



DEVELOPMENT ASSESSMENT PANEL REPORT

Application No.	DA/2024/0962
Address	35-37 Premier Street & 42 Cary Street MARRICKVILLE
Proposal	Partial demolition to existing structures and the construction of a retaining wall and fence located on the shared boundary between No. 35 & 37 Premier Street and No. 42 Cary Street
Date of Lodgement	13 November 2024
Applicant	Inner West Council
Owner	Inner West Council
Number of Submissions	0
Cost of works	\$150,000.00
Reason for determination at Planning Panel	Council is applicant and landowner
Main Issues	Tree Management
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Arboricultural Impact Assessment
Attachment D	Structural Design Intent Statement



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for partial demolition to existing structures and the construction of a retaining wall and fence located on the shared boundary between No. 35 & 37 Premier Street and No. 42 Cary Street at 35-37 Premier Street and 42 Cary Street Marrickville. The application was notified to surrounding properties and no submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Tree Management

The application is supported by an Arboricultural Impact Assessment, and structural details which verify the proposed works can be undertaken in conjunction with acceptable tree management measures and therefore the application is recommended for approval.

2. Proposal

The proposal seeks to demolish an existing masonry retaining wall located within the rear setback of 42 Cary Street and construct a replacement masonry retaining wall along the rear boundary shared by 42 Cary Street and 35-37 Premier Street.

Additionally, the proposal seeks to remove one (1) tree from within the rear setback of 35 Premier Street and undertake underpinning works to the retained rear ancillary structures located on 35 and 37 Premier Street to facilitate the proposed masonry wall.

3. Site Description

The subject site is located on the northern side of Premier Street and the southern side of Cary Street, between King Lane and Hampden Avenue. The site consists of three (3) allotments; 35 Premier Street, 37 Premier Street and 42 Cary Street which are legally described as Lot 1 in DP530291, Lot 2 in DP530291 and Lot 14/Section 5 in DP759 respectively.

The site supports an existing centre-based child care facility within a single storey dwelling house located within the boundary of 35 Premier Street, and single and two storey dwelling houses with residential use at 37 Premier Street and 42 Cary Street.

The following trees are located on the site and within the vicinity.

- One (1) *Jacaranda mimosifolia* (Jacaranda) located in the North-Western corner of 35 Premier Street.
- One (1) *Melaleuca bracteate* (Black tea-tree) located in the North-Eastern corner of 35 Premier Street



Image 1: Zoning Map





Image 2 and 3: Melaleuca bracteate (Black tea-tree) proposed for removal



Image 4: Site Photo, 35-37 Premier Street

4. Background

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
DA200800454	To carry out alterations and additions to the existing child care centre	Approved, 05/11/2008
DA200700163	to construct a shade structure in the rear yard	Approved, 31/07/2008

Surrounding properties

Application	Proposal	Decision & Date
DA201800003 37 Premier Street	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house	Approved, 02/05/2018
CDC201800009 42 Cary Street	CDC submitted by Private Certifier - CDC150541 - extend ground floor - new en-suite off main bedroom & internal laundry 1st floor addition - 4 bedrooms, bathroom & lounge, outdoor pool & new garage	Issued, 22/01/2018
DA200000252 42 Cary Street	To remove existing rear paling fence and erect a brick fence	Approved, 10/05/2000

Application history

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

Date	Discussion / Letter / Additional Information
19/11/2024- 03/12/2024	Application notified

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP & A Act 1979)*.

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In considering the above, there is evidence of contamination on the site as detailed below.

During the course of preliminary root mapping and arboricultural investigative works on the site, evidence of asbestos was found within the vicinity of the proposed works. An Asbestos Clearance Certificate accompanies the application and provides the following inspection details:

An asbestos clearance inspection was performed pursuant to the Work Health and Safety Act 2011, section 19, the Work Health and Safety Regulation 2017, clause 473 and 474 and the Code of Practice - How To Safely Remove Asbestos 2018, Section 3.10. Following the completion of asbestos removal work, a clearance inspection was performed to verify that asbestos containing materials had been adequately removed from where removal works took place and that the area was safe for normal use.

The provided report contains the following conclusion:

At the time of inspection and based on the results of visual analysis, no visible asbestos or asbestos containing materials were observed within the areas inspected. The area where removal works have taken place is now safe to use with respect to asbestos health and safety.

Notwithstanding, the proposal does not seek to change the existing use of the site and relates to a non-habitable ancillary structure only. On the basis of this retained use, the accompanying

report and clearance certificate, the consent authority can be satisfied that the land will be suitable for the retained use.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The *Biodiversity and Conservation SEPP* requires consideration for the protection and/or removal of vegetation and gives effect to the local tree preservation provisions of Part 2.20 of the MDCP 2011.

The application seeks the removal of one (1) *Melaleuca bracteata* (Black tea-tree) located in the North-Eastern corner of 35 Premier Street. The application is supported by an Arboricultural Impact Assessment (AIA) prepared by Moore Trees, dated 11 January 2024, which identifies this tree as Tree (2).

The application has been referred to Council’s Urban Forest Team and an assessment of the proposal against the abovementioned provisions has identified the following:

- Tree 2 has been inspected and is considered to be in good health and condition.
- Tree 2 is however, located directly adjacent to the existing masonry wall on the site, and within the footprint of the proposed wall location.
- The future growth and biodiversity value of Tree 2 is therefore constrained by the existing and proposed development on the site.
- Tree 2 is considered to be of lesser contributory value to the biodiversity of the site than Tree 1 which is proposed for retention and protection and Tree 2 is supported for removal.

Overall, the proposal is considered acceptable with regard to the *Biodiversity and Conservation SEPP* and Part 2.20 of the MDCP 2011 subject to the imposition of conditions, which have been included in the recommendation of this report.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	The proposal satisfies the section as follows: <ul style="list-style-type: none"> • The proposal reduces community risk from and improves resilience to urban and natural hazards, • The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West, • The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts 	Yes

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table	<ul style="list-style-type: none"> The application proposes alterations and additions to an ancillary retaining wall to a dwelling house and centre-based child care facility. Centre-based child care facilities and dwelling houses are permissible with consent in the R2- Low Density Residential zone. The proposal is consistent with the relevant objectives of the zone, as it will assist to provide for the housing needs of the community within a low density residential environment and enable the ongoing use of land that provides facilities to meet the day to day needs of residents. 	Yes
Section 2.7 Demolition requires development consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and Standard conditions are recommended to manage impacts which may arise during demolition. 	Yes, subject to conditions

Part 4 – Principal development standards

The proposal relates to demolition and construction of a landscape retaining wall, and tree removal only. No change to principal development standards as a result of the proposal.

Part 6 – Additional local provisions

Section	Proposed	Compliance
Section 6.1 Acid sulfate soils	<ul style="list-style-type: none"> The site is identified as containing Class 5 acid sulfate soils, and within 300m of Class 2 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable. 	Yes
Section 6.2 Earthworks	<ul style="list-style-type: none"> The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability. 	Yes
Section 6.3 Stormwater Management	<ul style="list-style-type: none"> The development retains existing areas of permeable surfaces, and subject to standard conditions, would not result in any significant runoff to adjoining properties or the environment. 	Yes, subject to conditions

B. Development Control Plans

Summary

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

MDCP 2011	Compliance
Part 2.6 – Acoustic and Visual Privacy	Yes
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.9 – Community Safety	Yes
Part 2.11 – Fencing	Yes – see discussion
Part 2.18 – Landscaping and Open Space	Yes
Part 2.20 – Tree Management	Yes – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.24 – Contaminated Land	Yes
Part 2.25 – Stormwater Management	Yes
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

Marrickville Development Control Plan 2011

The application was assessed against the following relevant parts of the Marrickville Development Control Plan 2011 (MDCP 2011).

Part 2 – Generic Provisions

Control	Assessment	Compliance
Part 2.7 Solar Access and Overshadowing	<p>The proposal will have a satisfactory impact in terms of solar access and overshadowing on the surrounds as follows:</p> <p><i>Overshadowing</i></p> <ul style="list-style-type: none"> The proposal seeks to replace an existing masonry retaining wall with a new retaining wall in generally the same location and of similar height. No further works are proposed which would result in additional overshadowing. The proposed height of the masonry wall is approximately 2200mm from the existing ground level of 42 Cary Street and 1735mm from the existing ground levels of 35-37 Premier Street. While the proposed wall incorporates a minor height increase from the existing masonry wall structure, it is noted that the existing site situation includes additional lattice and privacy screening above the masonry wall which is generally 	Yes

Control	Assessment	Compliance
	<p>equivalent in height and overshadowing impacts to the proposed wall.</p> <ul style="list-style-type: none"> The development, therefore, will not result in adverse amenity impacts as a result of overshadowing. 	
<p>Part 2.11 Fences</p>	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The proposed masonry wall will provide a rear boundary fence and retaining wall. The proposed wall exceeds 1.8m from the existing ground level of 42 Cary Street, and this is considered an acceptable height due to the variation in existing ground levels between the allotments on Cary Street and Premier Street and the requirement for soil retention between the allotments. Notwithstanding, the proposed wall measures approximately 1.735m from the Premier Street properties, provides suitable privacy to rear areas of private open space and is generally consistent in height with fences in the immediate vicinity. 	<p>Yes</p>
<p>Part 2.20 Tree Management</p>	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The application is supported by an Arboricultural Impact Assessment (AIA) prepared by Moore Trees, dated 11 January 2024. The AIA identifies two (2) trees located within the rear setback of 35 Premier Street which are within the vicinity of the proposed works. Tree (1) is identified as a large <i>Jacaranda mimosifolia</i> (Jacaranda), and Tree (2) is identified as a mature <i>Melaleuca bracteate</i> (Black Tea-Tree). Tree (1) is identified as a mature specimen in good health and condition. Recommendations have been provided within the AIA and are supported by a structural engineering certificate, to confirm a methodology to construct the proposed retaining wall whilst simultaneously protecting and retaining Tree (1). The recommendations are supported by Council's Urban Forest Team, and conditions of consent for appropriate tree protection and tree sensitive construction methods have been included in the recommendations of this report. Subject to the satisfaction of recommended conditions the proposal is considered to suitably protect and retain Tree (1). Tree (2) has been identified as in good health and condition. However, as discussed under <i>SEPP (Biodiversity)</i>, the potential growth and amenity values of Tree (2) are restricted due to existing and proposed built form on the site and Tree (2) is supported for removal. Tree (1) provides significant canopy cover, biodiversity and amenity value to all three allotments contained within the subject site and positively contributes to the overall amenity of the neighbourhood. Given the retention of Tree (1), and the physical constraints of the site, a replacement planting for Tree (2) is not recommended. 	<p>Yes, subject to conditions</p>

Control	Assessment	Compliance
	Given the retention and protection of Tree (1), the proposal is considered to satisfy the relevant provisions of this Part.	

