








DEVELOPMENT ASSESSMENT PANEL REPORT

Application No.	MOD/2025/0013
Address	34 Gordon Crescent STANMORE
Proposal	Section 4.55(2) Modification to DA201600371 (as modified) dated 26/10/2016, modification involves retention of swimming pool, ground floor extension, internal reconfiguration.
Date of Lodgement	30 January 2025
Applicant	Pietro Lufi
Owner	Mrs Sandra L Santos
Number of Submissions	Initial: 0 After Renotification: 0
Cost of works	\$95,000.00
Reason for determination at Planning Panel	FSR variation exceeds 10% Heritage Item
Key Considerations	FSR variation Heritage
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance
Attachment D	Current Consent (MOD/2022/0399)



Figure 5: Locality map

Subject Site		Objectors			N
Notified Area		Supporters			

1. Executive Summary

This report is an assessment of the application submitted to Council under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify Determination No DA201600371 dated 26 October 2016 (as modified). The modification involves retention of swimming pool, ground floor extension, internal reconfiguration at 34 Gordon Crescent Stanmore.

The application was notified to surrounding properties and no submissions were received in response to the initial notification. No submissions were received in response to renotification of the application

The main issues that have arisen from the application include:

- Variation with floor space ratio (FSR) development standard
- Heritage

The non-compliance with the FSR is acceptable, given the approved development already breaches this standard by 9.74% and the additional gross floor area is marginal (i.e., 5sqm). Additionally, the breach will not result in any undue amenity impacts to surrounding sites and the locality, and the proposal has no undue impacts on the heritage item on the site.

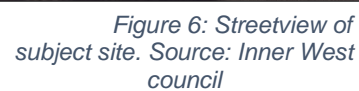
2. Proposal

The proposal entails the following modifications:

- Retention of existing in ground swimming pool and paved area at the rear of the site (the current approval entails removal of existing pool and construction of a new pool),
- Internal reconfiguration of ground floor rear wing at 34 Gordon Crescent
- Addition of new sunroom to the rear of the ground floor rear wing at 34 Gordon Crescent

3. Site Description

The subject site is located on the northern side of Gordon Crescent, between Stanley Street and Bruce Street (Figure 2). The site consists of two (2) allotments (Lot 1 in DP 788626, Lot 2 in DP 788626) and is rectangular in shape with a total area of 918.8sqm (Figure 3). Lot 1 in DP 788626 (36 Gordon Street) has an area of 540.6sqm. Lot 2 (34 Gordon Street) has an area of 378.2sqm. The site has a total frontage to Gordon Crescent of 18.465 metres. The site is affected by a number of easements (Figure 3).



Both lots contain a two storey dwelling house and a two storey outbuilding (garage with secondary dwelling above – as approved) is located at the rear of 36 Gordon Crescent. Access to this outbuilding is obtained from along the side boundary of number 36 Gordon Crescent. A swimming pool is located at the rear, which extends over both lots.

The surrounding streetscape consists mainly of single and two storey dwelling houses. The site is adjoined by 32 and 38 Gordon Crescent, which contain a two storey dwelling houses. The subject site is within the R2 zone, listed as a heritage item and located within a Heritage Conservation Area (Figure 4).



Figure 8" Zoning and heritage map of subject and surrounding sites. Source: Intramaps.

4. Background

Site history

The following table outlines the relevant development history of the subject site.

Application	Proposal	Date & Decision
DA201600371	to remove the existing swimming pool and carry out alterations and additions to the existing premises to convert it into 2 dwelling houses and create a	26/10/2016 Approved

Application	Proposal	Date & Decision
	secondary dwelling in the loft above the existing garage	
DA201600371.01	to modify Determination No 201600371 dated 25 October 2016 under s4.55 of the Environmental Planning and Assessment Act 1979 so as to carry out internal alterations and replace the first floor openings along the western elevation for both dwellings and to alter the provision of parking and internal area dedicated to the granny flat at No.34	01/10/2019 Approved
MOD/2022/0399	Section 4.55 Modification to DA201600371, including construction of in-ground swimming pools, ground floor extension, internal re-configurations.	17/05/2023 Approved

Surrounding properties

No relevant history

Application history

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

Date	Discussion / Letter / Additional Information
11/02/2025 – 25/02/2025	Initial notification
10/03/2025 – 31/03/2025	Council requested amended plans and additional information, and met with the applicant, to address and discuss the following issues: <ul style="list-style-type: none"> Plan accuracy Impact on significant heritage fabric The applicant provided amended architectural drawings and additional information to address the aforementioned matters.
08/04/2025 – 24/04/2025	Renotification
14/04/2025 – 10/06/2025	Council and the applicant had further discussions and meetings with the applicant to address outstanding issues with the design, and Council requested an updated BASIX on 10 June 2025. <p>The applicant provided several revisions of architectural drawings.</p> <p>The plans submitted on 10 June 2025 form the basis of this report. The latest revision did not require renotification.</p>
15/06/2025	The applicant submitted the requested BASIX certificate.

5. Section 4.55 Modification of Consent

The following is a summary of the assessment of the application in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

Section 4.55(2)

Section 4.55(2) of the *EP&A Act 1979* allows a consent authority to modify a development consent granted by it, if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In considering the above:

- The essence of the development as modified is substantially the same as the original consent.
- The application does not require concurrence or General Term of Agreement from any approval body.
- The application was notified in accordance with the Community Engagement Strategy 2025-2029.
- No submissions were received

Section 4.55(3)

In consideration of Section 4.55(3) of the *EP&A Act 1979* the consent authority has taken into account the following reasons given by the determination authority for the granting of the original consent:

- The proposal generally complies with the aims, objectives and design parameters contained in the relevant environmental planning instruments and development controls plans;
- The proposal will not result in any significant impacts on the amenity of the adjoining premises/properties, the streetscape and is considered to be in the public interest; and
- The proposal is considered suitable for approval subject to the imposition of appropriate conditions.

It is considered that the modified proposal has taken into account the aforementioned reasons that the original development consent was granted.

6. 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 (Sustainable Buildings) 2022

Chapter 2 Standards for residential development - BASIX

The application is accompanied by a BASIX Certificate (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP&A Regulation 2021*.

