2016SYE109 – 17-23 Mitchell Avenue & 78 Sutherland Road Jannali

DA16/1239

ASSESSMENT REPORT APPENDICES

Appendix	Α	Draft Conditions	of Consent
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- B Pre-Application Discussion dated 12 July 2016
- C Public Submissions
- D Architectural Review Advisory Panel Report dated 10 November 2016
- E Clause 4.6 Objection to Building Height
- F Architectural Plans

1. Approved Plans and Documents (UNI2005)

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

Plan number	Reference	Prepared by	Date
TP00.02 - A	Site Plan	RotheLowman Property Pty Ltd	22.12.16
TP00.03	Demolition Plan	RotheLowman Property Pty Ltd	09.15.16
TP01.01	Basement 1	RotheLowman Property Pty Ltd	14.09.16
TP01.02 - A	Ground Level	RotheLowman Property Pty Ltd	22.12.16
TP01.03 - A	Ground Upper	RotheLowman Property Pty Ltd	22.12.16
TP01.04 - A	Level 1	RotheLowman Property Pty Ltd	22.12.16
TP01.05 - A	Level 2	RotheLowman Property Pty Ltd	22.12.16
TP01.06 - A	Level 3	RotheLowman Property Pty Ltd	22.12.16
TP01.07 - A	Level 4	RotheLowman Property Pty Ltd	22.12.16
TP01.08 - A	Roof Plan	RotheLowman Property Pty Ltd	22.12.16
TP02.01 - A	Elevations 1/2	RotheLowman Property Pty Ltd	22.12.16
TP02.02 - A	Elevations 2/2	RotheLowman Property Pty Ltd	22.12.16
TP03.01 - A	Sections 1 and 2	RotheLowman Property Pty Ltd	22.12.16
TP03.02 - A	Sections 3 and 4	RotheLowman Property Pty Ltd	22.12.16
TP03.03 - A	Section 5	RotheLowman Property Pty Ltd	22.12.16
TP06.01 - A	Adaptable Livable Unit	RotheLowman Property Pty Ltd	22.12.16
LDA-01 - B	Landscape Master Plan	Ground Ink Landscape Architects	22.12.16
LDA-02	Tree Removal & Retention Plan	Ground Ink Landscape Architects	22.12.16
LDA-03	Sutherland Road	Ground Ink Landscape Architects	22.12.16
LDA-04	Northern Communal	Ground Ink Landscape Architects	22.12.16
LDA-05	Central Garden	Ground Ink Landscape Architects	22.12.16
LDA-06	Mitchell Avenue	Ground Ink Landscape Architects	22.12.16
LDA-07	Landsape Areas	Ground Ink Landscape Architects	22.12.16
LDA-08	Landscape Details	Ground Ink Landscape Architects	22.12.16
CC001 - C701 Revision A	Civil Works Plans	Sellick Consultants	01.08.16

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any

building.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building works with a minimum of 2 days notice of such commencement.

2. Design Changes Required (UNI2020)

A. Before Construction

The following design changes must be implemented:

- i. The terrace to Unit U403 on the northern side of the building shall be deleted and relocated to be wholly accommodated within the floor plan of the unit. The unit shall be reconfigured accordingly to achieve compliance with the Apartment Design Guide (i.e. reduce to 1 bedroom).
- ii. A minimum 12m setback shall be provided to Unit 309. The building mass in the location of the eastern most bedroom / bathroom (including roof form) of Unit U309 shall also be deleted. The unit shall be reconfigured accordingly to achieve compliance with the Apartment Design Guide or consolidated with Unit 308. The resulting external space shall be maintained as non-trafficable roof.
- iii. The security fence depicted on the Ground Upper plan shall extend around the Sutherland Road frontage immediately adjoining the excavation to enhance safety. Fencing shall be visually open form and have a maximum height of 1.5m.
- iv. Skylights / openings shall be provided within the roof form above the voids adjoining Unit 305 and 307.
- v. Motorcycle parking spaces shall be provided adjoining the internal ramp and car spaces 49, 71 and 74.
- vi. The balustrade depicted on the western elevation plan extending beyond the southern side of the building shall be deleted.
- vii. Privacy screens shall be constructed on the eastern terrace edges of Units UG02 and UG03.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

3. Drainage Easement

A. Before Construction

Prior to issue of any Construction Certificate an easement for drainage must be registered with NSW Land & Property Information over a neighbouring downstream property to facilitate the private connection to Oxley Avenue.

