



# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	D/2017/142
<b>Address</b>	52 Hill Street, LEICHHARDT NSW 2040
<b>Proposal</b>	Alterations and additions to existing dwelling, including a new first floor addition to front of existing house and new rear awning.
<b>Date of Lodgement</b>	30 March 2017
<b>Applicant</b>	Mr P F Barnes
<b>Owner</b>	Mr P F Barnes
<b>Number of Submissions</b>	Two (2) in objection
<b>Value of works</b>	\$147,000
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds officer delegation
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Desired Future Character &amp; front dormer design;</li> <li>• Building Location Zone (BLZ); &amp;</li> <li>• Stormwater Drainage</li> </ul>
<b>Recommendation</b>	Approval subject to conditions



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling, including a new first floor addition to the front of the existing house and new ground floor rear awning at 52 Hill Street, Leichhardt. The application was notified to surrounding properties and two (2) submissions in objection were received.

The main issues that have arisen from the application include:

- Desired future character and front dormer design;
- Building Location Zone (BLZ);
- Variation to Floor Space Ratio development standard; and
- Stormwater drainage.

The non-compliances are acceptable given that the proposal will not result in any adverse amenity impacts to neighbouring properties and, subject to specific design amendment conditions, will provide an acceptable streetscape presentation in line with the relevant distinctive neighbourhood character and dormer window controls, and therefore the application is recommended for approval.

## 2. Proposal

The proposed works are detailed as follows;

First Floor: Extension to first floor towards the front of the site containing two bedrooms and a shared bathroom and planter box.

Ground floor: Rear awning to cover existing paved patio.

## 3. Site Description

The subject site is located on the southern side of Hill Street, between Coleridge Street and Catherine Street. The site consists of one allotment and is rectangular shaped with a total area of 189m<sup>2</sup> and is legally described as Lot 11 DP 807252. The site is orientated toward the north-south.

The site has a frontage to Hill Street of 5.355m. The site benefits from a 0.04m – 0.15m wide easement for overhang of roof which burdens the southern adjoining property at No. 50 Hill Street which and gutter and adjoins a 2.44m right of carriageway (driveway) which also appears to burden No. 50 Hill Street and Benefit No. 48 Hill Street. The proposal will effectively remove the overhang of roof and gutter where the first floor is to be constructed wholly within the property boundaries. The opportunity to expunge the easement will remain the responsibility of the owners of No. 52 and No. 50 Hill Street i.e pursuant to the Conveyancing Act (1919), the owner of the lot burdened may insist that this easement be extinguished when the structure on the lot benefited is removed.

The site supports a part single and part two storey rendered brick dwelling. The adjoining properties support a two storey brick dwelling to the west at 54 Hill Street and single storey rendered cottage to the east at No. 50 Hill Street. The street consists of predominantly single and some two storey dwellings of varying architectural style and form.

The subject site is not within a heritage conservation area and does not support any trees.

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
PREDA/2010/180	Alterations and additions to an existing dwelling.	Advice Letter Issued 26/11/2010
D/2011/123	Proposed ground floor alterations and first floor addition including balcony to an existing dwelling.	Approved 13/06/2011
M/2014/162	Section 96 modification of D/2011/123 which approved alterations and additions to the existing dwelling. Modification seeks to amend Condition No.6 in regards to Dilapidation Reports and extend the first floor level to the rear.	Approved 21/11/2014
PREDA/2016/214	Extending the existing first floor to the front of the house with a gable roof to match the rear roof.	Cancelled 04/11/2016
PREDA/2016/215	First floor addition to existing dwelling at the front of the house with a gable roof to match the rear roof.	Single Issue Advice Issued 20/12/2016

The PREDA (Single Issue) raised the following issues:

- Streetscape
- Building Envelope
- FSR Breach

It is considered that the amended plans lodged as part of this application generally resolves those issues raised in the PreDA advice.

#### Surrounding properties

##### 25 Hill Street

Application	Proposal	Decision & Date
D/2006/543	Alterations and additions to existing dwelling house including a new first floor.	Approved 28/11/2006
CDC/2012/111	Demolition of existing single storey dwelling under Codes SEPP	Approved 23/10/2012
CDC/2012/135	Construction of new two storey dwelling with rear carparking hardstand and vehicular crossing.*	Approved 21/01/2013

\*Refer to Fig. 1 below for the dwelling constructed under Complying Development approval; CDC/2012/135.



**Fig. 1** Approved two storey dwelling at 25 Hill Street Leichhardt

#### 4(b) Application history

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

Date	Discussion / Letter/ Additional Information
5 May 2017	Council wrote to the Applicant requesting additional information/amended plans summarised as follows; <ul style="list-style-type: none"> <li>• Streetscape/Front Dormer/FSR</li> <li>• Stormwater Concept Plan</li> </ul>
29 June 2017	Council received amended plans summarised as follows; <ul style="list-style-type: none"> <li>• Slightly lowered ridge of first floor extension to match ridge of neighbouring properties at 54 and 56 Hill Street (RL 34.805 to RL 34.570)</li> <li>• Altered roof to slope along the side elevations</li> <li>• Amended front dormer window</li> <li>• Amended Stormwater Concept Plan</li> <li>• Roof over first floor planter box</li> </ul>

The additional information lodged and the plans submitted as part of that additional information form the basis of this report. The amendments carried out primarily entailed amending the design of the front dormer and reducing the side wall height.

The amended plans lodged did not require re-notification as they were considered to fall within *Control C5. Section A3.13 - Specific Circumstances Where Notification Is Not Required, Part A: Introduction, Leichhardt Development Control Plan 2013*, which does not require the re-notification of amended plans to an undetermined application which, inter alia, constituted a lesser development have been proposed in order to address the concerns raised by Council or objectors.

### 5. Assessment

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

## 5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013 (LLEP 2013)

The following provides further discussion of the relevant issues:

### 5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site is suitable for the existing and proposed use in accordance with SEPP 55.

### 5(a)(ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application and amended in accordance with the revised proposal and as such the requirements of the SEPP have been met.

### 5(a)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

### 5(a)(iv) Leichhardt Local Environment Plan 2013 (LLEP 2013)

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental Plan 2013:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.9AA – Trees or vegetation not prescribed by development control plan
- Clause 6.1 – Acid Sulphate Soils

- Clause 6.4 – Stormwater management
- Clause 6.8 – Development in areas subject to aircraft noise

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

Standard (maximum)	Proposal	% of non compliance	Compliances
<b>Floor Space Ratio</b> Required: [0.5:1]	0.92:1 or 174sqm	84	No
<b>Landscape Area</b> (15% min)	21.53% or 40.7sqm	N/A	Yes
<b>Site Coverage</b> (60% Max)	55% or 104sqm	N/A	Yes

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard:

- Clause 4.4 – Floor Space Ratio

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

*Comment:* The application requests that development consent be granted for the development even though the proposal will contravene the maximum FSR development standard prescribed under Part 4 of Leichhardt Local Environmental Plan 2013.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has submitted a written request which provides the following justification for the breach:

- The site is very narrow (5.1 m wide) and only 189.88m<sup>2</sup> in area.
- The street frontage remains single storey maintaining the prevailing street scale of the immediate neighbours.

- The street frontage roof form follows the roof forms of the immediate neighbours
  - The front ridge of the new roof is level with the ridges of the neighbouring properties.
  - There is no loss of sunlight or privacy to the neighbouring properties
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

*Comment:* The applicant has addressed the matters required under Clause 4.6 Exceptions to development standards, and it is considered to be well founded in this instance. The proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the development standard and General Residential zoning as demonstrated below:

- The proposal is compatible with the desired future character of the area in relation to its two storey scale, building bulk and form, and appears as single storey with "attic" style accommodation from the street (adjacent).
  - The proposal complies with the Landscaped Area and Site Coverage standards, providing a suitable balance between landscaped areas and the built form
  - The proposal does not result in any adverse amenity impacts to the surrounding properties that can be reasonably protected.
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

*Comment:* The granting of concurrence to the proposed variation of the development standard will not raise any issues of state or regional planning significance.

- (b) *the public benefit of maintaining the development standard, and*

*Comment:* The proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards.

- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

*Comment:* No other matters are required to be considered before granting concurrence.