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	Complies
Section 1.2 Aims of Plan	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> • The proposal encourages development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles, • The proposal conserves and maintains the natural, built and cultural heritage of Inner West, 	Yes

Section	Proposed	Complies
	<ul style="list-style-type: none"> The proposal facilitates economic growth and employment opportunities within Inner West, The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents, The proposal creates a high quality urban place, 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 	

Part 2 – Permitted or prohibited development

Section	Proposed	Complies
Section 2.3 Zone objectives and Land Use Table	<ul style="list-style-type: none"> The application proposes a modification to DA201600371, which approved "... alterations and additions to the existing premises to convert it into 2 dwelling houses and create a secondary dwelling in the loft above the existing garage, which is permissible with consent in the R2 Low Density Residential zone. The proposal is consistent with the relevant objectives of the zone as it will continue to provide for the housing needs of the community within a low density residential environment and the proposal is consistent with the character of the area. 	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 imposed on the DA consent will remain in force to manage impacts which may arise during demolition. 	Yes, subject to conditions

Part 4 – Principal development standards

Section	Proposed		Complies
Section 4.3 Height of buildings	Maximum	9.5m	Yes
	Proposed	3.3m (sunroom)	
Section 4.4 Floor space ratio (Figure 5)	34 Gordon Crescent		No
	Maximum	0.6:1 or 226.92sqm	
	Proposed	0.7:1 or 255.1sqm	
	Variation	28.18sqm or 12.42%	
	36 Gordon Crescent		Yes
	Maximum	0.6:1 or 324.36sqm	
	Proposed	0.5:1 or 238.2sqm – no change	

Section	Proposed	Complies
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.	Yes
Section 4.6 Exceptions to development standards	<p>The proposed modification is not required to formally submit a written request to vary a development standard having regard to the decision within <i>North Sydney Council v Michael Standley & Associates Pty Ltd</i> [1998] NSWSC 163 that states that Section 96 (now Section 4.55) is a:</p> <p><i>‘free-standing provision’, meaning that “a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application.</i></p> <p>Notwithstanding, the assessment principles and considerations set out in Section 4.6 of <i>IWLEP 2022</i> are applied as guidance.</p> <p>The approved development breaches the FSR development standard by 22.18sqm. The proposed addition of a larger sunroom at the rear of 34 Gordon Crescent results in an additional breach of (only) 5.1sqm.</p> <p>The proposed additions and further variation to the FSR development standard will have an improved amenity outcome for the subject site without resulting in any undue amenity impacts to surrounding sites. Additionally, the new sunroom has been designed to minimise adverse impacts on the heritage item.</p> <p>Considering the above, the proposed variation is acceptable in this instance.</p>	N/A

Part 5 – Miscellaneous provisions

Section	Proposed	Complies
Section 5.4 Controls relating to miscellaneous permissible uses	<ul style="list-style-type: none"> No change to secondary dwelling proposed 	N/A
Section 5.10 Heritage conservation	The subject property at 34-36 Gordon Crescent is listed as a heritage item (I1517 in Schedule 5 of the <i>IWLEP 2022</i>). The site is located next to ‘Altona’ at 38 Gordon Crescent, which is also listed as a heritage item (I1518). The subject site is also located within the Annandale	Yes, subject to conditions

Section	Proposed	Complies
	<p>Farm Heritage Conservation Area (C87 in Schedule 5 of the IWLEP 2022).</p> <p>Generally, the proposal achieves the objectives of this section as the development, as amended, retains significant heritage fabric and the proposed modifications, subject to recommended conditions (refer to Part 8 MDCP 2011 assessment), will have no adverse impact on the heritage item.</p> <p>Given the above, subject to recommended conditions, the proposal preserves the environmental heritage of the Inner West.</p>	

Part 6 – Additional local provisions

Section	Proposed	Complies
Section 6.2 Earthworks	<ul style="list-style-type: none"> Additional 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"> Conditions imposed on the DA consent will remain in force to ensure the development would not result in any significant runoff to adjoining properties or the environment. 	Yes
Section 6.8 Development in areas subject to aircraft noise	<ul style="list-style-type: none"> The site is located within the ANEF 25-30 contour. The modifications to 34 Gordon Crescent do not require noise attenuation measures to be incorporated as: <ul style="list-style-type: none"> the current consent does not require such measures to be incorporated to this dwelling house, the proposed modifications (i.e., alterations and additions) are not considered to be substantial 	N/A

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	Complies
Part 2.1 – Urban Design	Yes – see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.18 – Landscaping and Open Space	No – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes – see discussion
Part 2.25 – Stormwater Management	Yes – see discussion
Part 4.1 – Low Density Residential Development	Yes – see discussion
Part 8 – Heritage	Yes – see discussion
Part 9 – Strategic Context	Yes – see discussion

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	Complies
Part 2.1 Urban Design	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The proposal does not impact the definition between the public and private domain and is appropriate for the character of the locality given its form, massing, siting and detailing. • The proposal preserves the existing character of the streetscape, as the proposed addition will not be visible from the public domain and protects the street elevation of the existing dwelling. 	Yes
Part 2.6 Acoustic and Visual Privacy	<p>The proposal will have a satisfactory impact on visual and acoustic levels of the surrounds as follows:</p> <ul style="list-style-type: none"> • The principal living area and area of Private Open Space (POS) is designed and located to offer reasonable amenity to occupants. • New windows face into the site and are at ground level; thereby, protecting existing privacy levels for surrounding occupiers. • The pool is located in the rear yard away from bedroom areas of the adjoining dwellings. • Conditions on the DA consent remain in force to ensure that the noise levels associated with pool pumping units will not result in adverse noise impacts for surrounding properties. • The proposal maintains a low impact residential use and as such is unlikely to result in adverse acoustic impacts. 	Yes
Part 2.7 Solar Access and Overshadowing	<ul style="list-style-type: none"> • The proposal will have a satisfactory impact in terms of solar access and overshadowing. 	Yes

Control	Assessment	Complies
	<ul style="list-style-type: none"> The development will not result in additional overshadowing to surrounding sites and is likely to improve solar access to the subject lots as the proposed sunroom is lower than the former sunroom. 	
<p>Part 2.18 Landscaping and Open Spaces</p> <p><u>Private Open Space (POS)</u> Min: 20% of site area</p> <p><u>Pervious Landscaping</u> Min: 50% of POS</p>	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> No change proposed to the front setback. <p><u>POS and pervious POS – 36 Gordon Crescent</u></p> <ul style="list-style-type: none"> While the POS is smaller than the prescribed area of 108sqm at 36 Gordon Crescent, the proposal will not result in a change to the total area of POS. A 10sqm reduction of pervious area within the POS is proposed (from 37 to 27sqm) and the proposal increases the non-compliance and variation with control C12(ii) as the development does not provide 50% of pervious private open space. It is considered that there are no impediments to retain the approved quantum of landscaped/pervious areas within the POS. As such, a condition is included in the recommendation, requiring that the landscaped/pervious area is increased by 10sqm. <p><u>POS and pervious POS – 36 Gordon Crescent</u></p> <ul style="list-style-type: none"> The proposed addition of the new sunroom reduces areas of open space at 34 Gordon Crescent. However, the previous sunroom had the same side setbacks, and areas between the side setbacks and previous (and proposed) sunroom cannot be included in the calculation of POS as these have a width of less than 3 metres. As such, technically, the proposal retains the already approved area of POS. The proposal results in a reduction of pervious open space within the POS by approximately 18sqm and a non-compliance with control C12(ii) as the development does not provide 50% of pervious private open space. The proposal is acceptable on merit as it is consistent with the relevant objectives of this part as follows: <ul style="list-style-type: none"> O1 – the proposed landscaping complements the character of the individual building and the character of the area. O2 – the proposal will not impact established planting on the site. O3 – the proposal provides adequate areas for different means of outdoor recreation. O4 – overall, the proposal increases pervious areas at 34 Gordon Street by providing additional pervious area along the eastern side setback, improving rainwater infiltration. O7 – the proposed POS maintains a connection to living areas and receives adequate sunlight. 	<p>No; acceptable on merit and/or subject to conditions</p>

