or the jacaranda in the neighbouring property. However, given that the proposed works will encroach within the Tree Protection Zones (TPZ) of both trees and the Structural Root Zone (SRZ) of at least the jacaranda, a project arborist will be required to provide a work method statement and tree protection plan and specification, and to supervise the works that could impact either tree.*

*An extension to the western side of the house that will result in zero setback to the boundary will require the removal of two small trees growing adjacent to that boundary, one of which is larger than the minimum prescribed size. This is acceptable with compensatory tree planting. One new tree with a minimum mature height of 5 metres will be required. "*

Conditions provided by Council's Tree Management Officer have been included in the recommended conditions of consent. Having regard to the above the proposal is considered acceptable regarding the provisions of the Vegetation SEPP and Part 2.20 of MDCP 2011.



## 5(a)(ii) Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the Marrickville Local Environmental Plan 2011:

- (i) Clause 2.3 - Land Use Table and Zone Objectives
- (ii) Clause 2.7 - Demolition
- (iii) Clause 4.3 - Height of Buildings
- (iv) Clause 4.4 - Floor Space Ratio
- (v) Clause 5.10 - Heritage Conservation
- (vi) Clause 6.2 - Earthworks
- (vii) Clause 6.5 - Development in areas subject to Aircraft Noise

The following table provides an assessment of the application against the development standards:

<b>Height of Buildings</b>		<b>Floor Space Ratio</b>	
<b>Permitted</b>	<b>Proposed</b>	<b>Permitted</b>	<b>Proposed</b>
9.5m	6.6m (9.3m existing)	0.7:1	0.7:1

The following provides further discussion of the relevant issues:

(i) Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned R2 - Low Density Residential under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). The development is permissible with Council's consent under the zoning provisions applying to the land. The development is acceptable having regard to the objectives for development in the zone under Marrickville Local Environmental Plan 2011.

(ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(iii) Heritage Conservation (Clause 5.10)

The property is listed as a heritage item under MLEP 2011, namely 40-42 Cavendish Street *Victorian Villa including Interiors* (Item I242). The property is also located within a Heritage Conservation Area under MLEP 2011 (Heritage Conservation Area C17 - Kingston South).

Amended plans were received during the assessment process in response to advice and recommendations made by Council's Heritage and Urban Design Advisor who requested design changes to ensure the works proposed are sympathetic to the item.

The amendments required the applicant to provide amended plans demonstrating that the western wall of the rear wing to be retained, and that where floor space extends south beyond the original wing, a flat roof with parapet should be adopted, so the gable end of the rear wing can be viewed and interpreted.

The amended plans meet Council's Heritage and Urban Design Advisor's requirements ensuring the proposal is satisfactory having regard to the retention of the item in addition to being sympathetic to the conservation area. Council's Advisor has also recommended the

imposition of additional conditions to ensure the item is adequately maintained and those conditions are included in the recommendation.

Overall, the development would not have any significant impacts on the heritage item or conservation area. Having regard to the above, the development satisfies Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011.

(iv) Earthworks (Clause 6.2)

The earthworks proposed are for a smaller scale residential development and as such are reasonable having regard to Clause 6.2 of MLEP 2011.

(v) Development in areas subject to Aircraft Noise (Clause 6.5)

The property is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour. The development is likely to be affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2015. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2015. Conditions have been included in the recommended conditions of consent.

### 5(b) Draft Environmental Planning Instruments

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment are irrelevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

### 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

Part	Compliance
Part 2.3 Site Context and Analysis	Yes
Part 2.6 Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 Solar Access and Overshadowing	Yes
Part 2.9 Community Safety	Yes
Part 2.10 Parking	Yes
Part 2.18 Landscaping and Open Spaces	Yes – see discussion
Part 2.20 Tree Management	Yes
Part 2.21 Site Facilities and Waste Management	Yes
Part 2.25 Stormwater Management	Yes
Part 4.1.4 Good Urban Design Practice	Yes
Part 4.1.5 Streetscape and Design	Yes
Part 4.1.6 Built form and Character	Yes
Part 4.1.11 Additional Controls for Period Dwellings	Yes
Part 4.1.12 Details, materials and colour schemes for period	Yes



buildings	
Part 8 Heritage	Yes – see discussion under Clause 5.10 of MLEP 2011

The following provides discussion of the relevant issues:

### **PART 2 - GENERIC PROVISIONS**

#### (i) Acoustic and Visual Privacy (Part 2.6)

The layout and design of the development ensures that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties are protected. Specifically:

##### *North West Elevation*

- W13 on the first floor serves a bedroom, is setback 1.52m from boundary and includes privacy screens;
- A dividing fence and vegetation mitigate potential impacts from a new laundry door and windows on the ground floor.