### 5(b) Draft Environmental Planning Instruments

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

- Review of FSR's – Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

Review of Floor Space Ratio – Leichhardt Local Environmental Plan 2013

Standard (maximum)	Proposal	% of non - compliance	Compliances
<b>Floor Space Ratio</b> Required: 0.8:1	0.9:1	15	No

Whilst it is acknowledged that the proposal varies the draft development standard, As previously discussed under the Clause 4.6 discussion above, the non-compliance is considered acceptable for the following reasons;

- The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale, and appears as single storey with “attic” style accommodation from the street.
- The proposal complies with the Landscaped Area and Site Coverage standards, providing a suitable balance between landscaped areas and the built form
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

Part	Compliance
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	Yes – Refer to below
C1.4 Heritage Conservation Areas and Heritage Items	N/A
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A



<b>Part C: Place – Section 2 Urban Character</b>	
Suburb Profile	
C2.2.3.3 – Piperston Distinctive Neighbourhood	Yes - Refer to below
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No - Refer to below
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	No – Refer to below
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	<b>N/A</b>
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes – Refer to below
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
<b>Part F: Food</b>	<b>N/A</b>
<b>Part G: Site Specific Controls</b>	<b>N/A</b>

The following provides discussion of the relevant issues:

### C1.3 Alterations and additions, C2.2.3.3 – Piperston Distinctive Neighbourhood, C3.4 Dormer Windows

The subject site falls within the Piperston Distinctive Neighbourhood pursuant to Clause C2.2.3.3 of LDCP 2013 and the proposed works comprise of alterations and additions to the front of the dwelling including a dormer window. The following Clauses and respective controls are relevant to the subject proposal;

#### **C2.2.3.3 – Piperston Distinctive Neighbourhood**

- *C1 Maintain the character of the area by keeping development complementary in architectural style, form and material.*
- *C3 Maintain and enhance the predominant scale and character of dwellings in this precinct, consisting of mostly single storey Victorian and Federation-style dwellings, with more significant development in appropriate areas.*
- *C14 Building wall height is to be a maximum of 3.6m, unless an alternative maximum building wall height is prescribed within the relevant Sub Area.*

#### **C1.3 Alterations and additions**

- C.7 Alterations and additions to the front of an existing dwelling must ensure that important elements of the original character of the building and its setting are retained.

#### **C3.4 Dormer Windows**

- C4 The minimum distance between the main roof ridge and the dormer window is 300mm. C5 The dormer window pattern shall reflect the existing windows within the front elevation of the building.
- As result of the right of way and deep setback of neighbouring property at No. 50 Hill Street, the east (side) elevation is highly visible from the public domain (Hill Street) adjacent to this right of carriageway (driveway).
- C8 Dormer windows must not have a total width of more than 25% of the width of the roof.

With the exception of the ground floor awning to the rear, the works comprise of a first floor extension towards the front of the site. Bulk and scale from the first floor addition is acceptable given its location directly adjacent to similar bulk of the west neighbouring property and the separation of the first floor from the eastern adjoining property's private open space, thus the question of bulk and scale is a matter of streetscape implications. The proposal as amended is lowered in height to be of consistent height and form of the neighbouring properties in response to Council's written request for amended plans. The front dormer window has also been amended to be vertically proportioned and not have a total width of more than 25% of the width of the roof to ensure compliance with the requirements of the Clause and makes a more positive contribution to the streetscape. Accordingly, the proposal as amended will maintain the character of the area where it is in keeping with the architectural style and form of development in the street and will not result in any adverse amenity impacts to neighbouring properties.

### C3.2 Site Layout and Building Design

#### **Setbacks**

The control requires a 2.3m setback for the eastern and western side walls given its height of 6.7m. The proposal entails a setback of 0.525m to the western side boundary and nil setback to the eastern side boundary and therefore does not comply with the minimum numerical requirements of the control. Notwithstanding, the non-compliance is acceptable for the following reasons:

- the development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan; b. the pattern of development within the streetscape is not compromised;
- the bulk and scale of development is minimised by reduced floor to ceiling heights;
- the potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and
- reasonable access is retained for necessary maintenance of adjoining properties. i.e where a nil setback is proposed to the eastern boundary, there is an adjacent driveway which runs parallel to the boundary shared with No. 50 Hill Street.

### ***Building Location Zone (BLZ)***

The property to the east is single storey and the property to the west features a first floor addition setback approx. 6.9m from the front boundary, behind the existing (original) ridge. The subject proposal provides its first floor extension approx. 5.4m from the front boundary. It is considered that the first floor is constructed within an appropriate BLZ from the front boundary where the proposal will not compromise the predominant single storey pattern of the streetscape, retains the existing and compliant private open space, does not result in adverse solar access, visual privacy or bulk and scale impacts to neighbouring properties, and complies with the maximum site coverage and minimum soft landscaped area on the site.

### C3.9 Solar Access

The submitted shadow diagrams confirm that the proposal will result in minor additional overshadowing of the (front) private open space of No. 50 Hill Street at 3:00pm in mid-winter. While the submitted shadow diagrams do not depict the shadows cast by existing fencing to the eastern side boundary of the front private open space of No. 50 Hill Street, and hence, existing shadows into this private open space at 9:00am in mid-winter accurately, it is clear that this private open space will meet applicable solar access controls (3 hours solar access to 50% of its area) given its substantial width and northern orientation and in light of the low and / or open fencing to its northern and eastern perimeters.

### E1.2.2 Managing Stormwater within the Site

The applicant has submitted a stormwater plan showing roof runoff draining to Hill Street.

It is also noted that the proposed first floor planter adjacent to the eastern boundary has been roofed, which addresses the previous trapped low point concerns raised.

### 5(d) The Likely Impacts

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

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

The site is zoned R1 General Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

### 5(f) Any submissions

The application was notified in accordance with LDCP 2013 for a period of 14 days to surrounding properties. A total of Two (2) submissions were received in objection.

The submissions raised the following concern which are discussed below:

Stormwater draining onto adjacent driveway at No. 50 Hill Street.

*Comment:* The applicant has submitted an amended stormwater plan showing roof runoff draining to Hill Street which will form part of the determination.

Interference with the adjacent right of way

*Comment:* Recommended conditions of consent require works to be carried out within the subject property boundaries. Nothing within the application or recommended conditions would enable interference with the right of way. The applicable rights and obligations as set out in the terms of the right of way will still apply during construction. Furthermore applications for access can be made under the Access to Neighbouring Land Act (2000).

## 5(g) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Development Engineer

### 6(b) External

The proposal was not required to be referred to any external bodies.

## 7. Section 94 Contributions

Section 94 contributions are not payable for the proposal.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

- A. The variation to Clause 4.4 Floor Space Ratio of Leichhardt Local Environmental Plan 2013 be supported under the provisions of Clause 4.6 exceptions to development standards.
- B. That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2017/142 for Alterations and additions to existing dwelling, including a new first

floor addition to front of existing house and new rear awning at 52 Hill Street, Leichhardt subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2017/142 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
DA 01b – Site and Location Plan	Odidi Design	27 June 2017
DA 03b – Floor Plans	Odidi Design	27 June 2017
DA 04c - Perspectives/Street Elevation	Odidi Design	27 June 2017
DA 05c – Elevations South & East finishes	Odidi Design	27 June 2017
DA 06b – Elevations West Section	Odidi Design	27 June 2017
DA 07a – Area analysis/Landscape Plan	Odidi Design	25 May 2017
DA 08b - Plans	Odidi Design	27 June 2017
Document Title	Prepared By	Dated
BASIX Certificate: A273887_02	Odidi Design	26 May 2017

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

2. Consent is granted for demolition in accordance with the approved plans, subject to strict compliance with the following conditions:
  - a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

- b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
- i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
  - ii) A *final* inspection when the demolition works have been completed.

**NOTE:** If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.

- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig [www.1100.com.au](http://www.1100.com.au) should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
  - i) A WorkCover licensed contractor must undertake removal of all asbestos.
  - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
  - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
  - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
  - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

**PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE**

3. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction.

An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

4. Any air conditioning unit on the site must be installed and operated at all times so as not to cause “Offensive Noise” as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
  - i) 10:00pm to 7:00am on Monday to Saturday: and
  - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background  $L_{A90, 15min}$  noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an  $L_{Aeq, 15min}$  and adjusted in accordance with the NSW Environment Protection Authority’s Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

5. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
6. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
  - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the “Principal Certifying Authority.”



- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

7. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

8. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

9. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
10. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
- a) Charged or pump-out stormwater drainage systems are not permitted.
  - b) Stormwater runoff from all roof areas of the dwelling must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly into Council's piped drainage system.

- c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- e) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage*
- f) Plans must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- j) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

11. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
- a) Must preserve and protect the adjoining building from damage
  - b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

12. The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:

- The building is to be provided with smoke alarm system that complies with *AS3786-1993: Smoke Alarms* and the smoke alarms must be connected to the consumer mains electrical power supply and interconnected where there is more than one alarm with a stand-by (battery back-up) power supply. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2 of the Building Code of Australia.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority with the application prior to the issuing of a for a Construction Certificate.