4. Public Place Environmental, Damage & Performance Security Bond (FIN1015)

A. Before Issuing of any Construction Certificate

Prior to the issue of a Construction Certificate or the commencement of any works on site, whichever occurs first, the person acting on this consent must provide security to Sutherland Shire Council against damage that may be caused to any Council property and/or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non refundable inspection/administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least 2 days prior to the commencement of works.

In the event that the dilapidation report is not submitted 2 days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and/or the environment sustain damage as a result of the works associated with this consent, 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 costs incurred must be deducted from the bond.

The value of the bond is \$65,200.00.

Note: Bond amount includes a non refundable administration fee which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount/bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiple bank guarantees to be lodged.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

SECTION 94 CONTRIBUTIONS (FIN3000)

The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The Contributions Plan may be viewed on line on Council's web page (search for S94 Contributions Plan). A copy may also be viewed or purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

5. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities (FIN2005)

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$494,449.77 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 64 units, with a concession for 5 allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

6. Community Facilities, Shire Wide 2003 Plan (FIN2010)

A. Before Construction

A monetary contribution of \$83,963.15 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase the demand for community facilities within the shire. It has been calculated on the basis of 64 units, with a concession for 5 allotments.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

7. Approvals Required under Roads Act or Local Government Act (ENG1005)

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

8. Design and Construction of Works in Road Reserve (Council Design) (ENG2005)

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant, in the road reserve, in conjunction with the development. To this end a Detailed Frontage Works application, under the Roads Act **must** be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website.

An overall fee applies for the relevant inspections, assessment, co-ordination, development and creation of a design brief and the issue of permits, providing consent to undertake frontage works. This is calculated using Council's adopted schedule of Fees and Charges.

Note: The design costs will be quoted separately by Council's Design Services Unit utilising the design brief.

This design will generally comply with the approved, architectural design drawings, the SSC Specification for Civil Works, and the SSC Public Domain Design Manual, except where amended and/or addressing the following:

- i) Establish the property alignment levels and crossing profiles,
- ii) Construct a 5.5m wide driveway crossing in Mitchell Avenue for accessing basement levels.
- iii) Remove all redundant driveway crossings fronting Mitchell Avenue and Sutherland Road and reinstate kerb and gutter and verge to match existing levels,
- iv) Construct a new kerb inlet pit on the southern side of the existing driveway to No.43 Oxley Avenue to facilitate the private drainage connection.
- v) Construct stormwater pipeline from the existing kerb inlet pit located on the western side of Oxley Avenue in front of No 37 to the new kerb inlet pit located on the southern side of the driveway crossing to No. 43 Oxley Avenue.
- vi) Reconstruct kerb and gutter, driveway laybacks and road pavement where required within Oxley Avenue due to the construction of the Stormwater pipeline and pit construction
- vii) Reconstruct footpath pavement and any damaged sections of kerb & gutter along both frontages
- viii) Underground powerlines across both subject frontages
- ix) Road pavement construction where required,
- x) Alter / install street signage where required,
- xi) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- xii) Adjust public services infrastructure where required,
- xiii) Ensure there are adequate transitions between newly constructed and existing infrastructure.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate.

B. Before Construction

- Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate.
- ii) Prior to the release of the Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of an Occupation/Subdivision Certificate the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify the road frontage works were constructed to their satisfaction and in accordance with the development consent and associated Roads Act consent.
- ii) The supervising arborist, landscape designer or landscape architect must certify the street trees are the correct species and were installed in accordance with the development consent and associated Roads Act consent.