Control	Assessment	Complies
Part 2.21 Site Facilities and Waste Management	<ul style="list-style-type: none"> Conditions imposed on the DA consent will remain in force to ensure the appropriate management of waste. 	Yes, subject to conditions
Part 2.25 Stormwater Management	<ul style="list-style-type: none"> Conditions imposed on the DA consent will remain in force to ensure the appropriate management of stormwater. 	Yes, subject to conditions

Part 4 – Low Density Residential Development

Control	Assessment	Complies
Part 4.1.4 Good Urban Design Practice	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The height, bulk and scale of the development complement existing developments in the street and the architectural style of the proposal is in keeping with the character of the area. 	Yes
<p>Part 4.1.6 Built form and character</p> <p><u>Front setback</u></p> <ul style="list-style-type: none"> Consistent with adjoining developments <p><u>Side setbacks</u></p> <ul style="list-style-type: none"> Lot width <8m – On merit <p><u>Rear setback</u></p> <ul style="list-style-type: none"> On merit <p><u>Site coverage</u></p> <ul style="list-style-type: none"> 36 Gordon Crescent – max 45% 34 Gordon Crescent – max 55% 	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <p><u>Building setbacks</u></p> <ul style="list-style-type: none"> No change to setbacks proposed to 36 Gordon Crescent. The following comments are provided with regard to setbacks and the proposed addition of the sunroom to the rear at 34 Gordon Crescent. The proposed side setbacks of the sunroom are 500mm from the eastern and 2.3 metres from the western boundary. The setbacks are considered satisfactory, as the proposal has an acceptable impact on adjoining properties in terms of overshadowing, visual bulk and privacy. The proposed side setbacks are consistent with the established setback pattern of the street. The proposed rear setback is consistent with the rear setback of the previous sunroom and considered appropriate as it will not create adverse impacts on adjoining properties in terms of visual bulk, overshadowing or privacy. <p><u>Site coverage</u></p> <ul style="list-style-type: none"> The proposed site coverage at 36 Gordon Crescent is 43% (233sqm) and complies The proposed site coverage at 34 Gordon Crescent is 46% (173sqm) and complies 	<p>No, acceptable on merit</p> <p>Yes</p>

Part 8 – Heritage

Control	Assessment	Complies
Part 8.1.7 Heritage Items	<ul style="list-style-type: none"> • Subject to recommended conditions, the proposal does not diminish the significance of the item. • Significant internal and external features of the heritage item are retained in their original form or as already approved to be altered. • Generally, the proposed works, as amended, do not adversely impact significant features of the heritage item. However, it is proposed to “brick up existing door” to the proposed “powder room” at 34 Gordon Crescent. While it is proposed to retain the external door, Council’s heritage Specialist advised that bricking up the opening would have detrimental impacts on significant fabric and recommends a condition (included in Attachment A), requiring that infilling of the opening should use lightweight material so this element can be readily reversed in the future. • The proposed sunroom at the rear of 34 Gordon Crescent will not adversely impact the heritage item. The previous sunroom is not original or significant and the opening, connecting the sunroom and original rear wing, has been already approved. Wall nibs are retained to the existing rear wing, so the original configuration remains identifiable, and the new sunroom is adequately separated from original fabric. • Colours and materials of the proposed sunroom have not adequately been identified. The lightweight construction is considered sympathetic to the heritage item and similar to the previous sunroom. To ensure that the colours, finishes and materials are sympathetic to the heritage item, a condition is included in Attachment A, requiring that these are sympathetic to the existing dwelling house, noting that black and white, or similar contrasting colours, are not considered appropriate. • Additionally, Council’s heritage Specialist recommends a condition to be imposed (included in attachment A), requiring that the repurposed fireplace in the sunroom shall be ornamental only (non-operational). 	Yes, subject to conditions

Part 9 – Strategic Context

Control	Assessment	Complies
9.3 Stanmore North (Precinct 3)	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The proposal, subject to recommended conditions, protects the heritage item on the site. • The proposal protects the scale of, and presentation to, the streetscape. • The proposal retains the density of the precinct. 	Yes

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 2025-2029 between 11 February 2025 to 25 February 2025. The application was renotified between 8 and 24 April 2025 due to amended plans being submitted

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.

7. Section 7.11 / 7.12 Contributions

The proposed modifications would not trigger any changes to the contributions as they appear on the current consent.

8. Referrals

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

- Heritage Specialist
- Development Engineer

9. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in the applicable State Environmental Planning Policies, *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 premises/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.

10. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to 4.55(2) of the *Environmental Planning and Assessment Act* grant consent to modify DA201600371 dated 26 October 2016, by amending the conditions of the consent in accordance with Attachment A so as include the retention of swimming pool, ground floor extension, internal reconfiguration, and associated works at 34 Gordon Crescent STANMORE.

Attachment A – Recommended conditions of consent

A. Amend Conditions 1 and 1A to read as follows:

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
DA.01.2 B	Site Analysis Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.02.1 B	Ground Floor Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.02.2 B	First Floor Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.02.4 B	Proposed Secondary dwelling	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.03.1 B	East and North Elevations	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.03.2 B	East and South Elevations	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.03.3 B	Granny + Garage Elevations	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.04.1 B	Sections and Elevations	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.01.1 B	Site Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.02.3	Garage Floor Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
	Schedule of Finishes	Undated	Lufi and Associates Pty Limited Architects	25 July 2016
A253651	BASIX Certificate	30 June 2016	The Department of Planning and Infrastructure	25 July 2016
	Recycling and Waste Management Plan	Undated	Lufi and Associates Pty Limited Architects	25 July 2016

and details submitted to Council on 25 July 2016, with the application for development consent and as amended by the plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA.01.2-D	Site Analysis Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.01.2, Rev. K	Site Analysis Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.02.1-D	Ground Floor Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.02.1, Rev. K	Ground Floor Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.02.2-D	First Floor Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.02.2, Rev. K	First Floor Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.02.3, Rev. K	Garage Floor Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.02.4-D	Proposed Secondary dwelling	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.02.4, Rev. K	Proposed Secondary Dwelling	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.03.1-D	East and North Elevations	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.1, Rev. K	East and North Elevations	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.03.2-D	East and South Elevations	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.2, Rev. K	East and South Elevations	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.03.3-D	Section Through 34 Gordon Crescent	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.3, Rev. K	Section Through 34 Gordon Crescent	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023