Note: Where an existing system complying with the above requirements is already installed in the building, evidence of this should be submitted with the application for a Construction Certificate.

13. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

14. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004) available at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au) and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
  - a) Minimise the area of soils exposed at any one time.
  - b) Conservation of top soil.
  - c) Identify and protect proposed stockpile locations.
  - d) Preserve existing vegetation. Identify revegetation technique and materials.
  - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
  - f) Control surface water flows through the site in a manner that:
    - i) Diverts clean run-off around disturbed areas;
    - ii) Minimises slope gradient and flow distance within disturbed areas;

- iii) Ensures surface run-off occurs at non erodable velocities;
  - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

15. The approved plans must be checked online with Sydney Water Tap In 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. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

The Certifying Authority must ensure that the appropriate approval has been provided prior to the issue of a Construction Certificate.

16. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):

- a) A plan view of the entire site and frontage roadways indicating:
- i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
  - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
  - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
  - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
  - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration

During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) for guidance and further information.

- c) Occupational Health and Safety  
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities  
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site  
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

17. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
- a) Estimated volume (m<sup>3</sup>) or weight (t) of materials that are reused, recycled or removed from site.
  - b) On site material storage areas during construction.
  - c) Material and methods used during construction to minimise waste.
  - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
  - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

**PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)**

18. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

Security Deposit (FOOT)	\$2075.50
Inspection fee (FOOTI)	\$219.00

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

The inspection fee is required for Council to determine the condition of the adjacent road reserve & footpath prior to & 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, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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

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

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

19. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property	Structures / Area
50 Hill Street	Adjacent common driveway
54 Hill Street	Adjacent portion of dwelling to works, internally and externally, including walls, ceilings, roof, structural members and other similar items.

If excavation works are proposed the dilapidation report must report on the visible and structural condition of neighbouring structures within the zone of influence of the excavations. This zone is defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report is to be prepared by a practising Structural Engineer. All costs incurred in achieving compliance with this condition shall be borne by the applicant. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written correspondence from the owners of the affected properties or other evidence must be obtained and submitted to the Principal Certifying Authority in such circumstances that demonstrates such documentation has been received. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

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

20. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
  - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
  - c) Mobile crane or any standing plant – A Standing Plant Permit
  - d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
  - e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application

- f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
- g) Awning or street verandah over footpath. – Road works Application
- h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

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

### **PRIOR TO THE COMMENCEMENT OF WORKS**

21. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) location of the building with respect to the boundaries of the site;

22. The site must be secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

23. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.



A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
- b) reasons why a certificate of insurance is not required.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

24. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
25. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
26. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
27. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
  - a) Unauthorised entry to the work site is prohibited.
  - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
  - c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying

Authority and Council for records purposes prior to the commencement of any onsite work.

### **DURING WORKS**

28. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

29. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

30. The site must be appropriately secured and fenced at all times during works.
31. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

32. Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);

- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and  
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

- 33. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
- 34. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
- 35. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
  - a) after excavation for, and prior to the placement of, any footings, and
  - b) prior to pouring any in-situ reinforced concrete building element, and

- c) prior to covering of the framework for any floor, wall, roof or other building element, and
  - d) prior to covering waterproofing in any wet areas, and
  - 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.
36. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
37. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.

38. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

39. 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 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.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

40. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:

- Compare the post construction report with the pre-construction report required by these conditions,
- Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

41. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

42. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.

43. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.

44. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

45. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:

- the approved plans;
- BASIX certificate (where relevant),
- approved documentation (as referenced in this consent); and
- conditions of this consent.

**ONGOING CONDITIONS OF CONSENT**

46. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
47. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
48. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. Dwelling without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a Dwelling, is defined under the *Leichhardt Local Environment Plan 2013*.

**PRESCRIBED CONDITIONS****A. BASIX Commitments**

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
  - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
  - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

**B. Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**C. Home Building Act**

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out

unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:

- a) in the case of work for which a principal contractor is required to be appointed:
    - 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, or
  - b) in the case of work to be done by an owner-builder:
    - 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.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

#### **D. Site Sign**

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

#### **E. Condition relating to shoring and adequacy of adjoining property**

- (1) For the purposes of [section 80A](#) (11) of [the Act](#), it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## NOTES

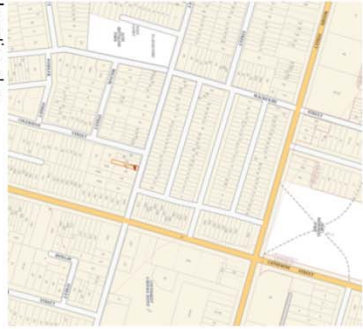
1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. 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 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
  - a) Application for any activity under that Act, including any erection of a hoarding.
  - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
  - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
  - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
  - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
  - f) Development Application for demolition if demolition is not approved by this consent.
  - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
  - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.



8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Attachment B – Plans of proposed development

New work shown in blue



Location plan taken from Bingmaps



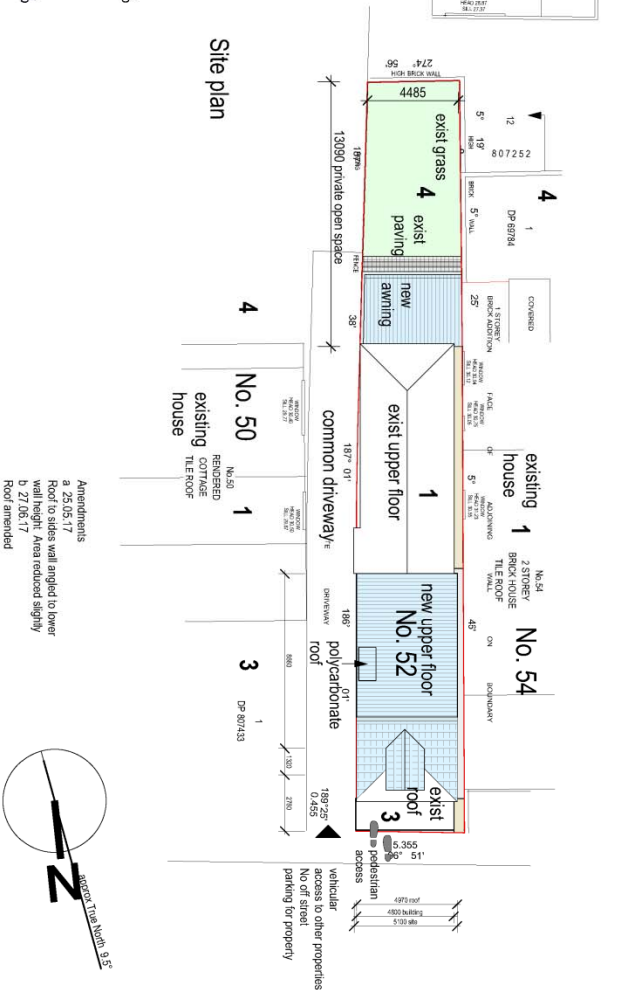
Aerial plan taken from Bingmaps

- 1 residence
- 2 garage
- 3 open space on street
- 4 private open space

Zoning General residential R1

Site Area	189,88m <sup>2</sup>
Existing House area	130,67m <sup>2</sup>
New First Floor area	37,77m <sup>2</sup>
New House area	168,44m <sup>2</sup>
FSR 1:0.88	
Built area - unchanged	105,59m <sup>2</sup>
Paved area - unchanged	30,86m <sup>2</sup>
Unbuilt area - unchanged	83,47m <sup>2</sup>
Soft landscape/Deep soil (unchanged) including soil on west side of house	40,74m <sup>2</sup> 46,51m <sup>2</sup>
	44,7% 21% 24,5%

Site plan



Basix Certificate A273887-2

Hot Water

Now gas instantaneous hot water system to be installed that is eligible to create renewable energy certificates under the (Commonwealth) Renewable Energy (Electricity) Regulations 2001 incorporating amendment Regulations 2015 (no.2)

Lighting

A minimum of 40% of the new or altered light fixtures are to be fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps

Fixtures

The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a low rate no greater than 9 litres per minute or minimum 3 star water rating.