9. Site Management Plan (ENG2010)

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- Safe access to and from the site during construction and demolition from the existing driveway crossing to No. 19 Mitchell Avenue,
- ii) The heritage listed trees must be protected,
- iii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting,
- iv) Method of loading and unloading excavation machines, building materials.
- v) How and where, construction materials, excavated and waste materials will be stored,
- vi) Methods to prevent material being tracked off the site onto surrounding roadways,
- vii) Erosion and sediment control measures.

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

10. Pre-commencement Inspection (ENG3015)

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Civil Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

Note: An inspection fee must be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Councils Adopted Schedule of Fees and Charges.

11. Supervising Engineer (ENG4005)

A. Before Construction

The applicant must engage an Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) All other works that form part of a subdivision.

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent.
- ii) Any Consent issued under the Roads Act for this development.

C. Before Occupation

The supervising engineer must certify the works required in "A" above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

12. Internal Driveway Profile (ENG4015)

A. Before Construction

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area.

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Comply with AS2890.1(2004) and AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- iv) The maximum longitudinal grade of the driveway must not exceed 25%.

Certification by an appropriately qualified person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

13. Basement Car Park Design (ENG4025)

A. Design

The basement car park must be designed in accordance with AS 2890 and must incorporate the following:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.
- ii) The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.

B. Before Construction

Certification of the above must accompany the application for a Construction Certificate.

14. Drainage Design - Detailed Requirements (ENG5015)

A. Design

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development. Except where modified by the following:

- The on-site detention system must be relocated to the north to be below the floor of units UG02 &
 UG03 and partially protruding into the Communal Open Space adjacent to the eastern boundary,
- ii) Access/openings to the on-site detention tank must be located within the footpath pavement of the Communal Open Space adjacent to the eastern boundary. These openings must lockable,

- iii) The discharge flow rate shall be increased to a maximum 60L/S to help reduce the volume of the on-site detention tank,
- iv) A detailed drainage design supported by a drainage calculation.
- v) The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge.
- vi) All levels reduced to Australian Height Datum.
- vii) The pipeline within the footpath verge of Oxley Avenue must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres, or reinforced concrete.

B. Before Construction

- i) Prior to issue of any construction certificate an easement for drainage must be registered with NSW Land & Property Information over a neighbouring downstream property to facilitate the private connection to Oxley Avenue,
- ii) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in "A" above must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the issue of an Occupation Certificate:

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits and the detention facilities. An original or a colour copy must be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner must submit to Council a copy of the aforementioned letter of certification.

D. Ongoing

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
- ii) The stormwater detention facility must be:
 - Kept clean and free from silt, rubbish and debris.
 - Be maintained so that it functions in a safe and efficient manner.
 - Not be altered without prior consent in writing of the Council.

Note: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater retention facility, installed to fully / partly off-set provision of a detention facility.

15. Damage to Adjoining Properties (ENG6015)

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

16. Public Utilities (ENG7005)

This condition is imposed to facilitate the provision of services to the development and reduce conflicts between services and lot boundaries, buildings or associated facilities.

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.96 of the Environmental Planning and Assessment Act.

17. Registration of Plan of Consolidation

A. Prior to Construction

Prior to the issue of any Construction Certificate a Plan of Subdivision for the Consolidation of Lot 1 DP 122354, Lot 2 DP 210456, Lot B DP 356417, Lot X DP 388636 and Lot Y DP 388636 must be registered with NSW Land and Property Information.

18. Loading Bay Size

A. Before Construction

Certification from an Accredited certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that a "MRV" sized loading bay and suitable manoeuvring for a "MRV" vehicle has achieved forward entry/exit within the site was prepared having regard to the conditions of development consent and Australian Standard AS2890.2. This certification shall accompany the application for construction certificate.

B. Before Occupation

i) A Works-As-Executed drawing (WAED) of the loading bay shall be prepared by a Registered Surveyor. This drawing must detail the dimensions of the loading bay. An original or a colour copy shall be submitted to Sutherland Shire Council. ii) The supervising Engineer must certify the WAED of the loading bay was constructed to their satisfaction and in accordance with the development consent and Australian Standard AS2890.2. Prior to the occupation or use of the building the Applicant/Owner shall submit to Council a copy of the aforementioned letter of certification.