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

E. Submissions

The application was notified in accordance with Council’s Community Engagement Strategy between 19 November 2024 to 03 December 2024.

No submissions were received.

F. 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.

This has been achieved in this instance.

6. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Urban Forest

7. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

8. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2024/0962 for partial demolition to existing structures and the construction of a retaining wall and fence located on the shared boundary between No. 35 & 37 Premier Street and No. 42 Cary Street at 35-37 Premier Street & 42 Cary Street, MARRICKVILLE subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Condition																													
1.	<p style="text-align: center;">Consent of adjoining property owners</p> <p>This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner’s consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the <i>Access to Neighbouring Lands Act 2000</i> to seek access.</p> <p>Reason: To meet the requirements of the <i>Access to Neighbouring Lands Act 2000</i>.</p>																												
2.	<p style="text-align: center;">Tree Pruning or Removal (including root pruning/mapping)</p> <p>Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with the approved Tree Protection Plan.</p> <p>Reason: To protect and retain trees.</p>																												
3.	<p style="text-align: center;">Documents related to the consent</p> <p>The development must be carried out in accordance with plans and documents listed below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Plan, Revision and Issue No.</th> <th style="text-align: center;">Plan Name</th> <th style="text-align: center;">Date Issued/Received</th> <th style="text-align: center;">Prepared by</th> </tr> </thead> <tbody> <tr> <td>DA01 REV B</td> <td>Site Plan</td> <td>22/04/2024</td> <td>Graham Bakewell Architect</td> </tr> <tr> <td>DA02 REV C</td> <td>Plan</td> <td>05/11/2024</td> <td>Graham Bakewell Architect</td> </tr> <tr> <td>DA03 REV C</td> <td>Elevations</td> <td>05/11/2024</td> <td>Graham Bakewell Architect</td> </tr> <tr> <td>DA04 REV C</td> <td>Section</td> <td>05/11/2024</td> <td>Graham Bakewell Architect</td> </tr> <tr> <td>SWP-DWG-2300440-S04 REV A</td> <td>Boundary Fence Reinstatement Plan</td> <td>13/03/2022</td> <td>Silver Wolf Projects</td> </tr> <tr> <td>SWP-DWG-2300440-S05 REV A</td> <td>Retaining Wall & Underpinning Sections and Details</td> <td>13/03/2022</td> <td>Silver Wolf Projects</td> </tr> </tbody> </table>	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by	DA01 REV B	Site Plan	22/04/2024	Graham Bakewell Architect	DA02 REV C	Plan	05/11/2024	Graham Bakewell Architect	DA03 REV C	Elevations	05/11/2024	Graham Bakewell Architect	DA04 REV C	Section	05/11/2024	Graham Bakewell Architect	SWP-DWG-2300440-S04 REV A	Boundary Fence Reinstatement Plan	13/03/2022	Silver Wolf Projects	SWP-DWG-2300440-S05 REV A	Retaining Wall & Underpinning Sections and Details	13/03/2022	Silver Wolf Projects
Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by																										
DA01 REV B	Site Plan	22/04/2024	Graham Bakewell Architect																										
DA02 REV C	Plan	05/11/2024	Graham Bakewell Architect																										
DA03 REV C	Elevations	05/11/2024	Graham Bakewell Architect																										
DA04 REV C	Section	05/11/2024	Graham Bakewell Architect																										
SWP-DWG-2300440-S04 REV A	Boundary Fence Reinstatement Plan	13/03/2022	Silver Wolf Projects																										
SWP-DWG-2300440-S05 REV A	Retaining Wall & Underpinning Sections and Details	13/03/2022	Silver Wolf Projects																										

	Version updated following excavations	Arboricultural Development Assessment Report	11/01/2024	Moore Trees Arboricultural Services
	10762	Structural Design Intent Statement for Proposed Masonry Boundary Fence re-instatement at Number 42 Cary Street	19/10/2024	Metro Consulting Group
	As amended by the conditions of consent. Reason: To ensure development is carried out in accordance with the approved documents.			
4.	Works Outside the Property Boundary			
	This development consent does not authorise works outside the site boundaries on adjoining lands. Reason: To ensure works are in accordance with the consent.			
5.	Storage of materials on public property			
	The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council. Reason: To protect pedestrian safety.			
6.	Other works			
	Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i> . Reason: To ensure compliance with legislative requirements.			
7.	National Construction Code (Building Code of Australia)			
	A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code. Reason: To ensure compliance with legislative requirements.			

8.	Notification of commencement of works
	<p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:</p> <ul style="list-style-type: none"> a. In the case of work for which a principal contractor is required to be appointed: <ul style="list-style-type: none"> i. The name and licence number of the principal contractor; and ii. The name of the insurer by which the work is insured under Part 6 of that Act. b. In the case of work to be done by an owner-builder: <ul style="list-style-type: none"> i. The name of the owner-builder; and ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>Reason: To ensure compliance with legislative requirements.</p>
9.	Dividing Fences Act
	<p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
10.	Dial before you dig
	<p>Contact "Dial Before You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p>
11.	Asbestos Removal
	<p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
12.	<p>Construction Methods to Minimise Impact on Trees</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided amended/detailed plans certified by the Project Arborist demonstrating that the footings of the approved boundary will utilise tree sensitive construction techniques within the specified radius of the trunk of the following tree should woody roots that are not approved for pruning be encountered:</p>

Tree No.	Species	Radius in metres
1	Jacaranda mimosifolia	8.4m

Reason: To mitigate the impact of the work on trees to be retained.

13. Security Deposit - Standard

Prior to the commencement of demolition works or issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been 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:	\$3,119.00
Inspection Fee:	\$389.90

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 the 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.

	<p>The amount nominated is only current for the financial year in which the initial 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.</p> <p>Reason: To ensure required security deposits are paid.</p>
14.	<p>Sydney Water – Tap In</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.</p> <p>Note: Please refer to the web site http://www.sydneywater.com.au/tapin/index.htm for details on the process or telephone 13 20 92.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>
15.	<p>Stormwater Drainage System</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans demonstrating that stormwater runoff from the proposed works will be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.</p> <p>Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.</p> <p>If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.</p> <p>Reason: To ensure that stormwater drainage is adequately disposed.</p>

BEFORE BUILDING WORK COMMENCES

Condition	
16.	<p>Tree Protection</p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works</p>

	<p>unless specific approval has been provided under this consent. Any public tree within 5 metres of the development must be protected in accordance with AS4970—<i>Protection of trees on development sites</i> and Council's Development Fact Sheet—<i>Trees on Development Sites</i>. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p> <p>The existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.</p> <p>NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Moore Trees dated 11 January 2024 for tree numbering and locations.</p> <table border="1" data-bbox="435 736 1198 808"> <thead> <tr> <th>Tree Number</th> <th>Species</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Jacaranda mimosifolia</td> <td>35 Premier Street</td> </tr> </tbody> </table> <p>Reason: To ensure that trees to be retained are protected.</p>	Tree Number	Species	Location	1	Jacaranda mimosifolia	35 Premier Street
Tree Number	Species	Location					
1	Jacaranda mimosifolia	35 Premier Street					
<p>17.</p>	<p>Project Arborist</p> <p>Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist (a person holding a minimum Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture), must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.</p> <p>Reason: To protect and retain trees.</p>						
<p>18.</p>	<p>Tree Protection</p> <p>To protect the following tree, trunk, and branch protection must be installed prior to any works commencing:</p> <table border="1" data-bbox="435 1361 1198 1433"> <thead> <tr> <th>Tree No.</th> <th>Species</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Jacaranda mimosifolia</td> <td>35 Premier Street</td> </tr> </tbody> </table> <p>The protection must be installed and certified by a person holding a minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, and must include the following in accordance with AS4970—<i>Protection of trees on development sites</i> / Council's Development Fact Sheet—<i>Trees on Development sites</i>;</p>	Tree No.	Species	Location	1	Jacaranda mimosifolia	35 Premier Street
Tree No.	Species	Location					
1	Jacaranda mimosifolia	35 Premier Street					

	<p>a. Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage;</p> <p>b. Timber planks (50mm x 100mm 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 carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion;</p> <p>c. 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.</p> <p>Reason: To protect and retain trees.</p>
19.	<p>Waste Management Plan</p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RVMP) in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
20.	<p>Erosion and Sediment Control</p> <p>Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
21.	<p>Construction Fencing</p> <p>Prior to the commencement of any works (including demolition), 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.</p> <p>Reason: To protect the built environment from construction works.</p>

DURING BUILDING WORK

Condition	
22.	<p>Tree Protection</p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works</p>

	<p>unless specific approval has been provided under this consent. Any public tree within 5 metres of the development must be protected in accordance with AS4970—<i>Protection of trees on development sites</i> and Council's Development Fact Sheet—<i>Trees on Development Sites</i>. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p> <p>The existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.</p> <p>NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Moore Trees dated 11 January 2024 for tree numbering and locations.</p> <table border="1" data-bbox="435 734 1198 808"> <thead> <tr> <th>Tree Number</th> <th>Species</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Jacaranda mimosifolia</td> <td>35 Premier Street</td> </tr> </tbody> </table> <p>Reason: To ensure that trees to be retained are protected.</p>	Tree Number	Species	Location	1	Jacaranda mimosifolia	35 Premier Street
Tree Number	Species	Location					
1	Jacaranda mimosifolia	35 Premier Street					
<p>23.</p>	<p>Inspections by Project Arborist</p> <p>The Project Arborist must oversee various stages of work within the Tree Protection Zone (TPZ) of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below:</p> <ol style="list-style-type: none"> a. The installation of tree protection measures prior to the commencement of any construction works; b. During demolition of the existing boundary wall within the Tree Protection Zone (TPZ) of tree 1; c. During excavation for the new boundary wall footings within the TPZ of tree 1; d. During any other excavation and trenching within the TPZ of tree 1 that have been approved by Council; <p>An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by certifying authority at each hold-point listed below:</p> <ol style="list-style-type: none"> a. Certification that tree protection measures have been installed in accordance with these consent conditions b. Certification of compliance with each key milestone listed above within 48 hours of completion; c. Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council. d. A final compliance report must be submitted to and approved by certifying authority prior to the issue of any Occupation Certificate. <p>Reason: To protect and retain trees.</p>						