Construction

- Floor above existing dwelling or building: nil
- External wall: framed (weatherboard, fibro, metal clad) R1, 30 (or R1, 70 including construction)
- External wall: framed (weatherboard, fibro, metal clad) R1, 30 (or R1, 70 including construction)
- External wall: framed (weatherboard, fibro, metal clad) R1, 30 (or R1, 70 including construction)
- External wall: framed (weatherboard, fibro, metal clad) R1, 30 (or R1, 70 including construction)

Windows and glazed doors

All windows, glazed doors, shading devices and skylights shall be installed in accordance with the specification listed in the table on page 416, 516 & relevant overshadowing specifications shall be satisfied for each window and door. In general the windows and glazed doors are to be standard aluminium with single clear glass as a minimum. The leading edge of the projecting first floor level shall be no more than 500mm above the head of the window / glazed doors (ground floor) & no more than 200mm above the sill. Overshadowing shading vegetation shall be of the height & distance from the centre of the base of the window & glazed door as specified in the overshadowing column on page 416 & 516



New First floor extension to front of house

for Peter & Reena Barnes  
52 Hill Street  
Leichhardt

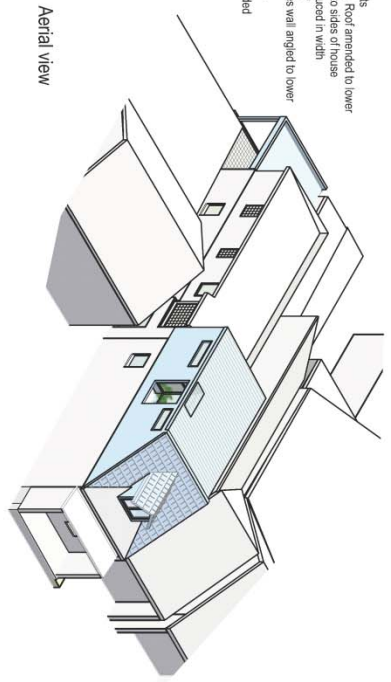
Development Application

Site & Location Plan

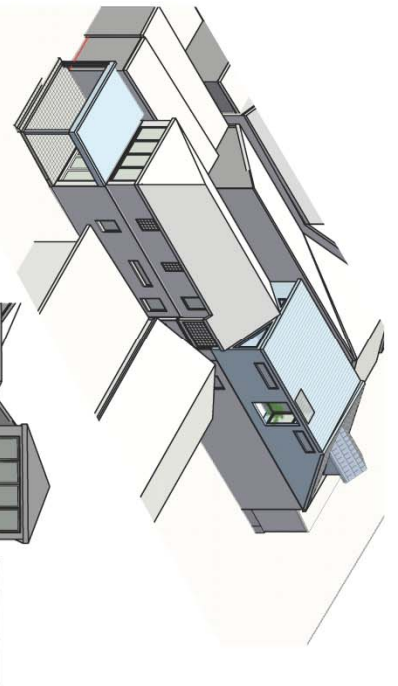
Existing House  
27th June 2017 1:200  
DA01b



- Amendments
- a 16.05.17 Roof amended to lower eave height to sides of house
  - b 25.05.17 Downward slope in width
  - c 27.05.17 Roof to sides wall angled to lower wall height
- Roof amended



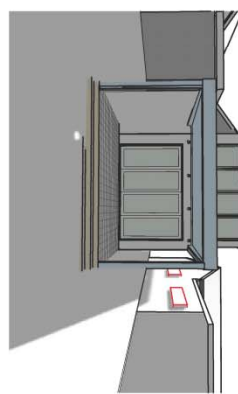
Aerial view



Aerial view



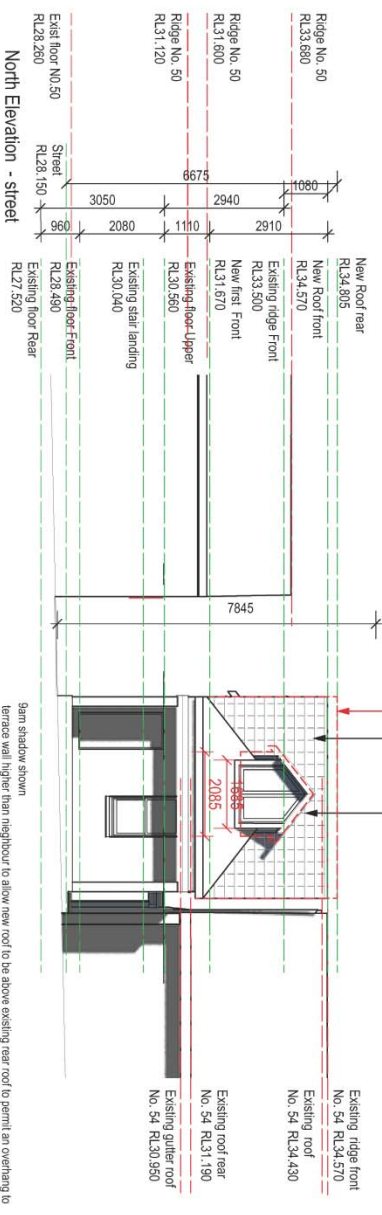
Street view - right of way side



Rear view  
Midday shadow shown

- Generally
- timber framed roof with tiles to front and "Trindak" profile metal deck to main roof
  - polycarbonate "trindak" profile roofing to pool patio eave
  - polycarbonate framed roof with timber framed secondary wall system
  - Penetration timber framed floor with timber flooring
  - All new windows to comply with BCA safety requirements of 3.9.2.5 and the BASIX Certificate No. A273887.2
  - All windows to be lockable and to have fly screening
  - Physical barriers are to be used for termite protection

All construction is to comply with the National Construction Codes and applicable Australian Standards



New First floor extension to front of house

for  
Peter & Reena Barnes  
52 Hill Street  
Leichhardt

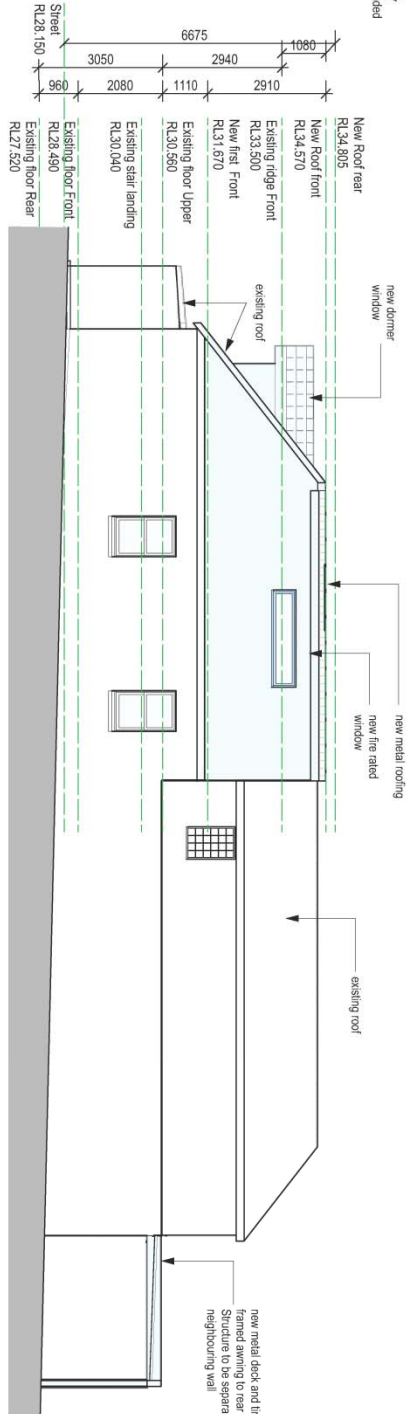
**Development Application**

Perspectives  
Street Elevation

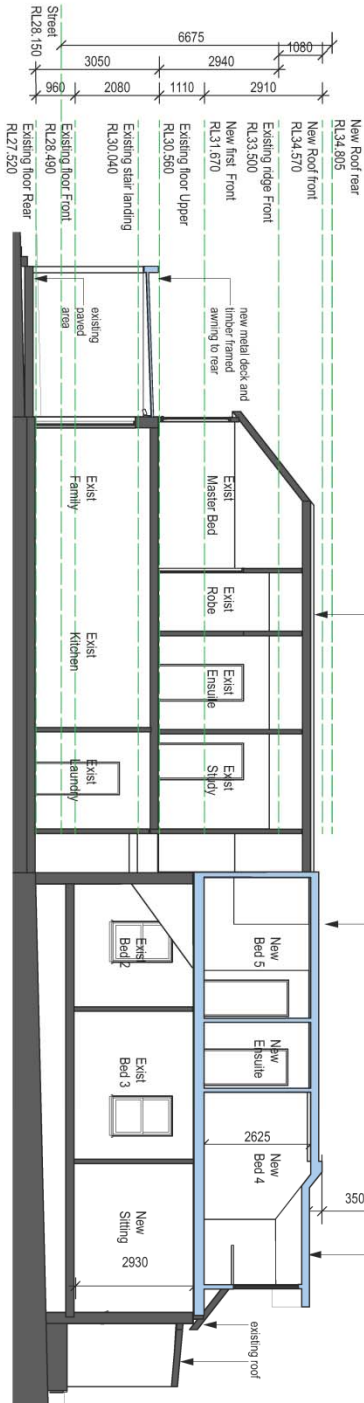
27th June 2017 1:20p - 1:10p  
**DA04c**



Amendments  
 a 25/05/17  
 Roof to sides wall angled to lower  
 wall height  
 b 27/06/17  
 Roof amended



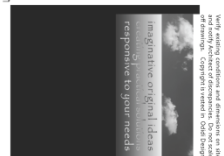
West Elevation - side



Section through dormer

- Generally
- timber framed roof with ties to front and "Trimdek" profile metal deck to main roof
  - poly/carbonate "Trimdek" profile roofing to pot plant alcove
  - Panatlon timber framed walls with Hardie Smart boundary wall system
  - Panatlon timber framed floor with timber flooring
  - All new windows to comply with BCA safety requirements of 3.9.2.5 and the BASIX Certificate No. A4273897-2
  - All windows to be lockable and to have fly screening.
  - Physical barriers are to be used for termite protection.