Note: Upon submission of the Works-As-Executed drawing for the loading bay a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a "MRV" vehicle size limit for the entire site in accordance with AS2890.2.

19. Approved Landscape Plan (ENV2005)

A. Design Changes

The landscape works on the site must be carried out in accordance with the approved Landscape Plan except as amended by the following:

- Tree species must be amended as per 'Attachment A_Landscape Amendments' dated 24/01/17.
- ii) Shrub planting immediately east of Units UG02 and UG03 must be deleted and replaced with a combination of privacy screens to the eastern edge of the terraces and climbers /ground covers.
- iii) Tree Protection Zones (TPZ) must be shown on plan for all existing trees and/or natural site features to be retained and protected.
- iv) The communal open space areas and all planter boxes on slab must be provided with a waterefficient irrigation system, connected to a pump and the rainwater/OSD tank, to enable effective landscape maintenance.
- v) The private open space of each dwelling at ground level must be provided with one tap with a removable water key, connected to mains.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes: A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

C. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that all landscaping works and the deep soil percentage

requirements have been carried out in accordance with 'A' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

D. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date.

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery 345 The Boulevarde, Gymea Ph: 02 9524 5672

20. Trees on Private Land

A. Tree Removal

The removal of the following trees is approved:

i) Trees identified on the approved Landscape Plan as "existing tree to be removed" and/or as listed below:

Tree No.	Tree Species (botanical and common name)	Location
6	Cupressus sempervirens (Cypress) EXEMPT	Refer to Attachment
		B_Tree Protection,
		dated 24/01/17
8	Livistona australis (Cabbage Tree Palm)	u
9	Pittosporum undulatum (Sweet Pittosporum)	ш
10	Livistona australis (Cabbage Tree Palm)	u
11	Lophostemon confertus (Brush Box)	ш
11C	Melalueca linariifolia (Snow in Summer)	ш
11D	Leptopspermum petersonii (Lemon Scented Tea	и
	Tree)	
11E	Callistemon viminalis (Weeping Bottlebrush)	и
11G	Melalueca quinquenervia (Broad Leaf Paperbark)	ĸ
11K	Ligustrum lucidum (Broad Leaf Privet) EXEMPT	ĸ

11J	Melalueca quinquenervia (Broad Leaf Paperbark)	66
11L	Callistemon viminalis (Weeping Bottlebrush)	"
11M	Agonis flexuosa (WA Willow Myrtle)	"
11P	Callistemon viminalis (Weeping Bottlebrush)	11
11Q	Pittosporum undulatum (Sweet Pittosporum)	11
11R	Strelitzia nicholii (Bird of Paradise)	11
11S	Dead tree EXEMPT	ii .
14	Eucalyptus sideroxylon (Red Ironbark)	"
15	Liquidambar styraciflua (Liquidambar) EXEMPT	"
16	Jacaranda mimosifolia (Jacaranda)	"
17	Melalueca bracteata (Black Tea Tree)	ű.
18	Eucalyptus sp.	ii .
19	Agonis flexuosa (WA Willow Myrtle)	ű.
20	Corymbia gummifera (Bloodwood)	"

- ii) Trees growing within the 3 metres of the building footprint of the approved structures.
- iii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iv) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

All other vegetation that would require approval to be removed must be protected.

B. Design

- i) Fourteen (14) trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council's Development Control Plan 2015 requires indigenous replacement canopy tree planting at a ratio of 8:1 on private land.
- ii) One hundred and twelve (112) replacement trees are required to be planted.
- iii) A minimum number of forty three (43) indigenous trees must be planted on the site as per 'Attachment A Landscape Amendments' dated 25/01/17.
- iv) Trees must have a minimum container size of 5 litres.

An amended Landscape Plan/Tree Location Plan showing the location of all replacement trees on the site and/or in the street must be provided prior to the release of the Construction Certificate.