DA.03.4-D	Section through first floor verandah	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.4, Rev. K	Section through First Floor Verandah	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.03.5-D	Granny & Garage Elevations	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.5, Rev. K	Granny and Garage Elevations	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.04.1-B	Sections and Elevations	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.04.1, Rev. K	Sections and Elevations	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.01.1-D	Site Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.01.1, Rev. K	Site Plan	29 March 2023	Lufi Associates Pty Limited Architects	24 April 2023
DA.02.3-D	Garage Floor Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.02.3, Rev. K	Garage Floor Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.04.2, Rev. K	Acoustic and Basix Requirements	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
Cert. No. A253652_03	BASIX	27 October 2022		08 November 2022
Cert No. A253651_04	BASIX	27 October 2022		08 November 2022
Cert. no. A253657_03	BASIX	27 October 2022		08 November 2022
Dwg. No. LPS455 23 – 052/1	Hardscape Plan	Aug 2022		08 November 2022
Dwg. No. LPS455 23 – 052/2	Landscape Plan	Aug 2022		08 November 2022
Dwg. No. LPS455 23 – 052/3	Planting Palettes	Aug 2022		08 November 2022
Dwg. No. LPS455 23 – 052/4	Details	Aug 2022		08 November 2022

Dwg. No. LPS455 23 – 052/5	Specifications	Aug 2022		08 November 2022
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Except where superseded by design changes, which are bubbled and annotated in red, shown in the following documents:

Plan, Revision and Issue No.	Drawing Title	Date Issued	Prepared by
DA.01.1 Rev Q	Proposed Alts and Adds + Granny Flat (For No 36)	26.05.2025	Lufi and Associates Pty Limited Architects
DA.02.1 Rev Q			
DA.02.2 Rev Q			
DA.02.3 Rev Q			
DA.02.4 Rev Q			
DA.03.1 Rev Q			
DA.03.2 Rev Q			
DA.03.4 Rev Q			
A1799629_02	BASIX	13/06/2025	APeart Building Design

As amended by the conditions of consent.

~~(Condition modified under MOD/2022/0399 dated 17 May 2023)~~
(Condition amended – MOD/2025/0013– 8 July 2025)