##### *South East Elevation (first floor)*

- W19 and W20 serve showers and include privacy screening;
- A window associated with a bench seat to Bedroom 4 includes privacy screening [faces an internal courtyard];
- W16 and W17 are narrow, setback 1.95 metres from the boundary and serve a bedroom which is not a highly trafficable space.

##### *Rear Elevation*

- W14 and W15 first floor serve bedrooms and face the rear lane;
- Ground floor doors and outdoor areas are separated from adjoining properties by masonry walls.

Given the above the development is reasonable having regard to the objectives and controls relating to visual and acoustic privacy as contained in MDCP 2011.

#### (ii) Landscaping and Open Spaces (Part 2.18)

A minimum of 60sqm open space is required and 73sqm is provided. The landscaped area and private open space is appropriate given:

- The entire front setback is to consist of pervious landscaping except for the pathway;
- The plans indicate an area of 55sqm of open space (in the form of a central courtyard and rear yard with open pergola) and an additional 18sqm car space which can be used interchangeably as part of the open space, with no dimension being less than 3 metres;
- The landscaping and open space arrangements improve the existing situation which is comprised largely of structures and concrete paving; and
- In excess of 50% of the private open space consists of pervious landscaping including the car parking space which is to be comprised of pervious paving.

### 5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

### 5(e) The suitability of the site for the development

The site is zoned RE2 – Low Density Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

### 5(f) Any submissions

No submission have been received.

### 5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Development Engineer  
Council's Development Engineer has provided conditions which form part of the Recommended Conditions of Consent
- Heritage Officer  
The comments of Council's Heritage and Urban Design Advisor are summarised in Part 5(a)(ii) of this report, under the heading (x) [Heritage Conservation]
- Parks and Streetscape  
The comments of Council's Tree Management Officer are reproduced in Part 5 (a)(i) of this report, under the heading State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

## 7. Section 94 Contributions

Section 94 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$3217.50 would be required for the development under Marrickville Section 94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions

## **9. Recommendation**

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 201800062 to demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house at 42 Cavendish Street subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

DA201800062 – 42 Cavendish Street, Stanmore

### Attachment A – Recommended conditions of consent

#### GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
A01/C, A02/C, A03/C, A04/C, A05/C, A06/C & A07/C	Architectural Plans	31/05/18	Seemann Rush Architects	31/05/18
A08/C	Materials & Finishes	31/05/18	Seemann Rush Architects	31/05/18
D 01/A	Concept Drainage Plan	23/01/18	Seemann Rush Architects	09/02/18
ES 01/A	Erosion & Sediment Control	23/01/18	Seemann Rush Architects	09/02/18
A303493	BASIX Certificate	8/02/18	Peter Rush Architect	09/02/18

and details submitted to Council on 09 February 2018, 12 April 2018 and 31 May 2018 with the application for development consent and as amended by the following conditions.

2. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:

- a) the plans and/or information approved under this consent; or
- b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

3. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
4. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
5. All prescribed trees shall be retained and protected in accordance with these conditions and with the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 unless their removal, pruning or other works is explicitly approved under the terms of this consent. The small trees on the western boundary may be removed to facilitate the extension on that side of the dwelling.

#### BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

6. No work must commence until:
- a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an



Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and

- b) A minimum of 2 days written notice given to Council of the intention to commence work.
7. A Recycling and Waste Management Plan (RVMP) being prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
8. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
9. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.
- Facilities must be located so that they will not cause a nuisance.
10. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
11. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign must include:
- a) The name, address and telephone number of the PCA;
- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
- c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
12. Sediment control devices must be installed before the commencement of any work and must be maintained in proper working order to prevent sediment discharge from the construction site.
13. The species and location of one new tree shall be notified to and approved by Council before work commences. The species of the new tree shall have a minimum mature height of 5 metres and shall be selected from the preferred species list, Clause 2.18.13 of the Marrickville Development Control Plan 2011 or Appendix 6.7 of the Marrickville Street Tree Master Plan 2014 or as otherwise approved in writing by council. The location shall be a minimum of 1.5 metres from property boundaries and a minimum of 2.0 metres from any building (excluding pergola).
14. A project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
15. The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
16. The project arborist shall prepare a work method plan for works within Tree Protection Zones (TPZ) and a tree protection plan and specification, which shall be submitted to and approved by Council before work commences.