Note: For the remaining sixty nine (69) replacement trees required by "B ii)" above, Council offers offsite planting under a 'Deed of Agreement' as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council's Green Street Program. 'Deed of Agreement' forms can be downloaded from Council's website at

<u>www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement</u>. A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

C. Prior to Occupation/Occupation Certificate

The replacement tree planting must be completed in accordance with the approved Landscape Plan/Tree Location Plan. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that tree planting has been carried out in accordance with 'B' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333

48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

D. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDCP 2015 Chapter 38). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

Sutherland Shire Council Nursery 345 The Boulevarde, Gymea

Ph: 02 9524 5672

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

21. Removal and/or Pruning of Trees on Council Land (ENV2035)

A. Design

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal / Pruning of the tree/s listed below must only be undertaken using Council's preferred supplier at the applicant's expense. The applicant is responsible for contract management and payment of the arborist prior to works being undertaken.

Select from Council's list of preferred suppliers listed on Council's website: http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land. Payment of the quoted amount provided must be made prior to any works commencing on site.

The following trees have been approved for removal within the road reserve:

Tree No.	Tree Species (botanical and common name)	Location
16A	Agonix flexuosa (WA Willow Myrtle)	Sutherland Road verge
6	Cupressus sempervirens (Cypress)	Mitchel Road verge

22. Tree Retention and Protection (ENV2040)

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant shall engage a suitably qualified and experienced Arborist to oversee the measures for the protection of existing trees as listed below.

Note: An Arborist is a person with a current membership of the National Arborist's Association of Australia at a grade of General Member, Affiliate Member or Life Member, or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

Prior to the commencement of any works, including demolition, the supervising Arborist must oversee the protection of the following tree/s as listed in the table below / as marked on 'Attachment B_Tree Protection' dated 24/01/17 to ensure the installation and adequacy of all tree protection measures.

Tree No.	Tree Species (botanical and common name)	Location
1	Lophostemon confertus (Brushbox)	Mitchell Avenue verge
2	Lophostemon confertus (Brushbox)	Mitchell Avenue verge
3	Lophostemon confertus (Brushbox)	Mitchell Avenue verge
4	Lophostemon confertus (Brushbox)	Mitchell Avenue verge
5	Lophostemon confertus (Brushbox)	Mitchell Avenue verge
7	Lophostemon confertus (Brushbox)	Mitchell Avenue verge
11C	Melalueca linariifolia (Snow in Summer)	Eastern boundary of 19
		Mitchell Ave
11D	Leptospermum petersonii (Tea Tree)	Eastern boundary of 19
		Mitchell Ave
11H	Callistemon viminalis (Weeping Bottlebrush)	NE corner of 19 Mitchell
		Ave
111	Melalueca quinquenervia (Broad Leafed Paperbark)	NE corner of 19 Mitchell
		Ave
13	Melalueca quinquenervia (Broad Leafed Paperbark)	Center of 19 Mitchell Ave
20A	Grevillea hybrid	Verge Sutherland Rd
21	Corymbia gummifera (Bloodwood)	NW corner of 78
		Sutherland Rd
22	Leptospermum laevigatum (Coastal Tea Tree)	SW corner of 76 Sutherland
		Rd

The trees identified for retention must be protected by the following measures:

i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with 'Attachment B_ Tree Protection' dated 24/01/17. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".

- ii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iii) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- iv) Trunk protection for street trees 1-7 must consist of a padding material such as hessian or thick carpet underlay wrapped around the trucks. Hardwood planks (50mmx100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centers. The planks shall be secured with 8 gauge wire or hoop steel at 300mm spacing. Trunk protection must extend a minimum height of 2m or to the maximum possible length permitted by the first branches.
- v) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.
- vi) All site access/egress throughout construction must be via the existing driveway of 19 Mitchell Avenue.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation;
- iii) The supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

23. Car Wash Bays (HLT2005)

To prevent contamination of the stormwater drainage system a car-wash bay must be provided on site:

A. Design

The wash-bay must be graded to an internal drainage point and connected to the sewer.