All construction is to comply with the National Construction Codes and applicable Australian Standards



New First floor extension to front of house

for Peter & Reena Barnes  
 52 Hill Street  
 Leichhardt

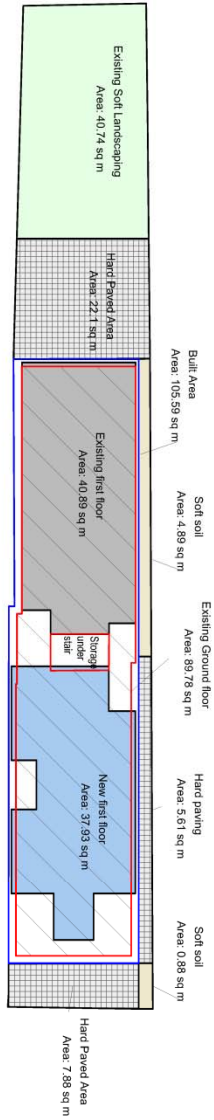
Development Application

Elevations West Section

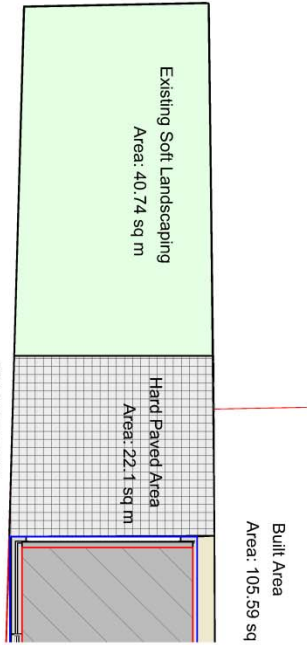
27th June 2017 1:200 - 1:100

DA 06b

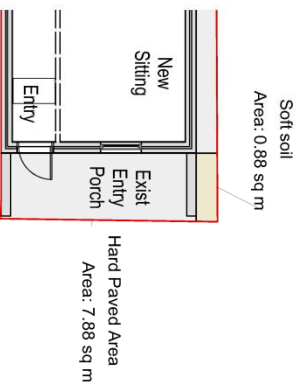
Amendments  
a 25.05.17  
Roof to eaves wall angled to lower  
wall height



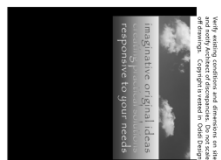
Area Analysis



Landscape Plan - rear (no tree and no change to landscaping)



Landscape Plan - front (no change)



New First floor extension to front of house

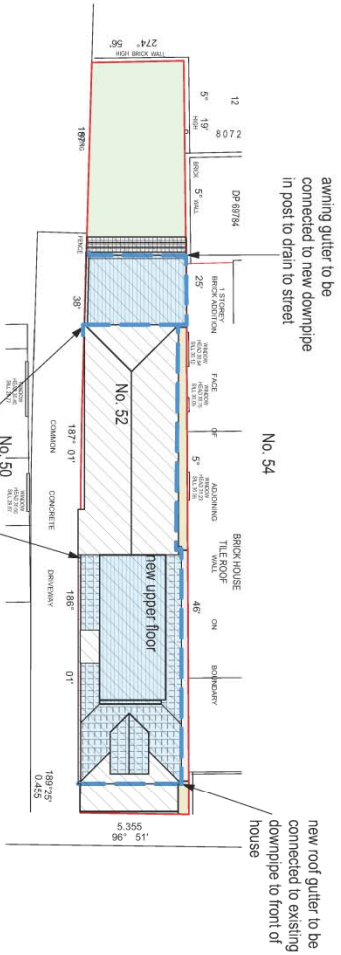
for  
Peter & Reena Barnes  
52 Hill Street  
Leichhardt

Development Application

Area analysis  
Landscape Plan

28th May 2017 1:200, 1:100  
**DA07a**

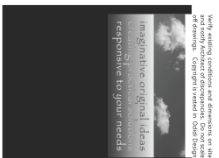
Amendments  
 a 18.05.17 Roof amended to lower wall height to sides of house  
 Downer reduced in width  
 b 25.05.17  
 Roof to sides wall angled to lower wall height



existing downpipes removed and water directed to other side of house and drained to stormwater on street