**Note:** A full Arboricultural Impact Assessment (AIA) report is not required. Council requirements for a tree protection plan are detailed in Marrickville Development Control Plan, Clause 2.20 Appendix 1.

17. The tree protection measures detailed in the work method statement and the tree protection plan and specification, approved by council before the start of works shall be established before work commences.
18. The project arborist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the council-approved tree protection plan before work commences.
19. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
  - a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
  - b) A concrete pump across the roadway/footpath
  - c) Mobile crane or any standing plant
  - d) Skip bins
  - e) Scaffolding/Hoardings (fencing on public land)
  - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
  - g) Awning or street verandah over footpath
  - h) Partial or full road closure
  - i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity

20. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
21. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

#### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

22. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

**NOTE:** The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

[http://www.lspc.nsw.gov.au/levy\\_information/?levy\\_information/levy\\_calculator.stm](http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm)

**Reason:** To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

23. A levy of \$3217.50 has been assessed as the contribution for the development under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 7.12 Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 7.12 levy (as adjusted) must be paid to the Council in cash or by **unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card\* before the issue of a Construction Certificate**. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 7.12 levies **CANNOT** be made by Personal Cheque or Company Cheque.

\*NB A 1% credit card transaction fee applies to all credit card transactions.

**(LEVY PAYMENT REFERENCE NO. DC002355)**

**NOTE:** Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

**Reason:** To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

24. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

**NOTE:** The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate issued no earlier than 3 months before the date of lodgement of the application for the Construction Certificate. (Refer to Clause 6A of Schedule 1 to the Regulation).

25. The existing building must be upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke detection systems in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
26. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021-2015 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2015. Plans fully reflecting the selected commitments must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
27. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused

to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit	Min \$2,152.50
Inspection fee	\$230.65

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**SITE WORKS**

- 28. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
- 29. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
- 30. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'.
- 31. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
  - a) after excavation for, and prior to the placement of, any footings;
  - b) prior to pouring any in-situ reinforced concrete building element;
  - c) prior to covering of the framework for any floor, wall, roof or other building element;
  - d) prior to covering waterproofing in any wet areas;
  - e) prior to covering any stormwater drainage connections, and



- f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
32. All demolition work must be carried out in accordance with the following:
- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
  - b) all works involving the demolition, removal, transport and disposal of material containing asbestos must be carried out by suitably qualified persons in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
  - c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
  - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
  - e) the generation of dust and noise on the site must be controlled;
  - f) the site must be secured to prohibit unauthorised entry;
  - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
  - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
  - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
  - j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
  - k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
33. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
- a) protect and support the adjoining premises from possible damage from the excavation;
  - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
  - c) at least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA before work commences.

34. If the proposed work is likely to cause obstruction of the public place and/or is likely to endanger users of the public place, a suitable hoarding or fence approved by Council must be erected between the work site and the public place.
35. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
36. The person acting on this consent must comply with the requirements of the Dividing Fences Act in respect to the alterations and additions to the boundary fences.
37. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
38. Tree protection measures approved by council before the start of works and in accordance with Section 4 of Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 shall be implemented and complied with for the duration of works (except where these conditions permit otherwise). Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.
39. Any excavation or ground works, including lifting concrete, within the Structural Root Zone (SRZ) of any tree, as determined by the project arborist, shall be directly supervised by the project arborist. No roots deemed to be structural roots by the project arborist shall be pruned, severed or damaged.
40. Trees to be removed shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with the Safe Work Australia *Guide to Managing Risks of Tree Trimming and Removal Work*, July 2016.
41. Following completion of construction and prior to the issue of the Occupation Certificate, one new tree shall be planted.
42. The new tree shall be planted in accordance with the following criteria:
  - a) The new tree shall be located as approved by council before the start of works – a minimum of 1.5 metre from any boundary and a minimum of 2.0 metres from any building, excluding the pergola.
  - b) The species of the new tree shall be as approved by council.
  - c) The planting stock size shall be at least 45 litres.
  - d) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
  - e) The new tree shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Please note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be staked.
  - f) The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
  - g) The new tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
  - h) If the tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.
43. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 150mm at both sides of the vehicle entry. Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels. Failure to comply with this condition will result in vehicular access being denied.

44. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
45. The site stormwater drainage shall be constructed generally in accordance with Stormwater Drainage Concept Plan D01 (Issue A) dated 21/01/18.
46. All reasonable directions in writing by the project arborist in relation to tree management and tree protection shall be complied with.
47. During construction the project arborist shall undertake periodic inspections of trees and tree protection measures, as detailed in the tree protection plan.

#### **BEFORE OCCUPATION OF THE BUILDING**

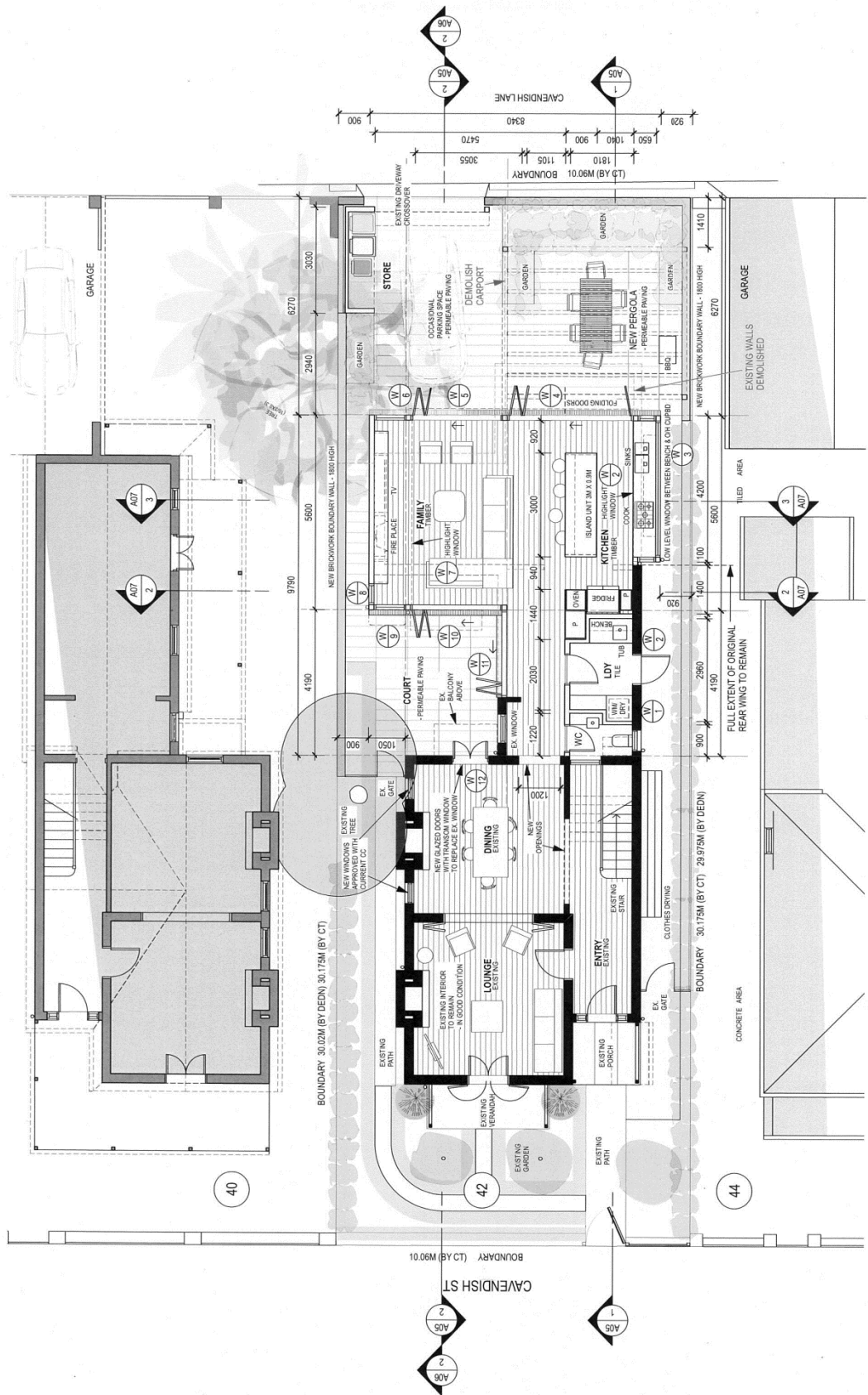
48. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
  - a) A copy of the determination;
  - b) Copies of any documents that were lodged with the Occupation Certificate application;
  - c) A copy of Occupation Certificate, if it was issued;
  - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - e) A copy of any missed inspections;
  - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
49. The Certifying Authority must be satisfied that each of the commitments listed in Aircraft Noise Assessment Report required by this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
50. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
51. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).
52. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.
53. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
54. Light duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at





	Home Warranty Insurance.
Dial Before You Dig	1100 <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.