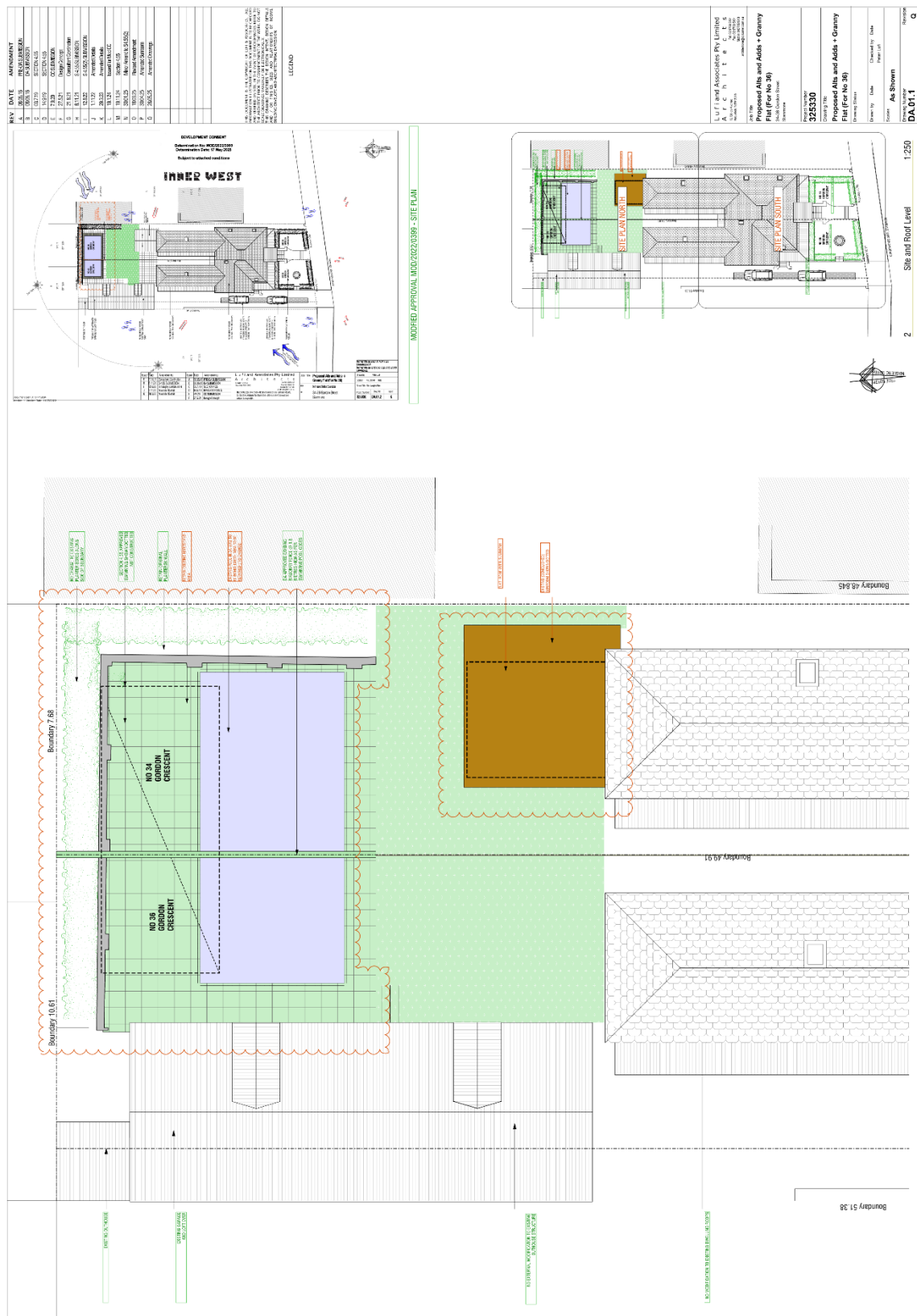
1A. Design Change

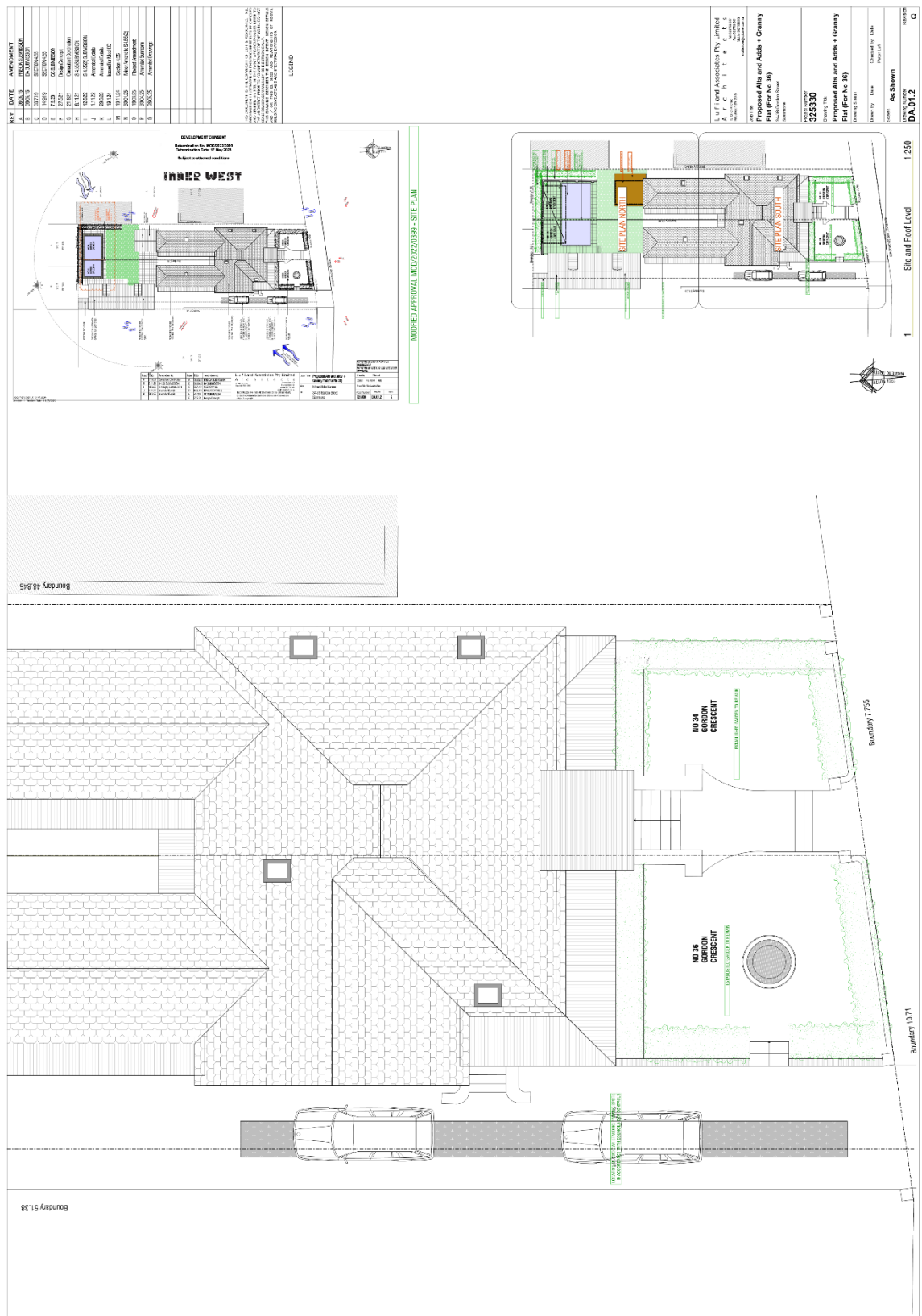
Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- The red highlight on the windows servicing the stairs for both No. 34 and No. 36 must be removed.
- The “brick up existing door” to the proposed “powder room” at 34 Gordon Crescent (as depicted on drawing number DA.02.1 Rev Q, dated 26/05/2025) must be deleted and replaced with “infilling of the opening using lightweight material that can be readily removed without impacting existing fabric”.**
- External colours and finishes to the sunroom at the rear of 34 Gordon Crescent must be sympathetic to the existing dwelling house. Black and white, or similar contrasting colours, must not be used.**
- The repurposed fireplace in the sunroom at the rear of 34 Gordon Crescent must be ornamental only (non-operational).**
- The landscaped area within the private open space at the rear of 36 Gordon Crescent (i.e., the area between the dwelling house and swimming pool) must be increased by, at least, 10sqm.**

~~(Condition added under MOD/2022/0399 dated 17 May 2023)~~
(Condition amended – MOD/2025/0013– 8 July 2025)