<p>24.</p>	<p>Limited Root Pruning</p> <p>No tree roots of 50mm or greater in diameter located within the specified radius of the trunk of the following tree may be severed or injured in the process of any works during the construction period:</p> <table border="1" data-bbox="435 472 1198 555"> <thead> <tr> <th>Tree No</th> <th>Species</th> <th>Radius in metres</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Jacaranda mimosifolia</td> <td>35 Premier Street</td> </tr> </tbody> </table> <p>All excavation within the specified radius of the trunks of the above tree must be hand dug to a depth of 1m under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 50mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and fit for purpose tool. The pruning must be undertaken by a practicing Arborist.</p> <p>Note – The installation of services must be undertaken accordingly.</p> <p>Reason: To protect and retain trees.</p>	Tree No	Species	Radius in metres	1	Jacaranda mimosifolia	35 Premier Street
Tree No	Species	Radius in metres					
1	Jacaranda mimosifolia	35 Premier Street					
<p>25.</p>	<p>Arborists standards</p> <p>All tree work must be undertaken by a person holding a minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, Arborist. The work must be undertaken in accordance with AS4373—<i>Pruning of amenity trees</i> and the Safe Work Australia Code of Practice—Guide to Managing Risks of Tree Trimming and Removal Work. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved network service provider contractor for the management of vegetation conflicting with such services. Contact the relevant network service provider for further advice in this regard.</p> <p>Reason: To ensure compliance with legislative requirements.</p>						
<p>26.</p>	<p>Tree Protection Works</p> <p>All tree protection for the site must be undertaken in accordance with Council's Development Fact Sheet—Trees on Development Sites and AS4970—<i>Protection of trees on development sites</i>.</p> <p>Reason: To protect and retain trees.</p>						

27.	<p>Works to Trees</p> <p>Approval is given for the following tree/s to be removed, after the issue of a Construction Certificate:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Tree No.</th> <th style="width: 55%;">Species</th> <th style="width: 30%;">Location</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2</td> <td><i>Melaleuca bracteata</i></td> <td>35 Premier Street - north-eastern corner</td> </tr> </tbody> </table> <p>All tree works shall be undertaken by an arborist with minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, as defined by the Australian Qualification Framework and in compliance with Australian Standard AS 4373—<i>Pruning of amenity trees</i> and Safe Work Australia's Guide to Managing Risks of Tree Trimming and Removal Work.</p> <p>The trees to be removed must be included on all Construction Certificate plans shown in red.</p> <p>Reason: To identify trees permitted to be removed.</p>	Tree No.	Species	Location	2	<i>Melaleuca bracteata</i>	35 Premier Street - north-eastern corner
Tree No.	Species	Location					
2	<i>Melaleuca bracteata</i>	35 Premier Street - north-eastern corner					
28.	<p>Advising Neighbours Prior to Excavation</p> <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p>						
29.	<p>Construction Hours – Class 1 and 10</p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>						

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
30.	<p>Project Arborist Certification</p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority is to be provided with certification from the Project Arborist that the requirements of the conditions of consent related to the landscape plan/approved tree planting plan and the role of the project arborist have been complied with.</p> <p>Reason: To ensure the protection and ongoing health of trees to be retained.</p>

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition							
31.	<p>Tree Protection</p> <p>To protect the following tree, trunk, and branch protection must be installed prior to any works commencing:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Tree No.</th> <th>Species</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Jacaranda mimosifolia</td> <td>35 Premier Street</td> </tr> </tbody> </table> <p>The protection must be installed and certified by a person holding a minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, and must include the following in accordance with AS4970—<i>Protection of trees on development sites</i> / Council's Development Fact Sheet—Trees on Development sites;</p> <ol style="list-style-type: none"> a. Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage; b. Timber planks (50mm x 100mm 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 carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion; c. 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. <p>Reason: To protect and retain trees.</p>	Tree No.	Species	Location	1	Jacaranda mimosifolia	35 Premier Street
Tree No.	Species	Location					
1	Jacaranda mimosifolia	35 Premier Street					

Attachment B – Plans of proposed development

2410	N/S	March 2024	2410
Project	Code	Date	Drawing No.

Andrik Construction
Client: Group
Site Plan

New Retaining Wall
35 & 37 Premier Street
42 Cary Street
Marrickville NSW

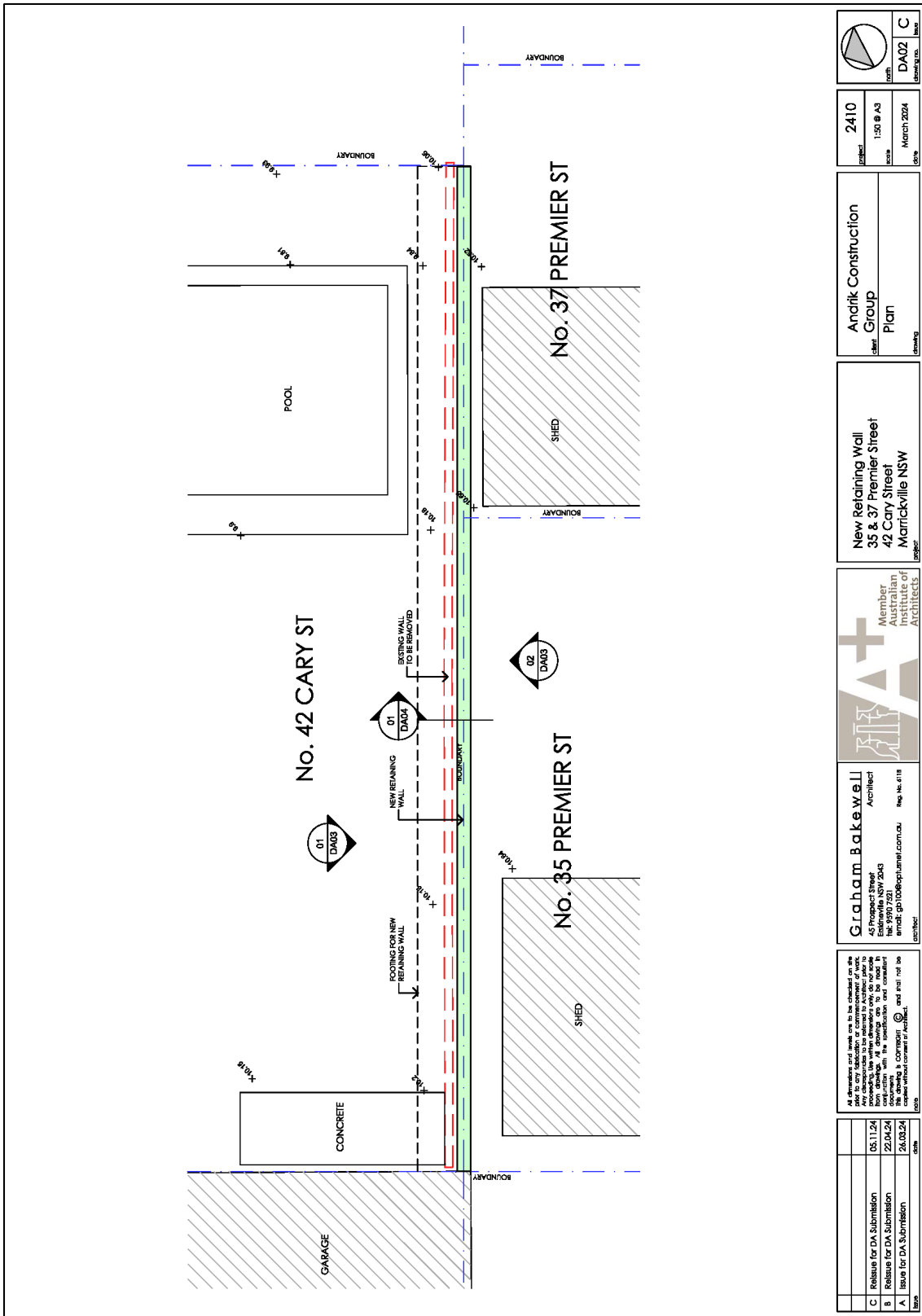
Member
Australian
Institution
of
Architects

Graham Bakewell
Architect
45 Prospect Street
Marrickville NSW 2153
Tel: 9550 7503
Email: gb@100design.net.au
New. No. 618

All dimensions and levels are to be checked on the site as only observations or computer output of levels, bearings, line values etc. are provided. We do not take responsibility for the accuracy of the data provided. We do not take responsibility for the construction and completion of the works. © and not for sale outside the project.

Date	Description
22.04.24	Release for DA Submission
26.03.24	Issue for DA Submission

Document Set ID: 86652679
Version: 1, Version Date: 06/01/2024



	form: DA02 C
--	--------------

2410	project
1:50 @ A3	scale
March 2024	date

Andrik Construction	client
Group	drawing
Plan	

New Retaining Wall
 35 & 37 Premier Street
 42 Cary Street
 Marrickville NSW

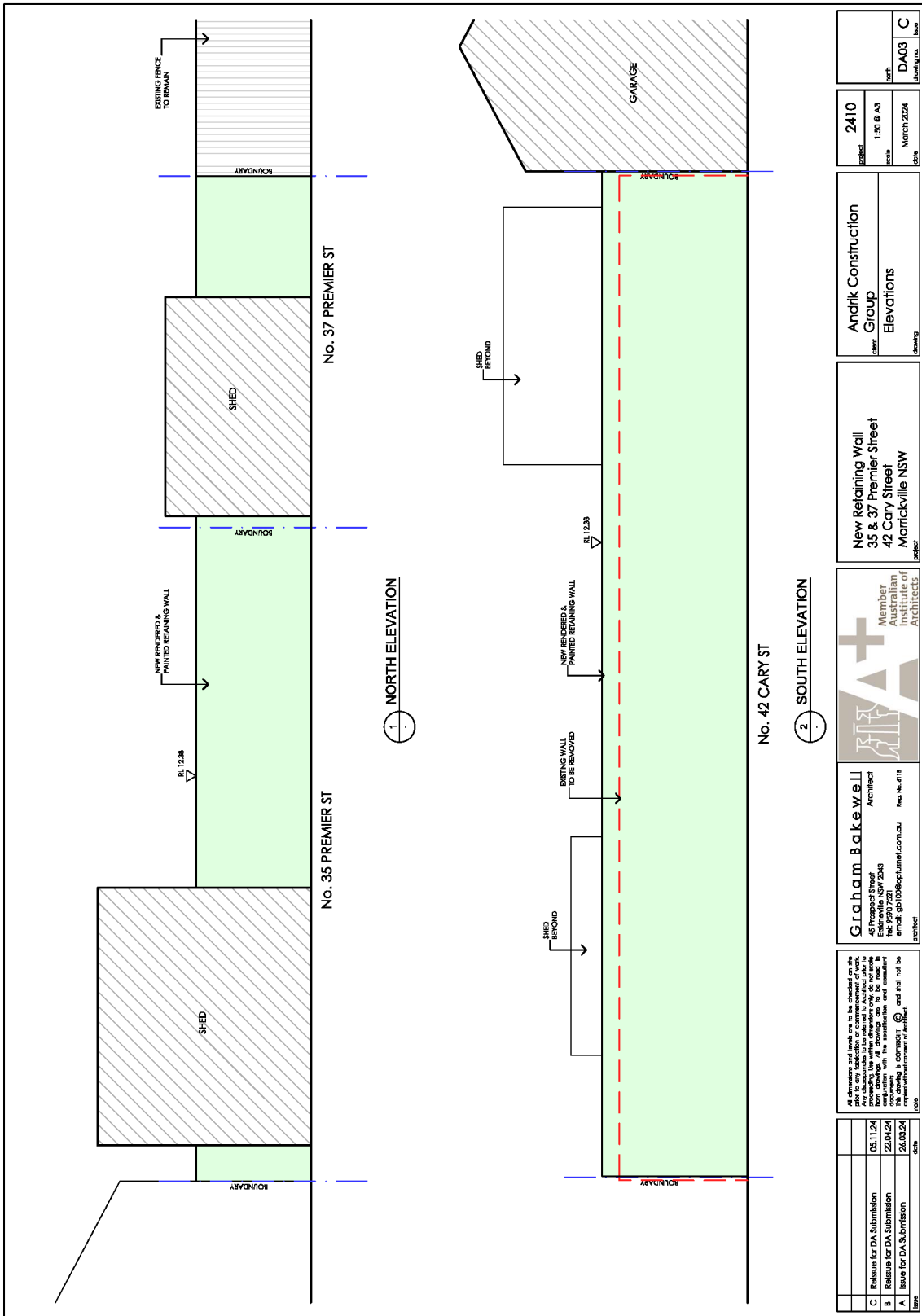
Member
 Australian
 Institute of
 Architects

Graham Bakewell
 Architect
 45 Prospect Street
 Marrickville NSW 2153
 email: gpb@optusnet.com.au
 reg. no. 4118

All dimensions and levels are to be checked on site prior to any fabrication or construction of work. If discrepancies are noted, the contractor shall notify the architect immediately. The contractor shall be responsible for obtaining all necessary permits and approvals. The drawings are copyright © and shall not be reproduced or used in any form without the written consent of the architect.