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 NSW Registered Architect Paper No. 7022

1404  
 JOB NO  
 1:100 @ A3  
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**A 02**  
 DWG NO

**ALTERATIONS & ADDITIONS**  
 PROJECT  
 42 CAVENDISH ST STANMORE - LOT 11 DP 532846  
**GROUND FLOOR PLAN**  
 DWG TITLE

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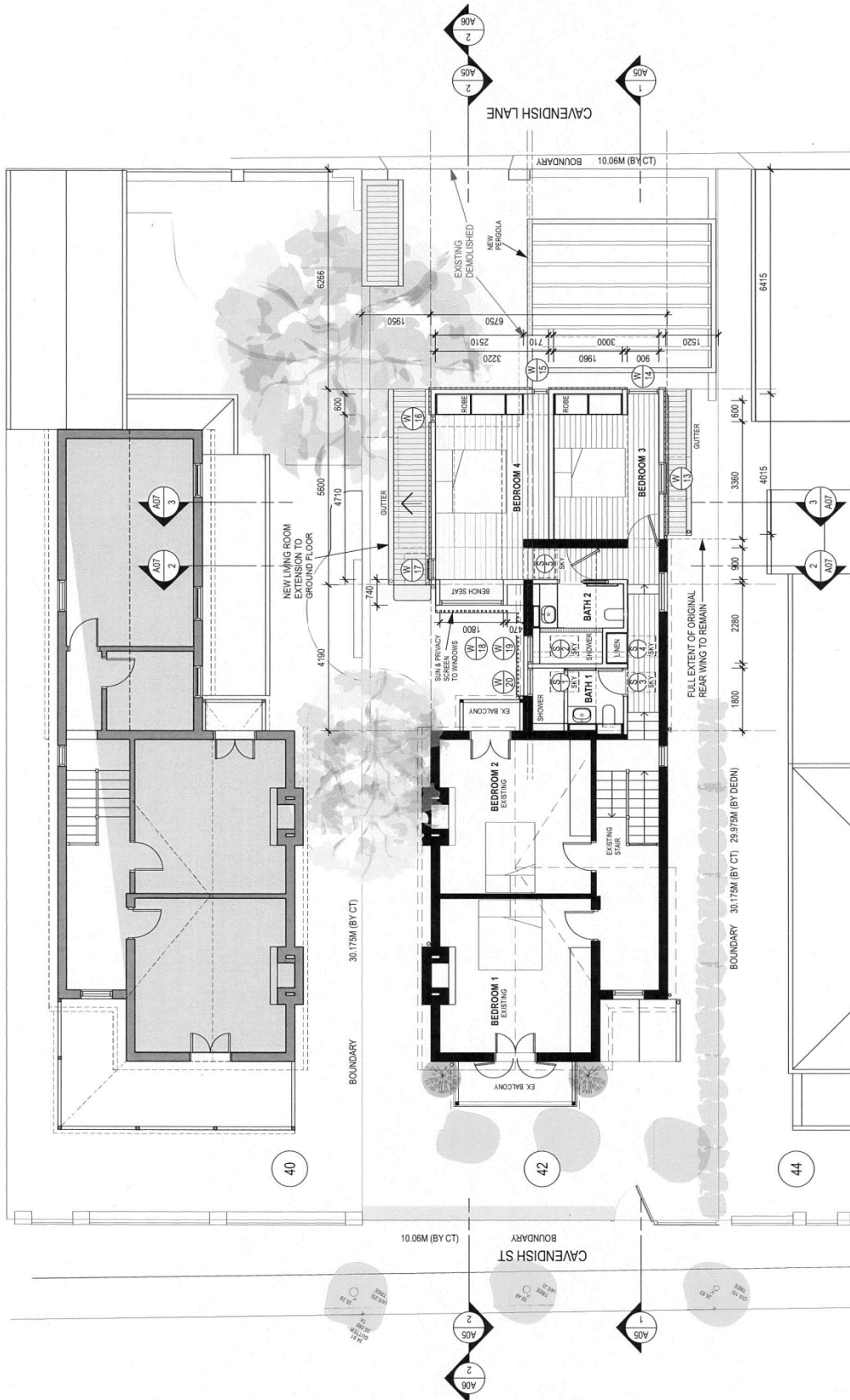
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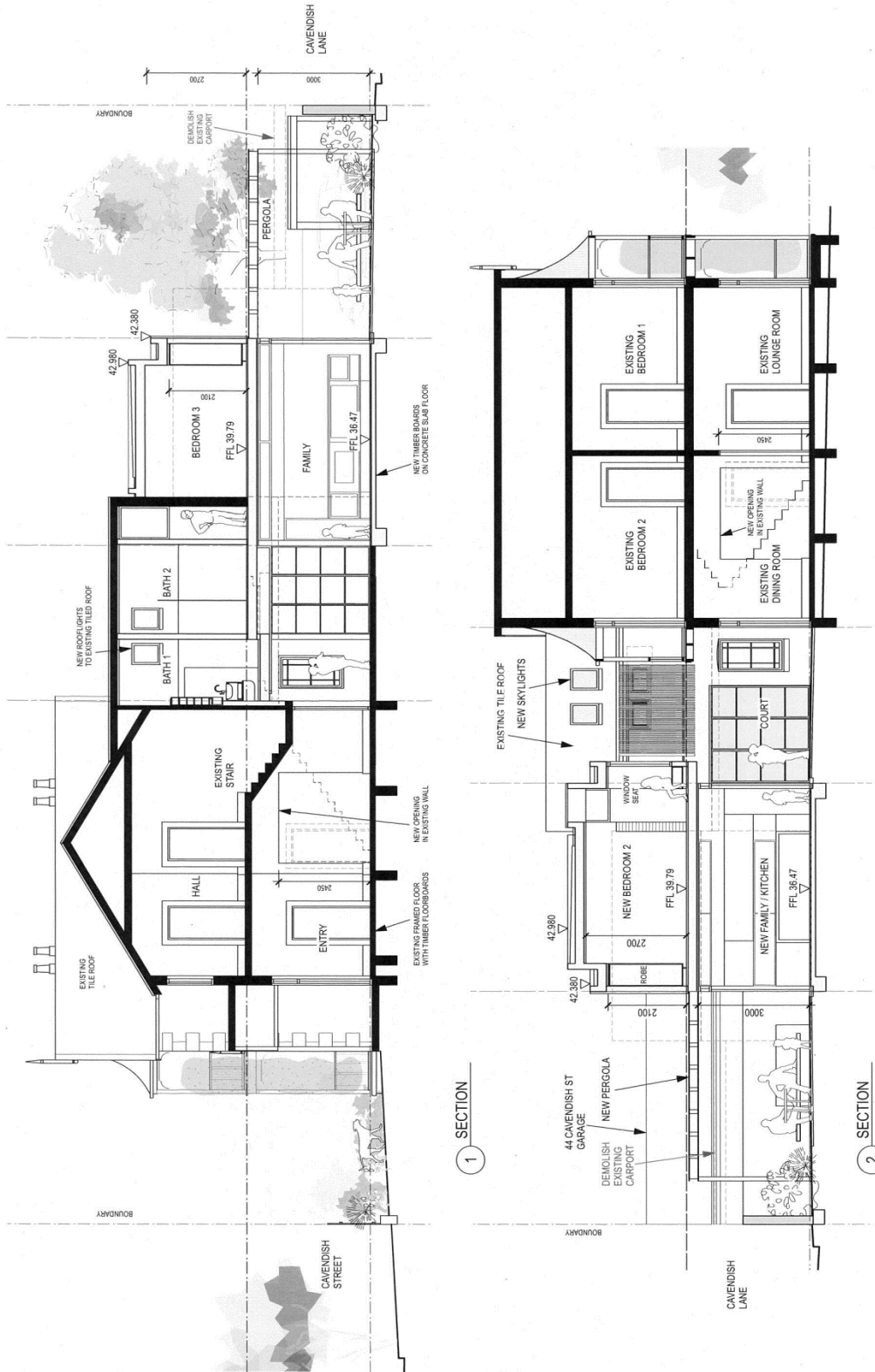