Attachment B – Plans of proposed development





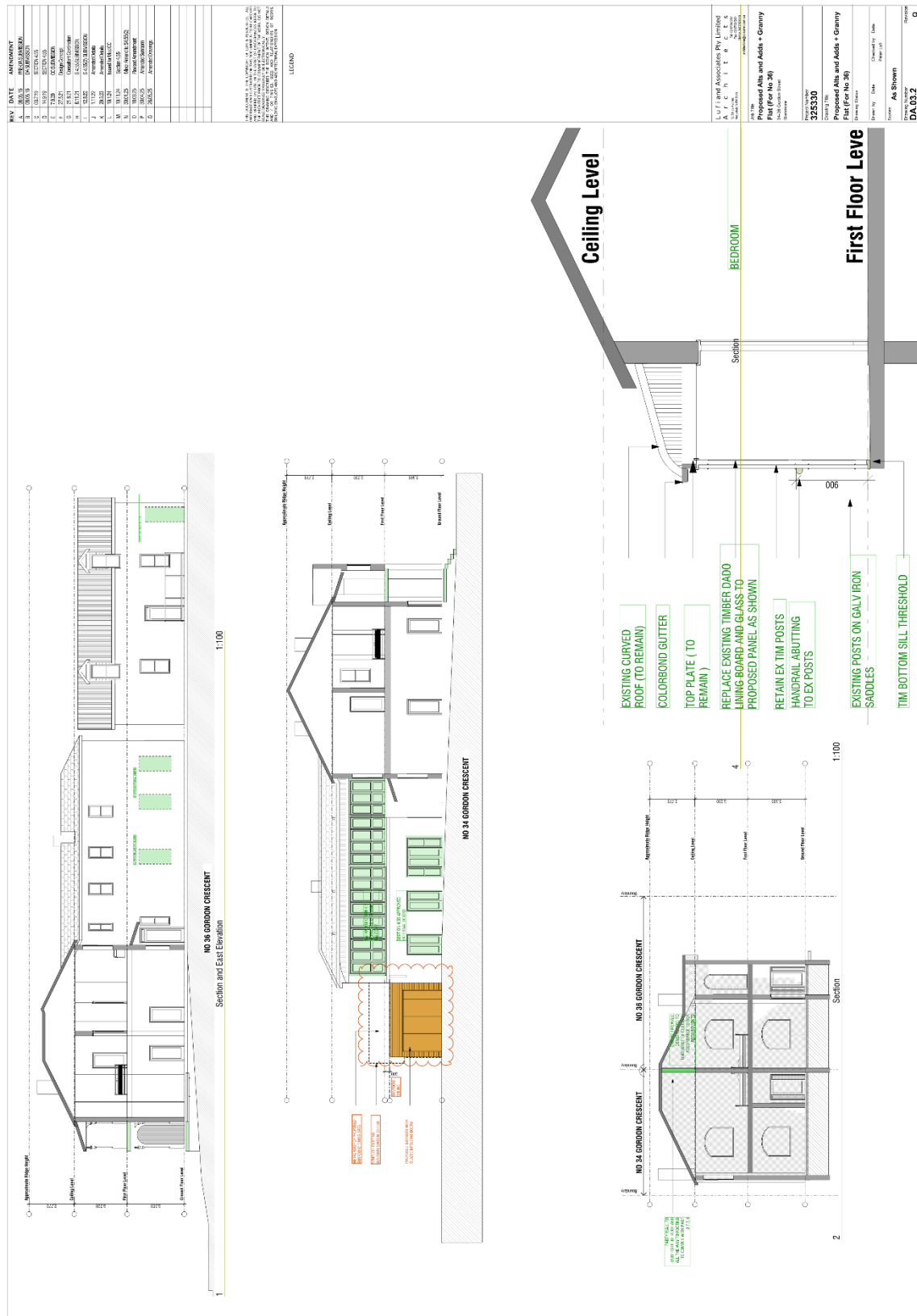




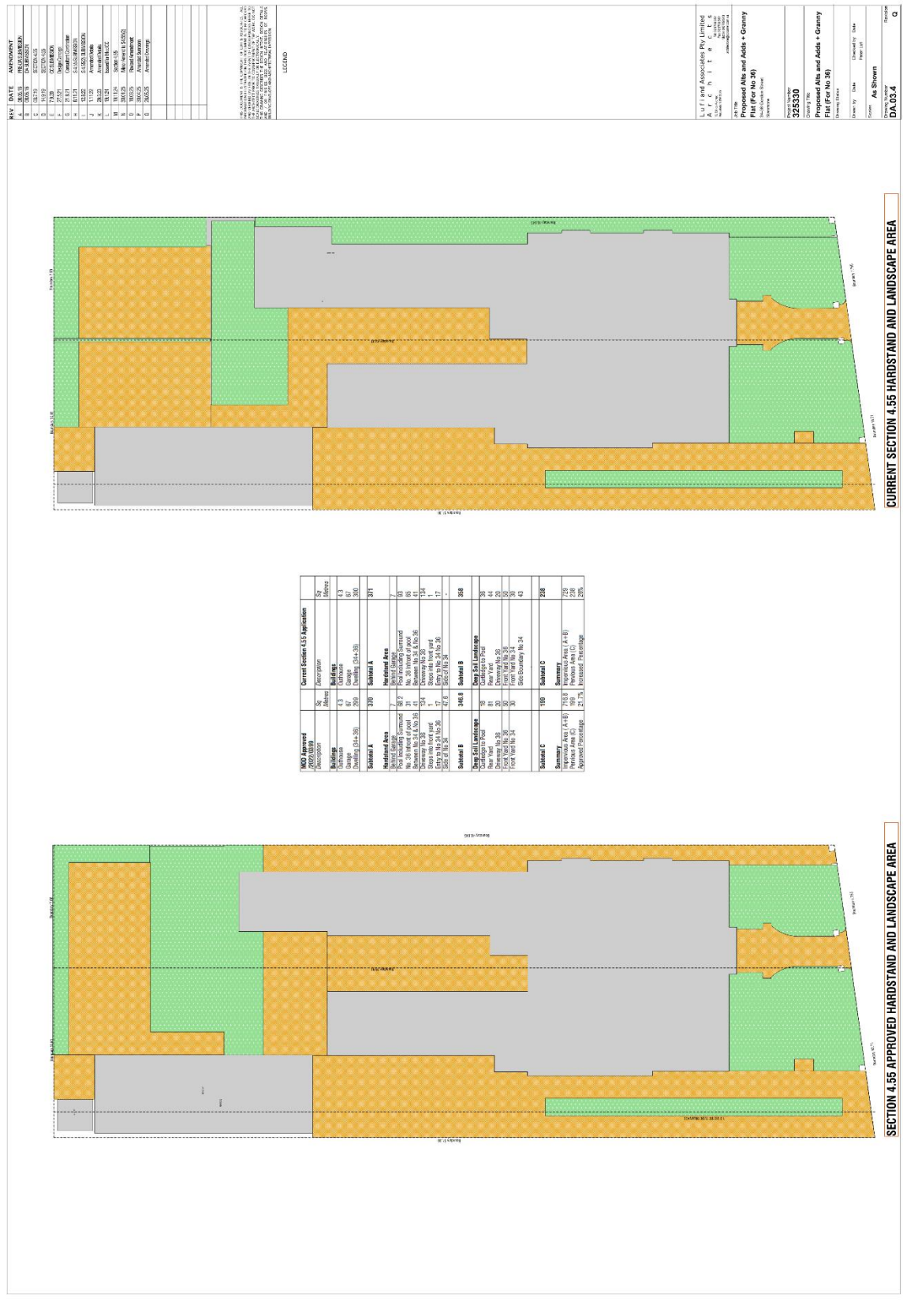


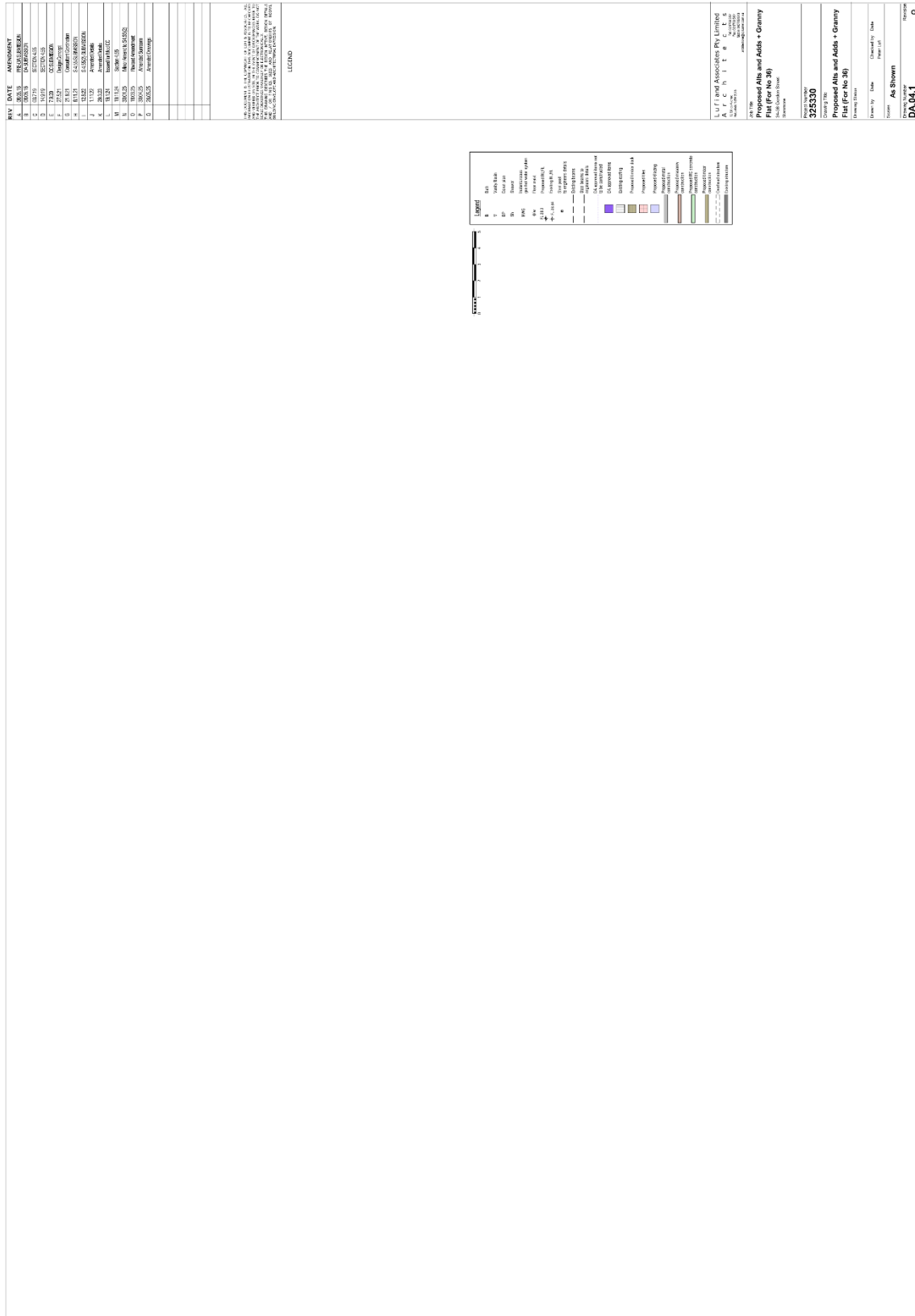






[illegible]





Attachment C – Statement of Heritage Significance

The Statement of Significance for 34 Gordon Crescent, sourced from the Office of Environment & Heritage, heritage database website, reads as follows:

This is possibly the best remaining example of the railway villas erected around the Stanmore Railway Station in the 1880's and 90's. The retention of much of the original internal and external detailing, and the care with which it has been restored make it of particular importance.

The Statement of Significance for the Annandale Farm Heritage Conservation Area, from within Part 8.2.8.1 MDCP 2011, reads as follows:

The Annandale Farm Heritage Conservation Area is of historical significance as a distinctive area developed 1884 to 1910 from the last subdivisions (1884 to 1906) of the Annandale Farm Estate, an important early colonial estate. The association with Annandale Farm remains through discernible elements in the landscape (such as street alignments) following the original Farm boundaries and the potential gatehouse lodge now relocated to the rear garden of 96 Corunna Road.

The Annandale Farm HCA is a representative residential area of late Victorian and Federation period housing, corner shops and retailing and includes some high quality examples from the different architectural periods. Streetscapes are highly cohesive and roofscapes rhythmical due to the staged subdivision release and the development of many groups and runs of houses of a single pattern.

It is distinguished from surrounding areas by its later development and predominance of late Victorian and Federation period housing, wide streets, and by its most substantial housing being Railway Villas located at a low point purposely to attract affluent potential purchasers to the subdivision.

The Annandale Farm HCA is considered locally rare (a heritage criteria) as an area, which retains discernible elements in the landscape (such as street alignments), which relate to an early Colonial estate.

The HCA also has the potential to demonstrate significant archaeological relics in the vicinity of the former farmhouse, outbuildings, garden areas and burial ground.

Attachment D – Current Consent (MOD/2022/0399)**NOTICE OF DETERMINATION - APPROVAL**

Issued under Section S4.55 of the Environmental Planning and Assessment Act 1979

Development Application No.	DA201600371
Applicant	Pietro Lufi
Land to be developed	34 Gordon Crescent STANMORE NSW 2048
Approved development	To remove the existing swimming pool and carry out alterations and additions to the existing premises to convert it into 2 dwelling houses and create a secondary dwelling in the loft above the existing garage.
Cost of development	\$95,000.00
Determination	This S4.55(2) modification application was determined by Delegation to Staff and was granted consent subject to the conditions attached.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
Date of Development Consent:	26 October 2016
Date of Modification of Consent:	17 May 2023
Modification Number:	MOD/2022/0399

Reasons for conditions

To protect the environmental amenity of the area and the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Gabriel Alhambra** on **02 9335 2220** or **gabriel.alhambra@innerwest.nsw.gov.au**.



Kaitlin Zieme
Team Leader Development Assessment

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