Issue	Date
C Release for DA Submission	05/11/24
B Release for DA Submission	22/04/24
A Issue for DA Submission	24/03/24

Document Set ID: 86926279
 Version: 1, Version Date: 06/01/2024



Issue	Date
A. Issue for DA Submission	26/03/24
B. Release for DA Submission	22/04/24
C. Release for DA Submission	05/11/24

All dimensions and levels are to be checked on site prior to any fabrication or construction of work. If any discrepancy is noted, the contractor shall notify the architect immediately. The architect shall not be responsible for any errors or omissions in the drawings. The contractor shall be responsible for the construction and completion of the work in accordance with the drawings. The architect shall not be responsible for any errors or omissions in the drawings.

Graham Bakewell
 Architect
 45 Prospect Street
 Marrickville NSW 2153
 Tel: 9550 7503
 Email: graham@bakewell.com.au
 Reg. No. 4118

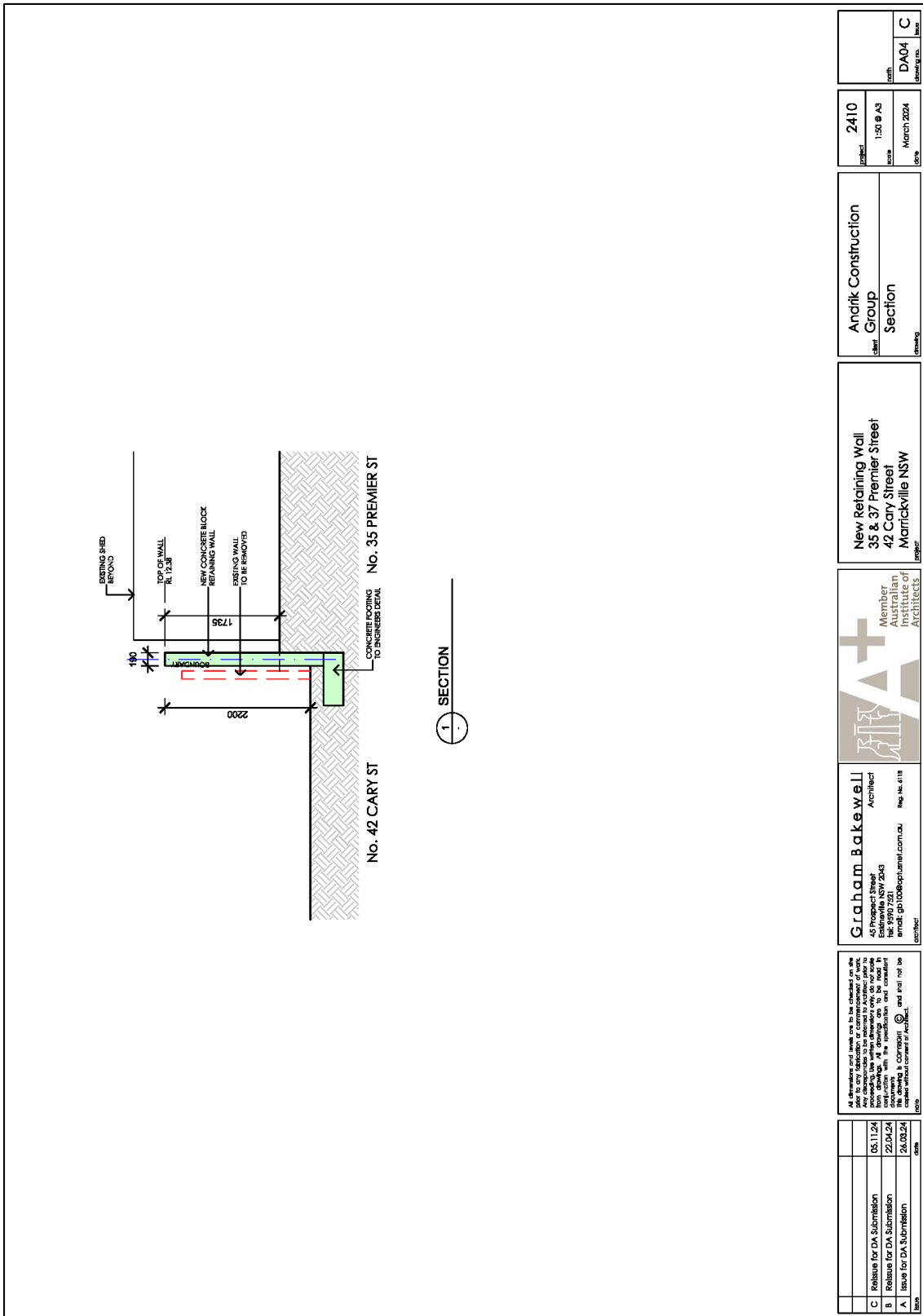
Member Australian Institute of Architects

New Retaining Wall
 35 & 37 Premier Street
 42 Cary Street
 Marrickville NSW

Andrik Construction Group
 Elevations

Project: 2410
 Scale: 1:50 @ A3
 Date: March 2024
 Form: DA03
 Issue: C

Document Set ID: 36526279
 Version: 1, Version Date: 06/11/2024



Project	2410
Scale	1:50 @ A3
Date	March 2024
Form	DA04 C
Drawn by	

Client	Andrik Construction Group Section
Drawn by	

New Retaining Wall
 35 & 37 Premier Street
 42 Cary Street
 Marrickville NSW

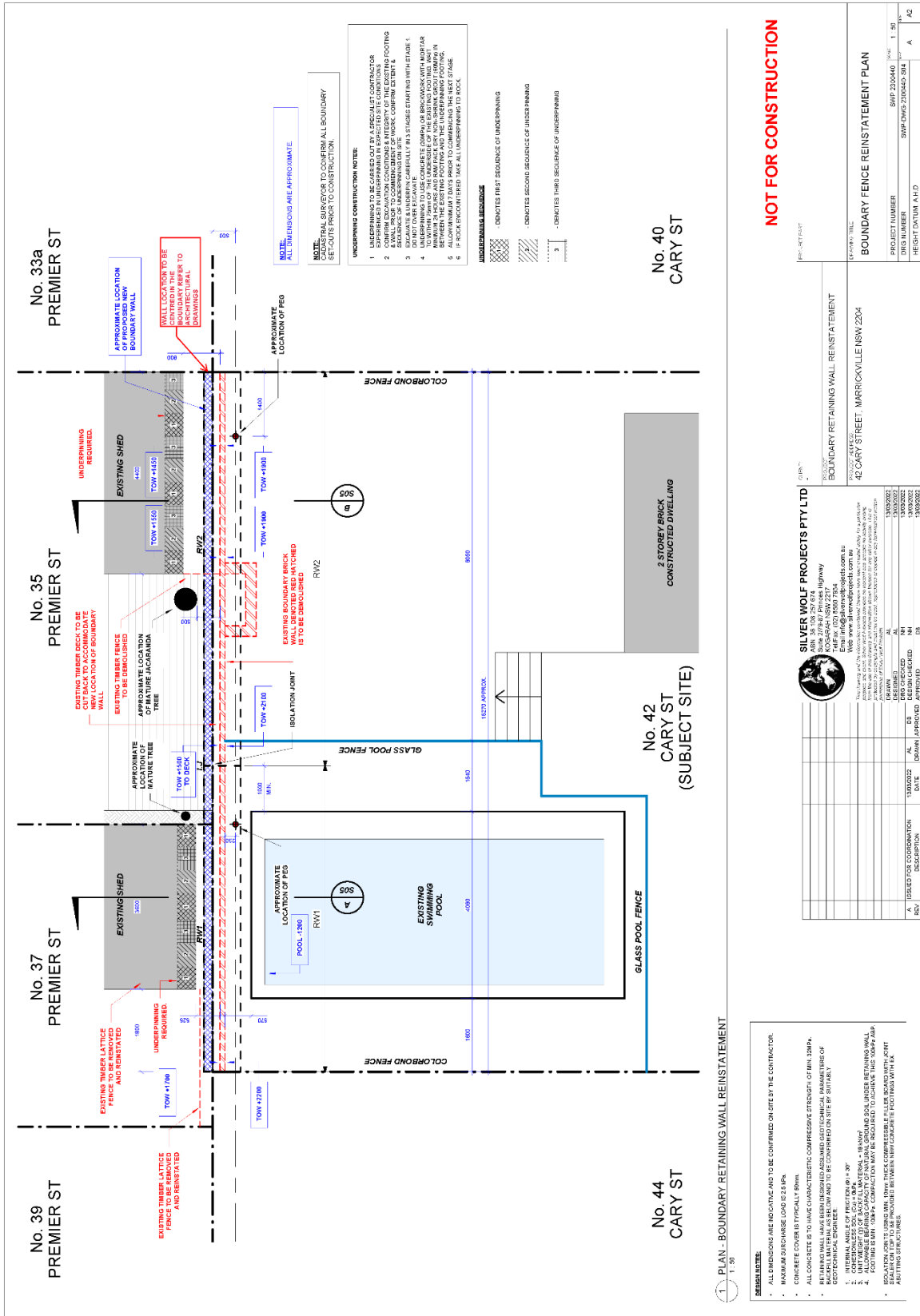


Graham Bakewell
 Architect
 45 Prospect Street
 Sydney NSW 1585
 Tel: 9550 7583
 Email: g@100optimal.com.au
 Reg. No. 6118

All dimensions and levels are to be checked on site prior to any fabrication or construction of work. If discrepancies are noted, the contractor shall notify the architect immediately. The architect shall not be responsible for any errors or omissions in the drawings. The drawings are copyright © and shall not be reproduced without the written consent of the architect.