<p><b>SEMMANN RISH Architects</b>                  M 8424 392 153                  parr@semmannrish.com.au                  15/211 High Street, Parramatta NSW 2150</p>		<p>1404                  JOB NO                  1:100 @ A3                  SCALE  <b>A 03</b>                  DWG NO</p>	
<p><b>ALTERATIONS &amp; ADDITIONS</b>                  42 CAVENDISH ST STANMORE - LOT 11 DP 552846</p>			
<p><b>FIRST FLOOR PLAN</b>                  DWG TITLE</p>		<p>DATE                  31 01 18                  10 04 18                  23 01 18</p>	
<p>ISSUE</p>		<p>REVISION</p>	
C	REVISED DA SUBMISSION 2		
B	REVISED DA SUBMISSION		
A	DA SUBMISSION		

The proposed work will comply with the Council's Development Plan, Part 4.6.2.







**SEEMAN RUSH Architects**  
 M 023 382 153  
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 NSW Registered Architect Peter Rush No. 7023

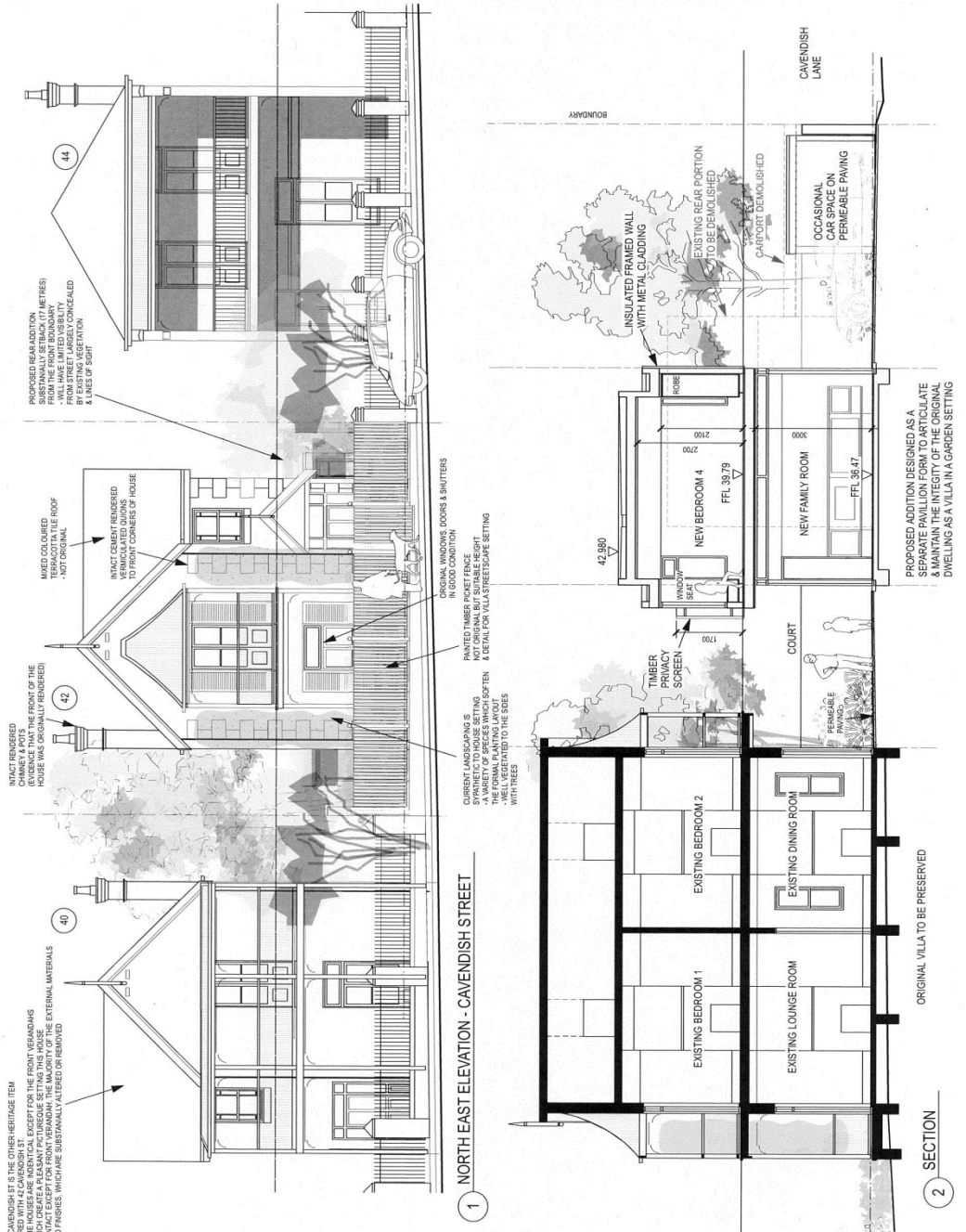
The proposed work was done in accordance with the Environmental Planning and Assessment Act 1979.