new roof gutter to be connected to existing downpipe to front of house



New First floor extension to front of house

for Peter & Reena Barnes  
 52 Hill Street  
 Leichhardt

Development Application

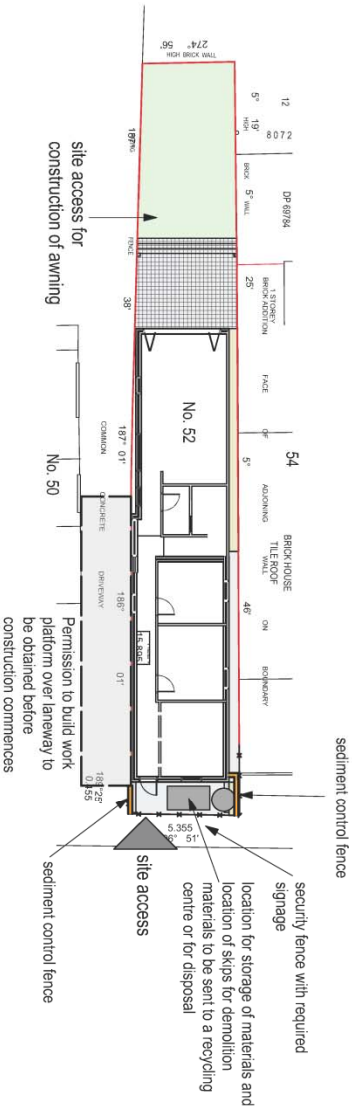
Plans

28th May 2017 1:200

DA 08b

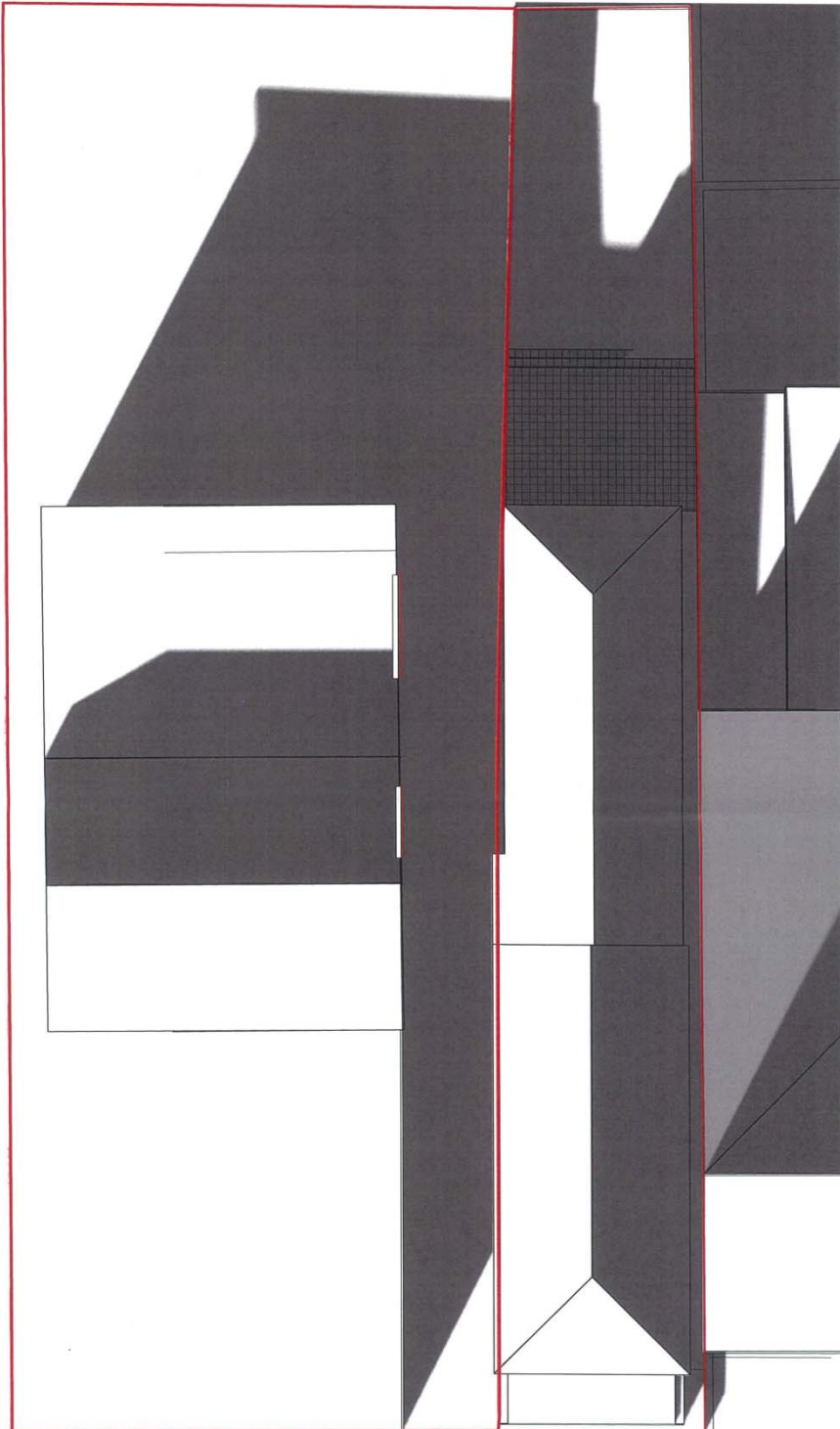
**Stormwater Management**

Connect new downpipes into existing stormwater  
 Extent of existing roof & hard paving shown hatched  
 Permission to be sought from Owner of No. 50 for any work on the existing or new gutters and roofing



**Waste & Soil Management**





Note: The width of the site for No.50/1 is approx. - assumed to be 900 from the side of the house - not shown on survey  
 The fence to No. 50 is assumed to be 1800 high measured from the RLs levels available on this survey

Note: site levels to front of house and neighbouring properties are approximate only

Prepared using  
 Vectorworks 2017 and  
 Renderworks

Sydney 33° 53' 15" 13' East  
 GMT 10+ 150° E  
 9am Altitude 18° 56' Azimuth 42° 32' (42° 0' E)

Existing



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New First floor extension to front of house

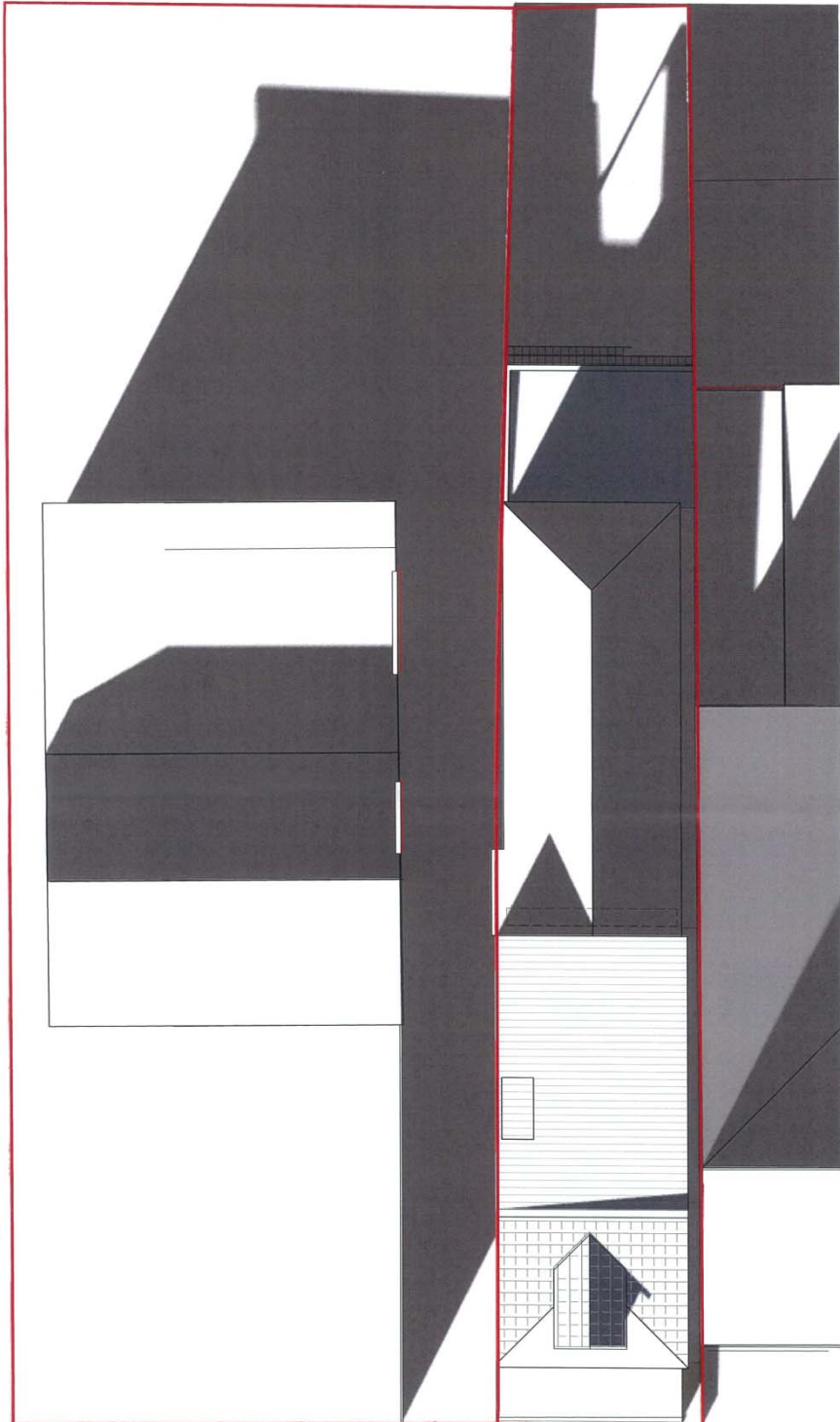
for  
 Peter & Reena Barnes  
 52 Hill Street  
 Leichhardt

**Development Application**

Shadow Diagram  
 22nd June  
 EXISTING 9am

DA 09.1  
 30th June 2017 1:200 1:100

Amendments  
a 25.05.17  
Roof to stairs wall angled to lower  
wall height.



Note: The width of the site for No.50 is approx. - assumed to be 900 from the side of the house - not shown on survey  
The fence to No. 50 is assumed to be 1800 high measured from the RLs levels available on the survey  
Note: site levels to front of house and neighbouring properties are approximate only  
Prepared using Vecionworks 2017 and Renderworks  
Sydney 33° 53' 15.1" 13' East  
GMT 10+ 150° E  
9am Altitude 18° 56' Azimuth 42° 32' (42° 0' E)