Issue	Date
C Release for DA Submission	05.11.24
B Release for DA Submission	22.04.24
A Issue for DA Submission	26.03.24

Document Set ID: 86526279
 Version: 1, Version Date: 06/01/2024



1 PLAN - BOUNDARY RETAINING WALL REINSTATEMENT
1:30

DRAWING NOTES:

- ALL DIMENSIONS ARE INDICATIVE AND TO BE CONFIRMED ON SITE BY THE CONTRACTOR.
- MAXIMUM SURCHARGE LOAD 52.5 kPa.
- CONCRETE COVER IS TYPICALLY 50MM.
- ALL CONCRETE IS TO HAVE CHARACTERISTIC COMPRESSIVE STRENGTH OF MIN. 30MPa.
- REINFORCEMENT IS TO BE SUPPLIED AND INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DESIGNING ENGINEER.
- REINFORCEMENT IS TO BE PROVIDED TO THE FULL DEPTH OF THE RETAINING WALL.
- CONCRETE IS TO BE CAST IN 300MM LAYERS.
- CEMENTATION IS TO BE 1:1.5:3 BY MASS.
- ALL WALLETS ARE TO BE CONSTRUCTED WITH 150MM RIGID SAND DRAINAGE SOIL UNDER RETAINING WALL.
- FOOTING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DESIGNING ENGINEER AND TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE DESIGNING ENGINEER.
- ISOLATION JOINT IS TO BE PROVIDED TO THE FULL DEPTH OF THE WALL AND IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DESIGNING ENGINEER.
- ALL REINFORCEMENT IS TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DESIGNING ENGINEER.

UNDERPINNING NOTES:

- UNDERPINNING TO BE CARRIED OUT BY A SPECIALIST CONTRACTOR EXPERIENCED IN UNDERPINNING IN THE PRESENT SITE CONDITIONS.
- ISOLATION JOINTS TO BE PROVIDED TO THE FULL DEPTH OF THE FOOTING.
- EXCAVATE A UNDERPINNERS CASEFULLY IN 3 STAGES STARTING WITH STAGE 1.
- UNDERPINNERS TO USE CONCRETE COMPACTOR OR BROCKWORK WITH MOISTURE CURING.
- TO VERIFY THE DEPTH OF THE UNDERPINNERS CASES AND THE UNDERPINNING FOOTING.
- IF ROCK ENCOUNTERED TAKE ALL UNDERPINNING TO ROCK.

UNDERPINNING REQUIREMENTS:

- INDICATES PRELIMINARY LOCATION OF UNDERPINNING
- INDICATES SECOND SEQUENCE OF UNDERPINNING
- INDICATES THIRD SEQUENCE OF UNDERPINNING

NOT FOR CONSTRUCTION

BOUNDARY RETAINING WALL REINSTATEMENT

PROJECT: BOUNDARY RETAINING WALL REINSTATEMENT
42 CARY STREET, MARRICKVILLE NSW 2204

PROJECT NUMBER: SWP/2024/001
DRAWING NUMBER: SWP-DWG-2024/001-014

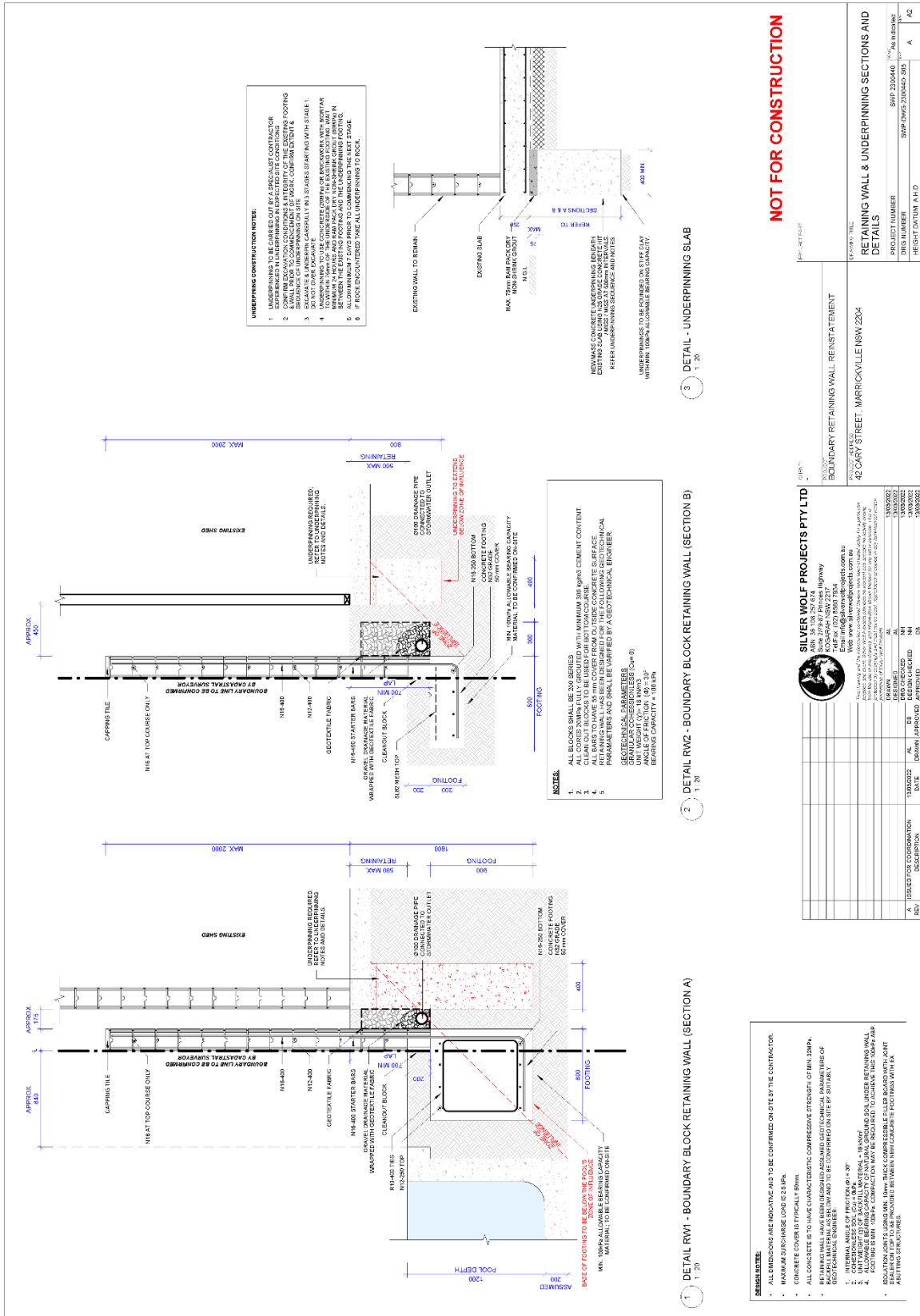
DATE: 15/10/2023
SCALE: 1:30

DRAWN BY: A1
CHECKED BY: A2

SILVER WOLF PROJECTS PTY LTD
 42 CARY STREET, MARRICKVILLE NSW 2204
 AUSTRALIA
 Tel: 02 9550 7504
 Fax: 02 9550 7501
 Web: www.silverwolfprojects.com.au

NO.	ISSUED FOR OBSERVATION	DATE	DESCRIPTION	APPROVED BY
1	AS PER PLAN	15/10/2023	ISSUED FOR OBSERVATION	AS PER PLAN
2	AS PER PLAN	15/10/2023	ISSUED FOR OBSERVATION	AS PER PLAN
3	AS PER PLAN	15/10/2023	ISSUED FOR OBSERVATION	AS PER PLAN

Document Set ID: A0025259
 Version: 1, Version Date: 09/07/2024



NOT FOR CONSTRUCTION

Attachment C – Arboricultural Impact Assessment

Moore Trees
Arboricultural Services
ABN 90887347745




ARBORICULTURAL DEVELOPMENT ASSESSMENT REPORT

35 Premier Street
(42 Cary Street)
Marrickville NSW 2204

October 2023
Updated 11th January 2024

Prepared for: Inner West Council
PO Box 14, Petersham NSW 2049

Prepared by: Paul Vezgoff
Consulting Arborist
ISA, AA
Arboriculture Australia Registered Consultant



PO Box 3114 Austinmer NSW 2515
Ph: 0242 680 425
Mob: 0411 712 887
Email: enquiries@mooretrees.com.au
Web: www.mooretrees.com.au

Document Set ID: 80092080
Version: 1, Version Date: 06/01/2024

Summary

This report has been compiled for Inner West Council as required for a boundary wall realignment associated with 42 Cary Street, Marrickville. The report concerns two (2) trees located at the rear of 35 Premier Street, Marrickville NSW 2204.

The proposed works entail demolition of the existing masonry fence and construction of a new fence along the correct alignment which will be closer to Trees 1 and 2. It should be possible to build a post and rail type fence, such as the existing colour bond fence located on the west and east sides of the childcare centre property.

What is unknown is the ground condition below the deck. It would be beneficial for further excavation works along the masonry wall to determine what the roots are doing against the wall and below the existing decking.

It is recommended that at least one (1) metre of the deck is pulled up between Tree 1 and the existing brick wall and that hand excavation occurs to a depth of 400-500 mm revealing any roots that are present. This will help to determine further information and ensure an informed decision is made in order to remediate the current situation.

It also needs to be determined if the adjoining property owners want their land to be continued level and this may have a very detrimental impact on both trees.

It is my opinion that Tree 1 is the more significant tree of the two (2) trees assessed for this project. Tree 1 is an old specimen in good health and condition and provides excellent visual amenity for the surrounding area, but also the child care centre providing natural shade in a north facing play area. All efforts should be made to retain this tree.

The recommendation that the deck be removed, and excavation undertaken has now been completed. Of note was that several sections of asbestos were found on site. Excavations ceased once the asbestos was found and the extent of excavation were enough to make a determination in terms of replacing the fence and tree impacts. It is apparent that the basal area of the tree and structural woody roots exposed are free of any decay or damage. The excavation shows that the brick wall appears to continue to the ground level of the existing adjoining property.

It should be possible to reconstruct the fence in the new location using engineered solutions in order to prevent root loss or the requirement to sever roots. It is possible that Tree 2 may require removal pending the excavations for fence posts. A post and rail fence that does not require a strip footing would be the preferred method of construction. A Remediation Action Plan (RAP) may require capping of the existing contaminated soil. Provided this does not increase soil levels, the impact to the site trees will be minimal.