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**ALTERATIONS & ADDITIONS**  
 42 CAVENDISH ST STAMMORE - LOT 11 DP 532846  
 PROJECT  
**ELEVATIONS & SECTIONS**  
 DWG TITLE

ISSUE	REVISION	DATE
C	REVISED DA SUBMISSION 2	31 05 18
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<p>SEEMANN BUSH Architects</p> <p>M: 0423 382 153                  info@seemannbush.com.au                  10/21 Regent Street, Sydney NSW 1500</p>		<p>1404                  JOB NO                  1:100 @ A3                  SCALE  <b>A 06</b>                  DWG NO</p>	
<p>ALTERATIONS &amp; ADDITIONS                  PROJECT                  42 CAVENDISH ST STANMORE - LOT 11 DP 632846                  ELEVATIONS &amp; SECTIONS                  DWG TITLE</p>		<p>20.08.18                  20.08.18                  20.08.18                  20.08.18                  DATE</p>	
<p>REVISED DA SUBMISSION 2                  REVISED DA SUBMISSION                  DA SUBMISSION                  DA SUBMISSION</p>		<p>ISSUE                  REVISION</p>	
<p>ORIGINAL VILLA TO BE PRESERVED</p>			
<p>PROPOSED ADDITION DESIGNED AS A COPY OF THE ORIGINAL VILLA &amp; MAINTAIN THE INTEGRITY OF THE ORIGINAL DWELLING AS A VILLA IN A GARDEN SETTING</p>			
<p>PROPOSED REAR ADDITION SUBSTANTIALLY SETBACK (7 METRES)                  - WILL HAVE LIMITED VISIBILITY FROM THE STREET                  - CONCEALED BY EXISTING VEGETATION &amp; LINES OF SIGHT</p>			
<p>MIXED COLOURED SANDSTONE ROOF TILE ROOF                  - NOT ORIGINAL</p>			
<p>BRICK FACE WITH INSULATED VENTILATED DOORS TO FRONT CORNERS OF HOUSE</p>			
<p>ORIGINAL WINDOWS, DOORS &amp; SHUTTERS IN GOOD CONDITION</p>			
<p>PAINTED TIMBERS IN GOOD CONDITION                  NOT ORIGINAL BUT SUITABLE HEIGHT &amp; DETAIL FOR VILLA STREETSCAPE SETTING</p>			
<p>CURRENT LANDSCAPING &amp; SPATIALITY TO HOUSE SETTING                  - A VARIETY OF BRICES WHICH SOFTEN &amp; WELL VEGETATED TO THE SIDES WITH TREES</p>			
<p>INSULATED FRAMED WALL WITH METAL CLADDING                  EXISTING REAR PORTION TO BE DEMOLISHED                  CARPORT DEMOLISHED</p>			
<p>OCCASIONAL CAR SPACE ON PERMEABLE PAVING</p>			
<p>CAVENDISH LANE</p>			
<p>CAVENDISH STREET</p>			
<p>BOUNDARY</p>			
<p>BOUNDARY</p>			
<p>COURT</p>			
<p>PERMEABLE PAVING</p>			
<p>TIMBER PRIVACY SCREEN</p>			
<p>WINDOW SEAT</p>			
<p>NEW BEDROOM 4                  2100                  FFL 39.79</p>			
<p>NEW FAMILY ROOM                  3000                  FFL 36.47</p>			
<p>EXISTING BEDROOM 2</p>			
<p>EXISTING BEDROOM 1</p>			
<p>EXISTING DINING ROOM</p>			
<p>EXISTING LOUNGE ROOM</p>			
<p>42.980</p>			
<p>1700</p>			
<p>1100</p>			
<p>SECTION 2</p>			