New



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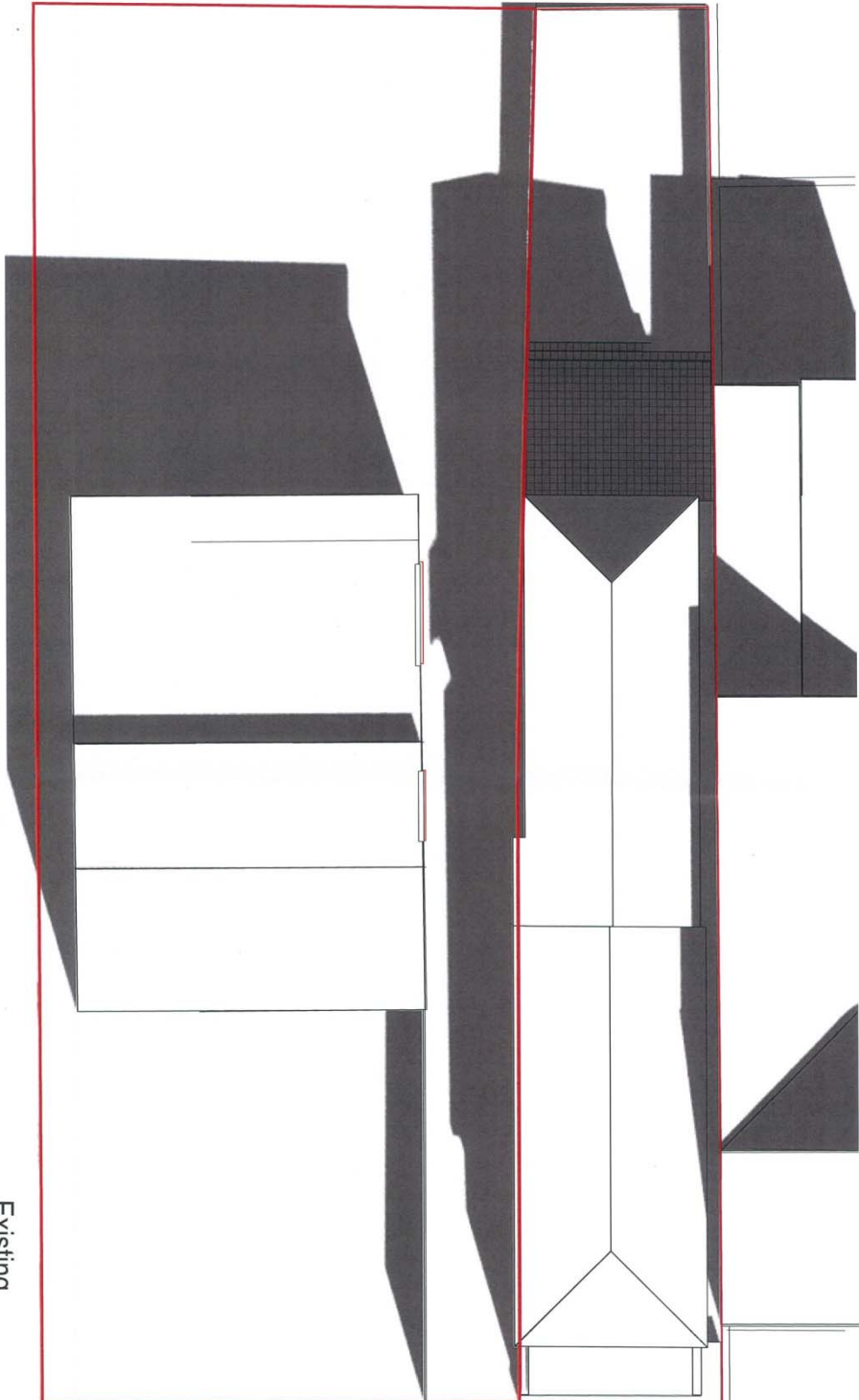


New First floor extension to front of house

for Peter & Reena Barnes  
52 Hill Street  
Leichhardt

Development Application  
Shadow Diagram  
22nd June  
NEW 9am

30th June 2017 1:200, 1:100  
DA09.2



Note: The width of the site for No.50 is approx. -assumed to be 300 from the side of the house - not shown on survey  
 The fence to No. 50 is assumed to be 1800 high measured from the RLs levels available on the survey  
 Note: site levels to front of house and neighbouring properties are approximate only  
 Prepared using Vechonworks 2017 and Renderworks  
 Sydney 33° 53' 151" 13' East  
 GMT 10+ 150° E  
 12pm Altitude 32° 40' Azimuth 359° 7' (0° 0' W)

Existing



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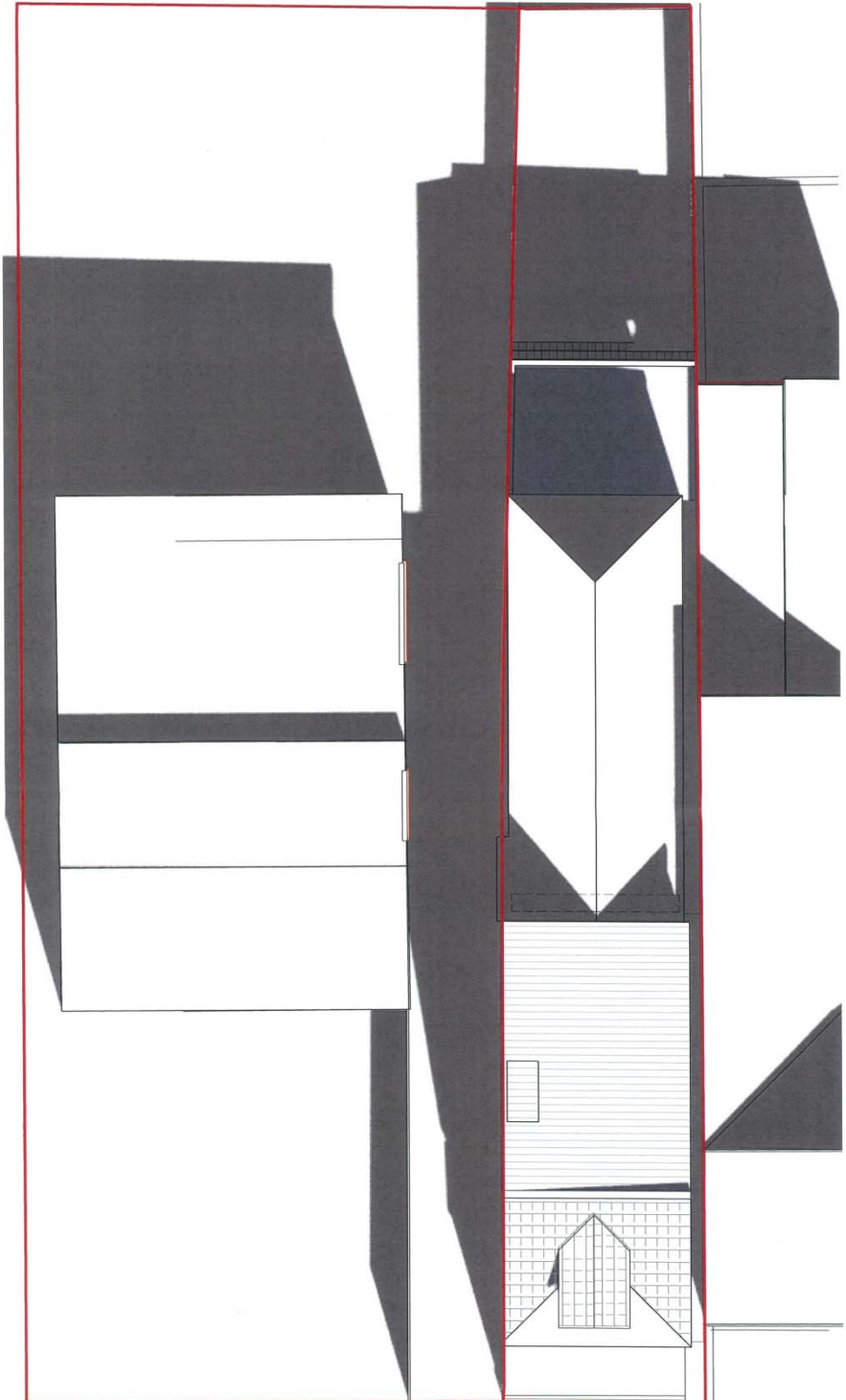
New First floor extension to front of house

for Peter & Reena Barnes  
 52 Hill Street  
 Leichhardt

Development Application

Shadow Diagram  
 22nd June  
 EXISTING 12pm

30th June 2017 1:200, 1:100  
**DA10.1**



Note: The width of the site for No.50 is approx. - assumed to be 90m from the side of the house - not shown on survey  
 The fence to No. 50 is assumed to be 1800 high measured from the RLs levels available on the survey  
 Note: site levels to front of house and neighbouring properties are approximate only

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 Sydney 33° 53' 15.1" 13° East  
 GMT 10+ 150° E  
 12pm Altitude 32° 40' Azimuth 359° 7' (0° 0' W)