Table of Contents

VERSION CONTROL

Date of Issue	Details
25/10/2023	Draft 1 issued
11/01/2024	Updated following excavations

	Page
1 INTRODUCTION	4
2 METHODOLOGY	6
3 RELEVANT BACKGROUND INFORMATION	8
4 RECOMMENDATIONS	16
Appendices	
1 SULE methodology	17
2 TPZ and SRZ methodology	18
3 TPZ and SRZ explanations	20
4 Tree structure information diagram	21
5 Explanatory notes	22
6 Bibliography	23
7 Curriculum Vitae	24

1 INTRODUCTION

1.1 This report has been conducted to assess the current health and condition of two (2) trees located at the rear of 35 Premier Street, Marrickville NSW 2204. This report has been prepared for Inner West Council as required for a boundary wall realignment associated with 42 Cary Street, Marrickville.

The purpose of this report is to collect the appropriate tree related data on the subject trees and to provide advice and recommendations to the design and possible construction alternatives to aid against any adverse impacts on the health of the subject trees to be retained.

Although this is an internal report, I have followed the Inner West Council Development Application guidelines in relation to private trees. The following data was collected for each tree:

- 1) A site plan locating all trees over four (4) metres in height, including all street trees.
- 2) All trees were assessed for Safe Useful Life Expectancy (SULE), health and amenity value.
- 3) Genus and species identification of each tree.
- 4) Impact of the proposed development on each tree.
- 5) The Tree Protection Zone (TPZ) calculated for each tree.
- 6) Any branch or root pruning that may be required for trees.

Also noted for the purpose of this report were:

- Health and vigour; using foliage colour and size, extension growth, presence of deadwood, dieback and epicormic growth throughout the tree.
- Structural condition using visible evidence of bulges, cracks, leans and previous pruning.
- The suitability of the tree taking into consideration the proposed development.
- Age rating; Over-mature (>80% life expectancy), Mature (20-80% life expectancy), Young, Sapling (<20% life expectancy).

1.2 Location: The subject site is located at 35 Premier Street, Marrickville NSW 2204, and from herein will be referred to as "the Site".

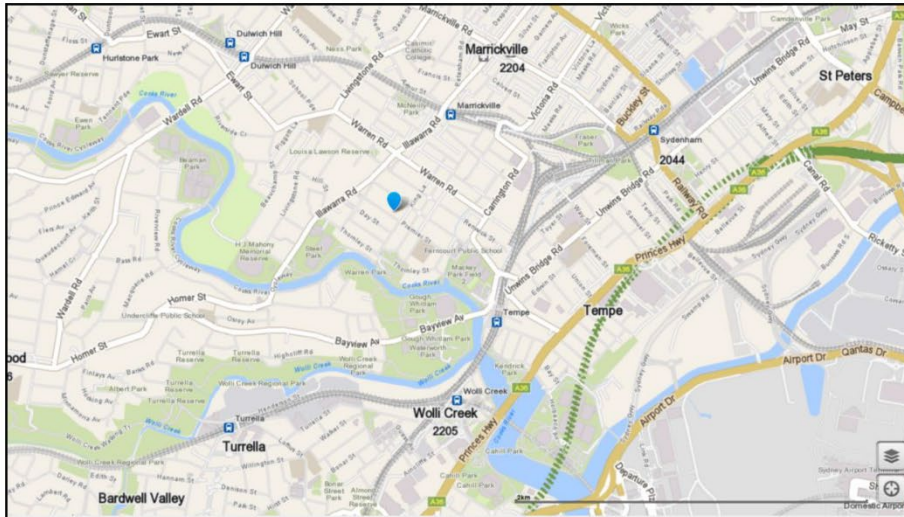


Diagram 1: Location of subject site, 35 Premier Street, Marrickville NSW 2204 (Blue Marker) (whereis.com.au, 2023)

2 METHODOLOGY

- 2.1** To record the health and condition of the trees, a Visual Tree Assessment (VTA) was undertaken on the subject trees on 12/10/2023. This method of tree evaluation is adapted from Matheny and Clark, 1994 and is recognised by The International Society of Arboriculture, Arboriculture Australia and The Institute Australian of Consulting Arborists (IACA). It is also known as a Level 2: Basic Assessment Process as per the International Society of Arboriculture best management practices.
- 2.2 Height:** The heights and distances within this report have been measured with a Bosch DLE 50 laser measure.
- 2.3 Tree Protection Zone (TPZ):** The TPZ is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable. TPZ's have been calculated for each tree to determine construction impacts. The TPZ calculation is based on the Australian Standard *Protection of trees on development sites*, AS 4970, 2009.
- 2.4 Structural Root Zone (SRZ):** The SRZ is a specified distance measured from the trunk that is set aside for the protection of tree roots, both structural and fibrous. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The TPZ and SRZ are measured as a radial measurement from the trunk. No roots should be severed within the SRZ area. A detailed methodology on the TPZ and SRZ calculations can be found in Appendix 4.
- 2.5 Safe Useful Life Expectancy (SULE):** The subject trees were assessed for a Safe Useful Life Expectancy (SULE). The SULE rating for each tree can be seen in the Tree Assessment Schedule (Appendix 2). A detailed explanation of SULE can be found in Appendix 3.

2.6 Impact Assessment: An impact assessment was conducted on the site trees. This was conducted by assessing the verbal description of the works required by Council. The proposed works were assessed for the following:

- Reduced Level (R.L.) at base of tree.
- Incursions into the Tree Protection Zone (TPZ).
- Assessment of the likely impact of the works.

3 RELEVANT BACKGROUND INFORMATION

- 3.1 The site inspection has been undertaken to determine the potential impacts to two (2) trees located in Council property, being a childcare centre at 35 Premier Street, Marrickville. The two (2) trees inspected are a large mature Jacaranda (*Jacaranda mimosifolia*) and a mature Black tea-tree (*Melaleuca bracteata*).



Plate 1: Image showing Tree 1 in relation to the brick wall that will be moved closer to Tree 1. P. Vezgoff.



Plate 2: Image showing the adjoining property to the north. P. Vezgoff.

- 3.2** The two (2) trees are growing along the northern boundary of the site. It has been determined that the boundary fence is in the incorrect location and is required to be moved (Plate 1). The existing fence is currently made of masonry wall, topped with a privacy strip made of an indetermined material. The root zone of the trees has been covered with timber decking on bearers and joists. The adjoining property is lower at approximately 600mm lower than the surface of the deck (Plate 2).
- 3.3** Tree 1 is a large mature Jacaranda (*Jacaranda mimosifolia*) approximately twelve (12) metres in height with a DBH of seven hundred and thirty (730) millimetres and is approximately seven hundred (700) millimetres from the existing boundary fence. The deck area measures 2.6 metres x 5.6 metres. Tree 1 is in good health and condition, and it is a large mature specimen. At the time of inspection it was mostly devoid of live canopy however all branches were currently forming flower buds which is usual for this

species at this time of year (Plate 3). There was no evidence that there was any extensive deadwood throughout the canopy. The main trunk, first and second order branches seem to be free of any cracks, splits and fruiting bodies. The basal area could not be assessed as it was covered by the timber deck. The timber deck is not causing damage to the main stem at this stage.



Plate 3: Image showing Tree 1 canopy health and form. P. Vezgoff.

- 3.4** Tree 2 is a large mature Black tea-tree (*Melaleuca bracteata*). The specimen is approximately 5.5 metres in height, with a 2.2 metre spread and DBH of two hundred and fifty (250) millimetres. Tree 2 is in good health and condition with a broad spreading canopy, free of any cracks, splits and fruiting bodies (Plate 4). It is growing hard up against the eastern boundary wall and it is approximately four hundred (400) millimetres from the northern boundary masonry wall. The northern boundary wall is 1.7 metres high on the childcare / Council property side and it then steps down to the resident's property at a distance of 2.3 metres, so the step is approximately 600mm.



Plate 4: Image showing Tree 2. P. Vezgoff.

3.5 Environmental Significance: Tree related governance is covered within Section 3 of the Inner West Council Development Control Plan (DCP) 2023. Section 3, (Controls) C2 states;

For the purposes of this DCP, a prescribed tree is:

- i. any tree with a height equal to or greater than 4 metres above ground level (existing) or*
- ii. any tree that is under 4 metres in height that has a trunk diameter of more than 150mm at Diameter at Breast Height (DBH at 1.4m) or*
- iii. any tree with a canopy spread equal to or greater than 2 metres or any palm tree or tree fern with a clean stem length equal to or greater than 4 metres above ground level (existing).*

- 3.6 Update following excavation:** The recommendation that the deck be removed, and excavation undertaken has now been completed on the 10th January 2024 (Plate 5). Of note was that several sections of asbestos were found on site (Plate 6). Excavations ceased once the asbestos was found and the extent of excavation were enough to make a determination in terms of replacing the fence and tree impacts.
- 3.7** It is apparent that the basal area of the tree and structural woody roots exposed are free of any decay or damage. The excavation shows that the brick wall appears to continue to the ground level of the existing adjoining property. There did not appear to be any roots hard up against the brick wall, but this should not be discounted.



Plate 5: Image showing the excavated area between Trees 1 and 2. P. Vezgoff.



Plate 6: Image showing the asbestos found. P. Vezgoff.



Plate 7: Image showing roots from Tree 1 (golf ball for scale 40mm). P. Vezgoff.



Plate 8: Image showing roots from Tree 1 (golf ball for scale 40mm). P. Vezgoff.

- 3.8** Excavations near Tree 2 revealed no roots, however further excavation was stopped with the finding of asbestos. Pending the survey, this tree may require removal. The possible boundary is located by the red line based on the existing join in the fence (Plate 8).



Plate 9: Excavations near Tree 2 revealed no roots however pending the survey this tree may require removal. The possible boundary is located by the red line based on the existing join in the fence. P. Vezgoff.

4 RECOMMENDATIONS

- 4.1 It is my opinion that Tree 1 is the more significant tree of the two (2) trees assessed for this project. Tree 1 is an old specimen in good health and condition and provides excellent visual amenity for the surrounding area, but also the child care centre providing natural shade in a north facing play area. All efforts should be made to retain this tree.
- 4.2 It should be possible to reconstruct the fence in the new location using engineered solutions in order to prevent root loss or the requirement to sever roots. Tree 1 should be retained, however it is possible that Tree 2 may require removal pending the excavations for fence posts and the final boundary location.
- 4.3 A Remediation Action Plan (RAP) may require capping of the existing contaminated soil. Provided this does not increase soil levels around the base of Tree 1 the impacts will be minimal.
- 4.4 Tree 1 has grown typical for its species, that being a broad domed shaped canopy that has very little history of pruning. Pruning Jacarandas is generally not recommended as their response growth is to send up tall vertical shoots that become an ongoing maintenance issue for the tree owner. In summary, this tree should only be pruned if a branch was found to be defective or endangering persons/property, which it is not.
- 4.5 Any new boundary fence will be required to be retained as post and pole construction (this includes colour bond type fencing). This type of fence will have minimal impact on the root system of Tree 1 and 2. Any solid brick type fence that requires concrete strip footing should be avoided, due to the likelihood of structural woody roots being severed on these two trees.