DA.01.2 B	Site Analysis Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.02.1 B	Ground Floor Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.02.2 B	First Floor Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.02.4 B	Proposed Secondary dwelling	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.03.1 B	East and North Elevations	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.03.2 B	East and South Elevations	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.03.3 B	Granny + Garage Elevations	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.04.1 B	Sections and Elevations	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.01.1 B	Site Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
DA.02.3	Garage Floor Plan	8 August 2016	Lufi and Associates Pty Limited Architects	25 July 2016
	Schedule of Finishes	Undated	Lufi and Associates Pty Limited Architects	25 July 2016
A253651	BASIX Certificate	30 June 2016	The Department of Planning and Infrastructure	25 July 2016
	Recycling and Waste Management Plan	Undated	Lufi and Associates Pty Limited Architects	25 July 2016

and details submitted to Council on 25 July 2016, with the application for development consent and as amended by the plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA.01.2-D	Site Analysis Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.01.2, Rev. K	Site Analysis Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.02.1-D	Ground Floor Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.02.1, Rev. K	Ground Floor Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.02.2-D	First Floor Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.02.2, Rev. K	First Floor Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.02.3, Rev. K	Garage Floor Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.02.4-D	Proposed Secondary dwelling	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.02.4, Rev. K	Proposed Secondary Dwelling	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.03.1-D	East and North Elevations	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.1, Rev. K	East and North Elevations	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.03.2-D	East and South Elevations	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.2, Rev. K	East and South Elevations	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.03.3-D	Section Through 34 Gordon Crescent	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.3, Rev. K	Section Through 34 Gordon Crescent	29 March 2023	Lufi and Associates Pty	24 April 2023

			Lufi and Associates Pty Limited Architects	
DA.03.4 D	Section through first floor verandah	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.4, Rev. K	Section through First Floor Verandah	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.03.5 D	Granny & Garage Elevations	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.03.5, Rev. K	Granny and Garage Elevations	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.04.1 B	Sections and Elevations	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.04.1, Rev. K	Sections and Elevations	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.01.1 D	Site Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.01.1, Rev. K	Site Plan	29 March 2023	Lufi Associates Pty Limited Architects	24 April 2023
DA.02.3 D	Garage Floor Plan	14 September 2019	Lufi and Associates Pty Limited Architects	17 September 2019
DA.02.3, Rev. K	Garage Floor Plan	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
DA.04.2, Rev. K	Acoustic and Basix Requirements	29 March 2023	Lufi and Associates Pty Limited Architects	24 April 2023
Cert. No. A253652_03	BASIX	27 October 2022		08 November 2022
Cert No. A253651_04	BASIX	27 October 2022		08 November 2022
Cert. no. A253657_03	BASIX	27 October 2022		08 November 2022
Dwg. No. LPS455 23 – 052/1	Hardscape Plan	Aug 2022		08 November 2022

Dwg. No. LPS455 23 – 052/2	Landscape Plan	Aug 2022		08 November 2022
Dwg. No. LPS455 23 – 052/3	Planting Palettes	Aug 2022		08 November 2022
Dwg. No. LPS455 23 – 052/4	Details	Aug 2022		08 November 2022
Dwg. No. LPS455 23 – 052/5	Specifications	Aug 2022		08 November 2022

As amended by the conditions of consent.