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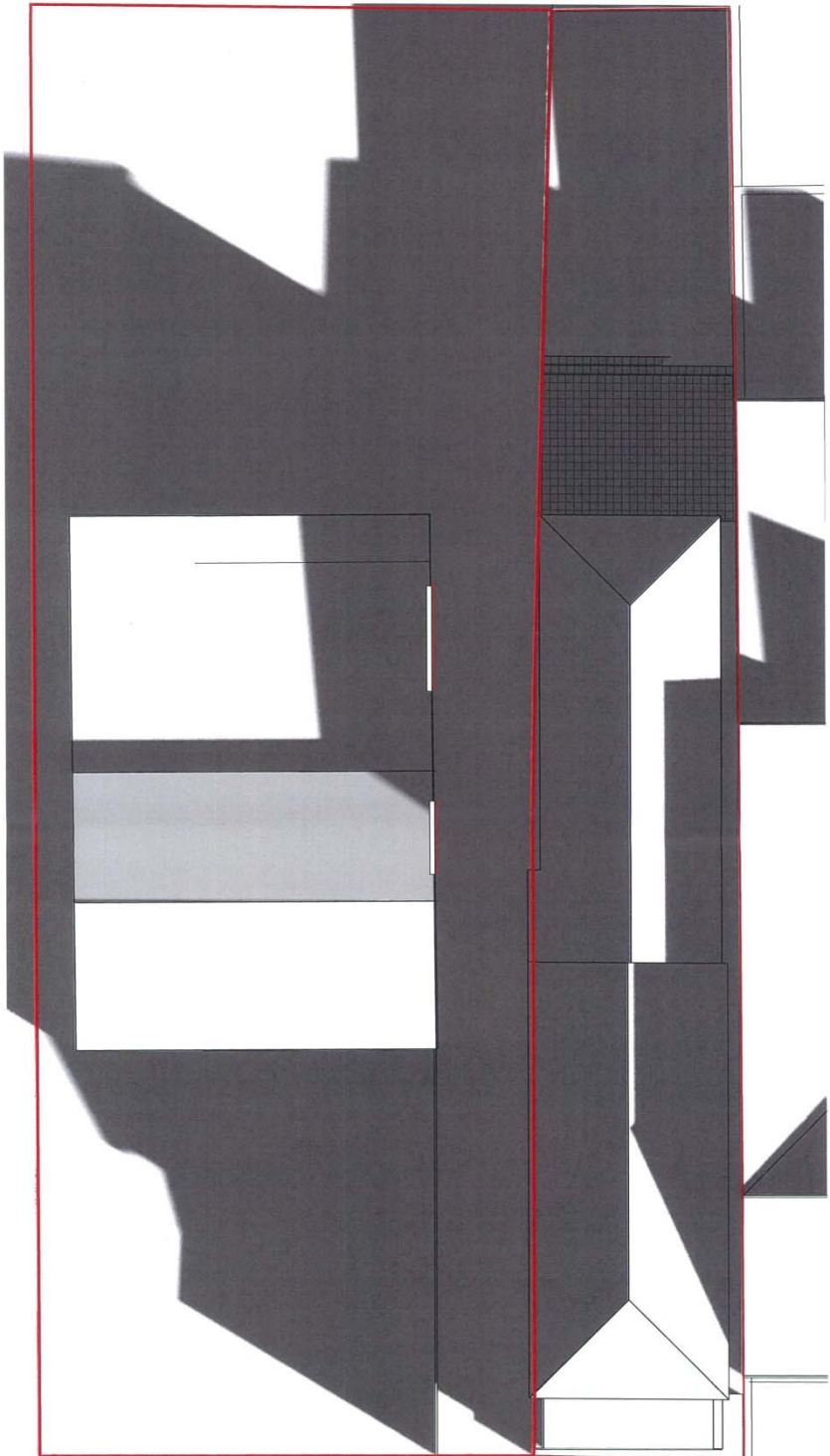


New First floor extension to front of house

for Peter & Reena Barnes  
 52 Hill Street  
 Leichhardt

**Development Application**  
 Shadow Diagram  
 22nd June  
 NEW 12pm

30th June 2017 1:200, 1:100  
**DA10.2**



Note: The width of the site for No.50 is approx. - assumed to be 900 from the side of the house - not shown on survey  
 The fence to No. 50 is assumed to be 1800 high measured from the FLS levels available on the survey

Note: site levels to front of house and neighbouring properties are approximate only

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Sydney 33° 53' 15.1" 13' East  
 GMT 10+ 150° E  
 3pm Altitude 18° 0' Azimuth 316° 14' (43° 0' W)

Existing



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 Website: www.odididesign.com.au

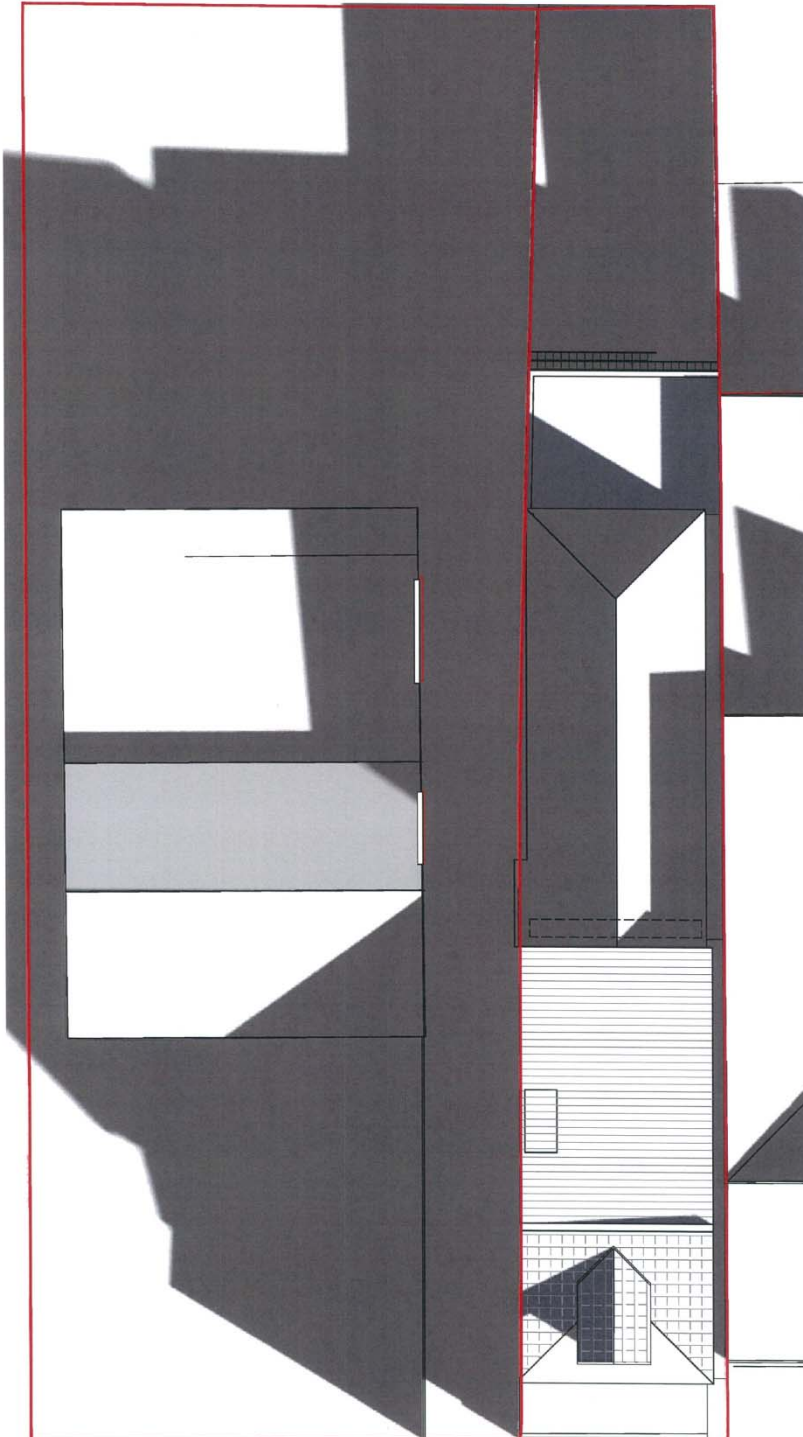
New First floor extension to front of house

for  
 Peter & Reena Barnes  
 52 Hill Street  
 Leichhardt

Development Application

Shadow Diagram  
 22nd June  
 EXISTING 3pm

30th June 2017 1:20, 1:100  
**DA11.1**



Note: The width of the site for No.50 is approx - assumed to be 800 from the side of the house - not shown on survey. The fence to No. 50 is assumed to be 1800 high measured from the RLs levels available on the survey.

Note: site levels to front of house and neighbouring properties are approximate

Prepared using Vectorworks 2017 and Renderworks

Sydney 33° 53' 15" E 13' East  
 GMT 10+ 150° E  
 3pm Altitude 18° 0' Azimuth 316° 14' (43° 0' W)



New



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New First floor extension to front of house

for Peter & Reena Barnes  
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Development Application

Shadow Diagram  
 22nd June  
 NEW 3pm

30th June 2017 1:200, 1:100  
**DA 11.2**