If you have any questions in relation to this report, please contact me.



Paul Vezgoff
Consulting Arborist
Dip Arb (Dist), Arb III, Hort cert, AA, ISA

11th January 2024

Appendix 1

SULE categories (after Barrell, 2001)¹

SULE Category	Description
<i>Long</i>	<i>Trees that appeared to be retainable at the time of assessment for more than 40 years with an acceptable level of risk.</i>
1a	Structurally sound trees located in positions that can accommodate for future growth
1b	Trees that could be made suitable for retention in the long term by remedial tree care.
1c	Trees of special significance that would warrant extraordinary efforts to secure their long term retention.
<i>Medium</i>	<i>Trees that appeared to be retainable at the time of assessment for 15-40 years with an acceptable level of risk.</i>
2a	Trees that may only live for 15-40 years
2b	Trees that could live for more than 40 years but may be removed for safety or nuisance reasons
2c	Trees that could live for more than 40 years but may be removed to prevent interference with more suitable individuals or to provide for new planting.
2d	Trees that could be made suitable for retention in the medium term by remedial tree care.
<i>Short</i>	<i>Trees that appeared to be retainable at the time of assessment for 5-15 years with an acceptable level of risk.</i>
3a	Trees that may only live for another 5-15 years
3b	Trees that could live for more than 15 years but may be removed for safety or nuisance reasons.
3c	Trees that could live for more than 15 years but may be removed to prevent interference with more suitable individuals or to provide for a new planting.
3d	Trees that require substantial remedial tree care and are only suitable for retention in the short term.
<i>Remove</i>	<i>Trees that should be removed within the next five years.</i>
4a	Dead, dying, suppressed or declining trees because of disease or inhospitable conditions.
4b	Dangerous trees because of instability or loss of adjacent trees
4c	Dangerous trees because of structural defects including cavities, decay, included bark, wounds or poor form.
4d	Damaged trees that are clearly not safe to retain.
4e	Trees that could live for more than 5 years but may be removed to prevent interference with more suitable individuals or to provide for a new planting.
4f	Trees that are damaging or may cause damage to existing structures within 5 years.
4g	Trees that will become dangerous after removal of other trees for the reasons given in (a) to (f).
4h	Trees in categories (a) to (g) that have a high wildlife habitat value and, with appropriate treatment, could be retained subject to regular review.
<i>Small</i>	<i>Small or young trees that can be reliably moved or replaced.</i>
5a	Small trees less than 5m in height.
5b	Young trees less than 15 years old but over 5m in height.
5c	Formal hedges and trees intended for regular pruning to artificially control growth.

updated 01/04/01)

1 (Barrell, J. (2001) "SULE: Its use and status into the new millennium" in *Management of mature trees*, Proceedings of the 4th NAAA Tree Management Seminar, NAAA, Sydney.

Appendix 2

TPZ and SRZ methodology**Determining the Tree Protection Zone (TPZ)**

The radius of the TPZ is calculated for each tree by multiplying its DBH x 12.

$$\text{TPZ} = \text{DBH} \times 12$$

Where

$$\text{DBH} = \text{trunk diameter measured at 1.4 metres above ground}$$

Radius is measured from the centre of the stem at ground level.

A TPZ should not be less than 2 metres no greater than 15 metres (except where crown protection is required.). Some instances may require variations to the TPZ.

The TPZ of palms, other monocots, cycads and tree ferns should not be less than 1 metre outside the crown projection.

Determining the Structural Root Zone (SRZ)

The SRZ is the area required for tree stability. A larger area is required to maintain a viable tree.

The SRZ only needs to be calculated when major encroachment into a TPZ is proposed.

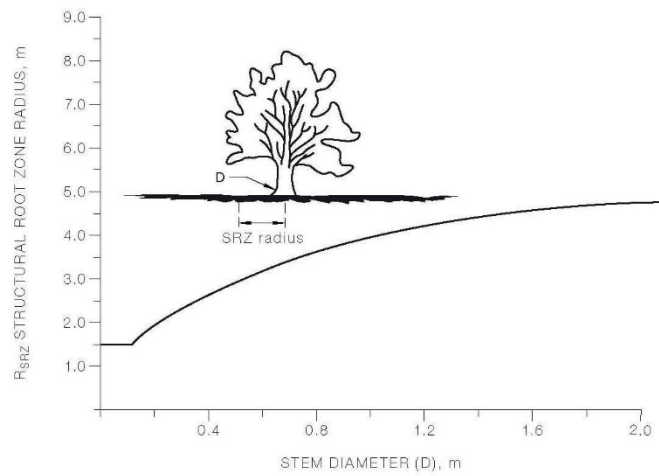
There are many factors that affect the size of the SRZ (e.g. tree height, crown area, soil type, soil moisture). The SRZ may also be influenced by natural or built structures, such as rocks and footings. An indicative SRZ radius can be determined from the trunk diameter measured immediately above the root buttress using the following formula or Figure 1. Root investigation may provide more information on the extent of these roots.

$$\text{SRZ radius} = (D \times 50)^{0.42} \times 0.64$$

Where

$$D = \text{trunk diameter, in m, measured above the root buttress}$$

NOTE: The SRZ for trees with trunk diameters less than 0.15m will be 1.5m (see Figure 1).



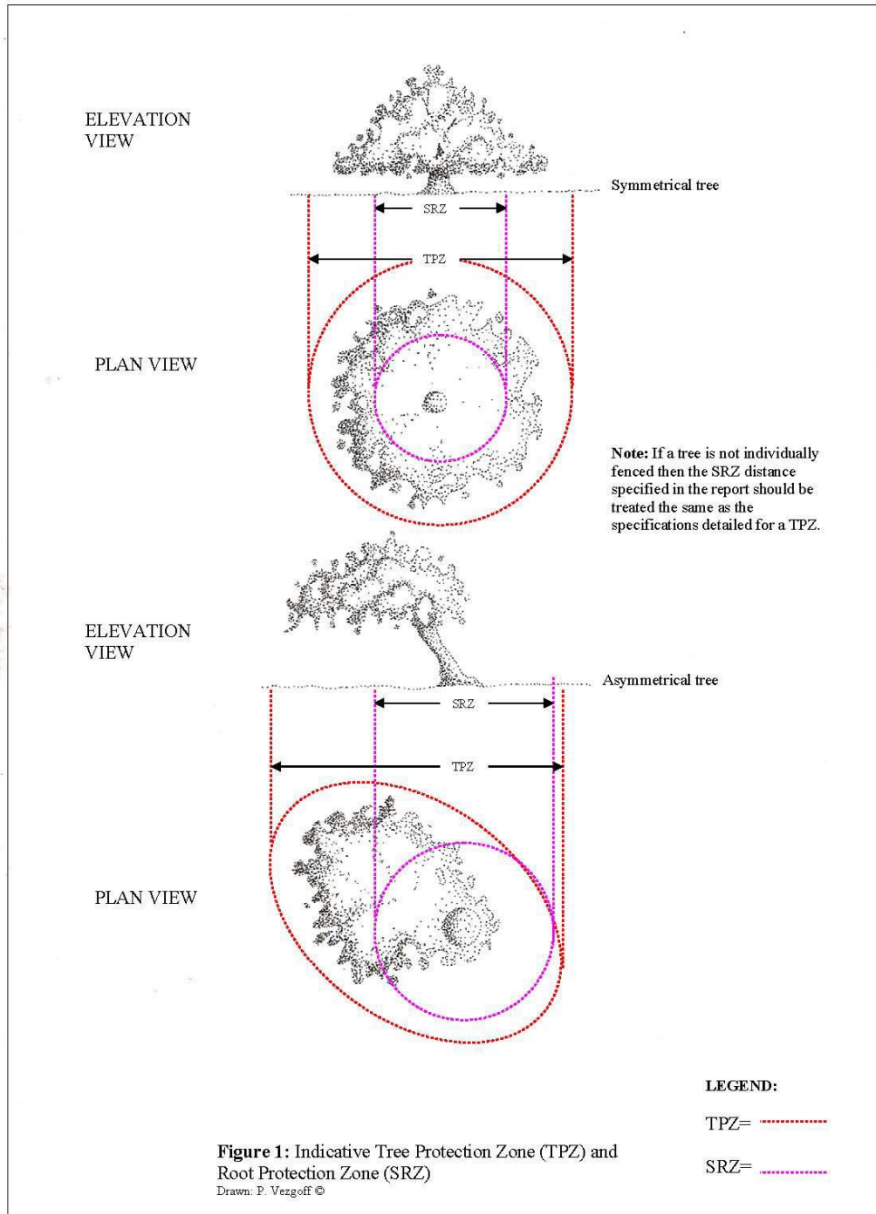
The curve can be expressed by the following formula:
 $R_{SRZ} = (D \times 50)^{0.42} \times 0.64$

FIGURE 1 - STRUCTURAL ROOT ZONE

Notes:

- 1 R_{srz} is the structural root zone radius.
- 2 D is the stem diameter measured immediately above root buttress.
- 3 The SRZ for trees less than 0.15 metres diameter is 1.5 metres.
- 4 The SRZ formula and graph do not apply to palms, other monocots, cycads and tree ferns.
- 5 This does not apply to trees with an asymmetrical root plate.

Appendix 3



Appendix 4

Tree structure information diagram

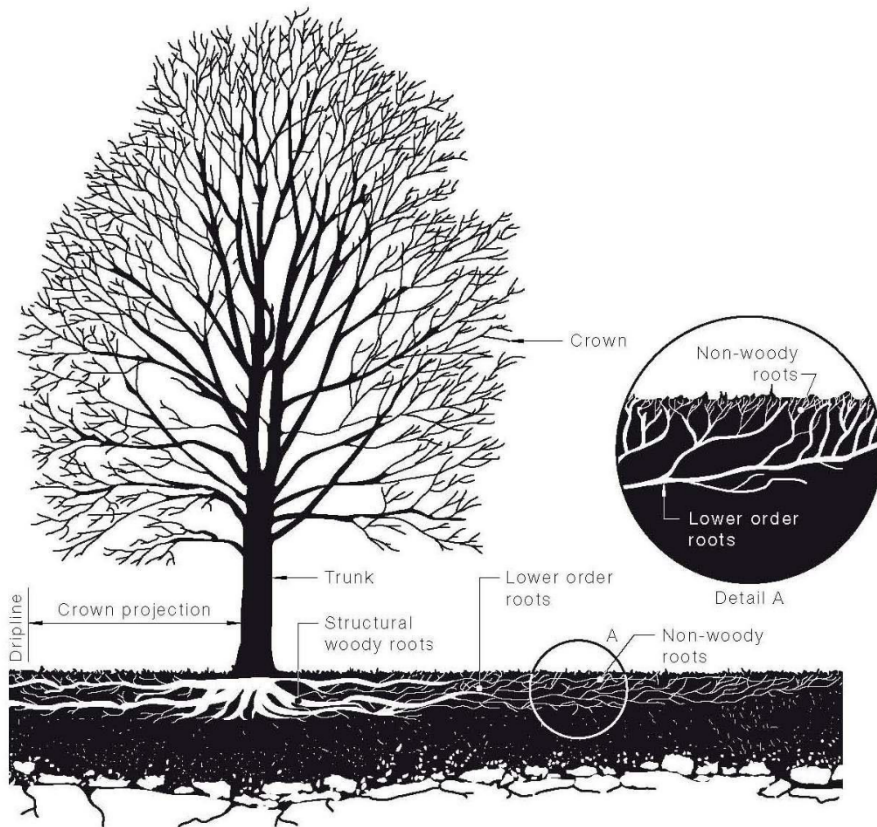


Figure 2: Structure of a tree in a normal growing environment (AS 4970, 2009.).