(Condition modified under MOD/2022/0399 dated 17 May 2023)

1A. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- f. The red highlight on the windows servicing the stairs for both No. 34 and No. 36 must be removed.

(Condition added under MOD/2022/0399 dated 17 May 2023)

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.

Reason: To ensure the development is carried out in accordance with this Determination.

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.

Reason: To ensure that the development is adequately serviced.

- 4.. The premises on each allotment must be used exclusively as a single dwelling-house and not be adapted for use as a dual occupancy, residential flat building, backpackers' hostel or boarding house and must not be used for any industrial or commercial purpose.

Reason: To ensure that the premises on each allotment are used exclusively as a single dwelling house.

5. 2 off-street car parking space must be provided on Lot 1, paved and maintained at all times for each dwelling house in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.

Reason: To ensure practical off-street car parking is available for the use of the premises.

6. The doors and architraves should be carefully removed, salvaged and stored on site for reinstatement in the future if required.

Reason: To ensure compliance with Part 4.1.12 of MDCP 2011.

7. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

7A. Tree Protection

No trees on public property (footpaths, roads, reserves, etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet – Trees on Development Sites*.

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.

(Condition added under MOD/2022/0399 dated 17 May 2023)

7B. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
xCupressocyparis leylandii (Leyland Cypress) hedge	Removal

(Condition added under MOD/2022/0399 dated 17 May 2023)

7C. Noise Levels and Enclosure of Pool/Spa Pumping Units

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient

background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

(Condition added under MOD/2022/0399 dated 17 May 2023)

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

8. 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.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

9. 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.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

10. 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.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

11. 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.

Reason: To secure the area of the site works maintaining public safety.

12. 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'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

13. 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.

Reason: To prevent soil erosion and sedimentation of Council's stormwater drainage system.

14. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

15. If a new street number or a change to the street number (this includes unit and shop numbers) is required, a separate application must be made to and approved by council prior to that street number being displayed.

Reason: To ensure that the building is easily identifiable.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

16. 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

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

17. Section 94 Contribution

- a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of \$20,000.00 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 24 October 2016.

- *NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC001639)

- c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Facilities	\$2,229.97
Plan Administration	\$392.16
Recreation Facilities	\$17,138.33
Traffic Facilities	\$239.54

- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- e) The contribution must be paid either in **cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card***.

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

Reason: To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

- 18. 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).

Reason: To ensure that the BASIX commitments are incorporated into the development.

19. 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.
Reason: To ensure the building is suitable for the proposed use.
20. Before the issue of a Construction Certificate the owner or builder must sign a written undertaking that they are responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.
21. Sediment control devices must be constructed and maintained in proper working order to prevent sediment discharge from the construction site. Sediment control plans and specifications complying with the 'Urban Erosion and Sediment Control' Handbook, published by the NSW Department of Conservation and Land Management (CALM) must be submitted to the Principal Certifying Authority before the issue of a Construction Certificate.
Reason: To prevent soil erosion and sedimentation of Council's stormwater drainage system.
22. Noise attenuation measures must be incorporated into the secondary dwelling complying with Australian Standard 2021-2000 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 2021-2000. Plans fully reflecting the selected commitments must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To reduce noise levels within the development from aircraft.
23. Lighting details of the entrance to the dwelling house must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
Reason: To ensure appropriate lighting is provided to create a safe living environment.

SITE WORKS

24. 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.
Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.
25. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.
26. 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'.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

27. 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.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the National Construction Code (Building Code of Australia).

28. 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.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

29. 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.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

30. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.

Reason: To provide for adequate site drainage.

31. 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.

Reason: To provide protection to the public place.

32. 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.

Reason: To ensure all works are contained within the boundaries of the allotment.

33. 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.

Reason: To ensure that the provisions of this Act are observed.

34. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

BEFORE OCCUPATION OF THE BUILDING

35. 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.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

36. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan, and must be maintained at all times to Council's satisfaction.

Reason: To ensure adequate landscaping is maintained.

37. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination, and prior to the occupation of the dwelling house a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and

b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the dwelling house from aircraft and to ensure that the noise attenuation measures incorporated into the dwelling house satisfactorily comply with the relevant sections of Australian Standard 2021-2000.

38. 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).

Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

39. 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.

Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

40. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before the issue of an Occupation Certificate. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2- "Roadworks Specifications".

Reason: To ensure that the person acting on this consent completes all required work.

41. Before the issue of an Interim or Final Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.

Reason: To ensure that the building is easily identifiable.

41B. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF5 Certificate of Horticulture, Landscape Design/Architect or Arboriculture that:

A minimum of 2 x 75 litre trees, which will attain a minimum mature height of seven (7) metres and a minimum mature canopy spread of four (4) metres, have been planted in a suitable location within the property (one in each Lot) at a minimum of 1.5 metres from any boundary or structure and allowing for future tree growth. The trees must be a minimum distance of four (4) metres apart and must be two (2) different species. The trees are to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species or on the Tree Minor Works list in Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable. The Landscape Plan (LPS455-052/2, Rev C dated 23/08/22) prepared by Conzept must be modified accordingly.

If the replacement trees are found to be dead or dying before they reach dimensions where they are subject to the Council Tree Management Controls, they must be replaced in accordance with this condition.

(Condition added under MOD/2022/0399 dated 17 May 2023)

USE OF THE BUILDING

42. The premises must be used exclusively as a single dwelling house and must not be adapted for use as a residential flat building or boarding house and must not be used for any industrial or commercial purpose.

Reason: To ensure that the premises are used exclusively as a single dwelling house.

ADVISORY NOTES

- The dwelling may not comply with Part 3.7.2 (Smoke Alarms) of Volume Two of the National Construction Code (Building Code of Australia) - Class 1 and Class 10 Buildings. It is advisable to ensure that all alarms are installed in accordance with the BCA and connected to main power supply.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Any natural light or ventilation gained by windows within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information

☎ 1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

Department of Fair Trading

☎ 13 32 20
www.fairtrading.nsw.gov.au
Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig

☎ 1100
www.dialbeforeyoudig.com.au

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

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.

- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

(Condition added under MOD/2022/0399 dated 17 May 2023)