Appendix 5

Explanatory Notes

- **Mathematical abbreviations:** > = Greater than; < = Less than.
- **Measurements/estimates:** All dimensions are estimates unless otherwise indicated. Less reliable estimated dimensions are indicated with a '?'.
- **Species:** The species identification is based on visual observations and the common English name of what the tree appeared to be is listed first, with the botanical name after in brackets. In some instances, it may be difficult to quickly and accurately identify a particular tree without further detailed investigations. Where there is some doubt of the precise species of tree, it is indicated with a '?' after the name in order to avoid delay in the production of the report. The botanical name is followed by the abbreviation sp if only the genus is known. The species listed for groups and hedges represent the main component and there may be other minor species not listed.
- **Height:** Height is estimated to the nearest metre.
- **Spread:** The maximum crown spread is visually estimated to the nearest metre from the centre of the trunk to the tips of the live lateral branches.
- **Diameter:** These figures relate to 1.4m above ground level and are recorded in centimetres. If appropriate, diameter is measure with a diameter tape. 'M' indicates trees or shrubs with multiple stems.
- **Estimated Age:** Age is estimated from visual indicators and it should only be taken as a provisional guide. Age estimates often need to be modified based on further information such as historical records or local knowledge.
- **Distance to Structures:** This is estimated to the nearest metre and intended as an indication rather than a precise measurement.

Appendix 6

Bibliography

- Draper D B & Richards P A (2009) *Dictionary for managing trees in urban environments*
CSIRO Publishing
Collingwood, Vic
- Matheny N.P & Clark J.R. (1994) *Evaluation of hazard trees in Urban areas*
Second edition, International Society of Arboriculture
Illinois.
- Mattheck C & Breloer H (2003) *The Body Language of Trees: A handbook for failure analysis*. Research for Amenity Trees No. 4,
Seventh edition, The Stationary Office, London.
- Shigo A.L. (2002) *A New Tree Biology*.
Shigo and Trees, Associates, Durham, New Hampshire.
- Schwarze, F.W.M.R, Engels, J. Mattheck. C (2000) *Fungal strategies of wood decay in trees*
Springer-Verlag Berlin Heidelberg
Germany
- Standards Australia, 2007, *Pruning of amenity trees AS 4373, 2007*
Standards Australia Ltd
Sydney
- Standards Australia, 2009. *Protection of trees on development sites, AS 4970, 2009*
Standards Australia Ltd
Sydney

Curriculum Vitae

PAUL VEZGOFF - MOORE TREES P O Box 3114, Austinmer NSW 2515
 P 0242 680 425 M 0411 712 887 E enquiries@mooretrees.com.au W www.mooretrees.com.au

EDUCATION and QUALIFICATIONS

- 2013 / 2018 – ISA TRAQ qualification
- 2007 – Diploma of Arboriculture (AQF Cert V) Ryde TAFE. (Distinction)
- 1997 – Completed Certificate in Crane and Plant Electrical Safety
- 1996 – Attained Tree Surgeon Certificate (AQF Cert II) at Ryde TAFE
- 1990 – Completed two month intensive course on garden design at the Inchbald School of Design, London, United Kingdom
- 1990 – Completed patio, window box and balcony garden design course at Brighton College of Technology, United Kingdom
- 1989 – Awarded the Big Brother Movement Award for Horticulture (a grant by Lady Peggy Pagan to enable horticulture training in the United Kingdom)
- 1989 – Attained Certificate of Horticulture (AQF Cert IV) at Wollongong TAFE

INDUSTRY EXPERIENCE

Moore Trees Arboricultural Services

January 2006 to date

Tree Consultancy and tree ultrasound. Tree hazard and risk assessment, Arborist development application reports
 Tree management plans.

Woollahra Municipal Council

Oct 1995 to February 2008

ARBORICULTURE TECHNICAL OFFICER

August 2005 – February 2008

ACTING COORDINATOR OF TREES MAINTENANCE

June – July 2005, 2006

Responsible for all duties concerning park and street trees. Prioritising work duties, delegation of work and staff supervision.

TEAM LEADER

January 2003 – June 2005

September 2000 – January 2003

HORTICULTURALIST

October 1995 – September 2000

Northern Landscape Services

July to Oct 1995

Tradesman for Landscape Construction business

Paul Vezgoff Garden Maintenance (London, UK)

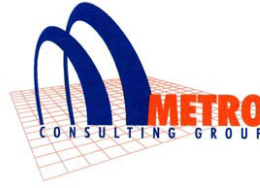
Sept 1991 to April 1995

CONFERENCES AND WORKSHOPS ATTENDED

- TRAQ Conference, Auckland NZ / Sydney (2023)
- International Society of Arboriculture Conference (Canberra May 2017)
- QTRA Conference, Sydney Australia (November 2016)
- International Society of Arboriculture Conference (Brisbane 2008)
- Tree related hazards: recognition and assessment by Dr David Lonsdale (Brisbane 2008)
- Tree risk management: requirements for a defensible system by Dr David Lonsdale (Brisbane 2008)
- Tree dynamics and wind forces by Ken James (Brisbane 2008)
- Wood decay and fungal strategies by Dr F.W.M.R. Schwarze (Brisbane 2008)
- Tree Disputes in the Land & Environment Court – The Law Society (Sydney 2007)
- Barrell Tree Care Workshop- Trees on construction sites (Sydney 2005).
- Tree Logic Seminar- Urban tree risk management (Sydney 2005)
- Tree Pathology and Wood Decay Seminar presented by Dr F.W.M.R. Schwarze (Sydney 2004)
- Inaugural National Arborist Association of Australia (NAAA) tree management workshop- Assessing hazardous trees and their Safe Useful Life Expectancy (SULE) (Sydney 1997).

Attachment D- Structural Design Intent Statement

PO Box 784
CONCORD NSW 2137
www.metroconsultinggroup.com.au



Phone: (02) 9743 2388
Facsimile: (02) 9743 5288
Email: metro@metroconsultinggroup.com.au

ACCREDITED, CHARTERED CONSULTING STRUCTURAL ENGINEERS

To The P.C.A
C/- Inner West Council
P.O. BOX 14
PETERSHAM NSW 2049

Date: 19 / 10 / 24
Our Ref: 10762

**RE: STRUCTURAL DESIGN INTENT STATEMENT FOR PROPOSED MASONRY BOUNDARY FENCE RE-
INSTATEMENT AT NUMBER 42 (LOT 14 IN DP 759) CARY STREET, MARRICKVILLE NSW 2204.**

This is to verify that I have been engaged to assess the project at the above address and provide an alternate structural design for the proposed masonry fence. I hereby verify that I have perused and analysed the following documents pertaining to the project at the above address, as follows;

- Arboricultural Development Assessment Report by "Moore Trees Arboricultural Services" (dated October 2023 & Updated 11/01/2024).
- Structural Engineers drawings (Project No: SWP 230040 by Silver Wolf Projects P/L, Revision A, dated 13/03/2022).

Subsequently, in accordance with the recommendations in Clause 4.5 of the above Arborists report, I hereby confirm that a Masonry fence can still be designed using a system that avoids using a continuous strip footing (as is currently depicted on the above - mentioned structural engineers drawings). There are two possible solutions that will comply with this requirement, as follows;

1. Using a series of isolated pad footings and bridging in between using galvanised "T" bars which span from Pad to pad footing and the "T" bar support the masonry. This does not involve the excavation of a continuous strip footing.
2. Using a series isolated, augered concrete piers with reinforcement that continues up a series of engaged blockwork piers that support the blockwork fence, this can be designed as a suspended wall without a continuous strip footing and relying on the heavy reinforcement within the blockwork to span the wall from pier to pier.

Both of the above options constitutes a form of "Isolated Pier" Construction" with no footing trench excavation required. I also confirm that any proposed piers or pad footings within the Structural Root Zone (SRZ) of the two trees at the rear of 35 Premier Street can be designed to be adjustable / flexible to avoid damaging tree roots. Any future construction structural drawings can include annotations that the piers will be relocated / realigned if any tree root greater than 30mm in diameter (or whatever figure the Project Arborist recommends) is encountered during excavations and that careful hand digging these particular piers / pads is required in the presence of the Project Arborist.

I hereby confirm that that proposed Masonry boundary fence replacement project will be designed to comply with the complies with the NCC (National Construction Code), Volume 2 Building Code of Australia 2022 & Housing Provisions Standard 2022 as well as with the current version of the relevant Australian Standards listed below:

- | | |
|----------------------|---------------------------------------|
| • AS 1170.0-AS1170.4 | - Structural Design Actions |
| • AS 2159 | - Piling - Design and Installation |
| • AS 2870 | - Residential Slabs and Footings Code |
| • AS 3600 | - Concrete Structures Code |
| • AS 3700 | - Masonry Structures Code |
| • AS 4100 | - Steel Structures Code |
| • AS 4673 | - Earth Retaining Structures Code. |

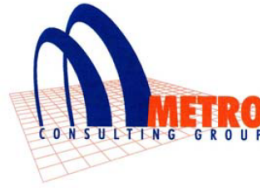
ACN 099 271 888

Page 1 of 2

METRO Consulting Group Pty Ltd

Document Set ID: 89092878
Version: 1, Version Date: 06/01/2025

PO Box 784
CONCORD NSW 2137
www.metroconsultinggroup.com.au



Phone: (02) 9743 2388
Facsimile: (02) 9743 5288
Email: metro@metroconsultinggroup.com.au

ACCREDITED, CHARTERED CONSULTING STRUCTURAL ENGINEERS

I possess Professional Indemnity insurance however this certificate shall not be construed as relieving any other party of their responsibilities, liabilities or contractual obligations.

Should you require further information or clarification regarding any of the above, please do not hesitate to contact this office.

Yours faithfully,



B. Eng. MIE Aust. CPEng. NER. APEC. IntPE (Aust). Engineer - Structural. NSW Govt. Fair Trading Registration No. BDC0529
for and on behalf of Metro Consulting Group P/L.