B. Before Construction

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

C. Before Occupation

The Principal Certifying Authority must be satisfied that

- i) 'A' above has been complied with and
- ii) any discharge to the sewer from the premises is in accordance with the requirements of Sydney Water.

D. Ongoing

All car-wash, engine degreasing and steam cleaning must be conducted in the wash-bay detailed in 'A' above. Wastewater must be treated in accordance with the requirements of Sydney Water.

24. Garbage, Recycling and Green-waste Storage Area (HLT3015)

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

25. External Lighting - (Amenity) (HLT3025)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

26. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater (HLT4005)

To minimise the noise impact on the surrounding environment:

A. Design

The unit must be designed and/or located so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level when measured on or within any residential property.

B. Ongoing

- i) The unit must be operated in accordance with 'A' above.
- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

27. Noise Control - Design of Plant and Equipment (General Use) (HLT4010)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

A. Design

All plant and equipment must be designed and / or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

All plant and equipment must be operated and maintained in accordance with 'A' above.

28. Noise and Vibration Control - Residential Car Park (HLT4060

To minimise noise and vibration from use of the security door in the car park:

A. Design

The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads or otherwise installed to prevent vibration noise transmission through the concrete walls and / or columns.

B. Before Occupation

The Principal Certifying Authority must be satisfied that 'A' above has been complied with.

29. Car-Park Ventilation - Alternate System (HLT5010)

To ensure adequate ventilation for the car park:

A. Design

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, the car-park must be either mechanically ventilated by a system complying with AS1668.2 -1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

Details of compliance with 'A' above must form part of the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

30. Demolition Work (HLT5015)

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact the NSW Workcover Authority.

B. During Works

- The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) Workcover NSW 'Working with Asbestos Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at https://wastelocate.epa.nsw.gov.au.

31. Dilapidation Report - Adjoining Properties (ORD1005)

A. Before Works

To assist in the resolution of any future disputes about damage to properties adjoining the development site, prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

The reports must be prepared by a suitably qualified and experienced person, such as a structural engineer.

32. Design Requirements for Adaptable Housing (ORD4010)

A. Design

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

33. Verification of Design for Construction - SEPP 65 (ORD4015)

A. Design

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This must accompany the application for a Construction Certificate.

B. Before Occupation

Prior to the issue of the final Occupation Certificate design verification must be provided in accordance with SEPP 65.

34. Certification Requirement of Levels (ORD4035)

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.
- iii) Prior to the pouring / installation of the swimming pool shell (### delete if there is no pool)

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

B. Before Occupation

The certification referred to above must form part of the application for an Occupation Certificate.

35. Sydney Water Tap in[™] & Compliance Certificate (ORD4040)

A. Before Construction

Prior to the issue of the Construction Certificate, a copy of the Sydney Water Tap in [™] approval must be submitted to the Accredited Certifier. This is to determine as to 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. Customers will receive an approval receipt. Please refer to the web site www.sydneywater.com.au http://www.sydneywater.com.au>.

B. Before Occupation / Prior to issue of Subdivision Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Sydney Water Advice on Compliance Certificates:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au\customer\urban\index\ or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

36. Dial Before You Dig (ORD4050)

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

37. Noise Control and Permitted Hours for Building and Demolition Work (ORD5005)

A. During Works

To minimise the noise impact on the surrounding environment:

- The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
- ii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

38. Toilet Facilities (ORD5010)

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993

39. Street Numbering and Provision of Letter Box Facilities (ORD6005)

A. Before Occupation

- i) Street / unit numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwellings must have the following street address format:

The Residential address must be known as 17 Mitchell Avenue, Jannali

The units must be numbered in a hotel style format eg. LG01, G01,101 & 201 etc.

40. Car parking Areas (ORD7015)

A. Ongoing

To ensure that the car parking area satisfies the demands of the development:

- i) it must be made available on an unrestricted basis and free of charge at all times for visitors' vehicles
- ii) any parking nominated as visitor parking or common property must be continually available as common property.

41. Car Parking Allocation (ORD7020)

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement.

Visitor parking facilities and/or car wash bays must be designated as common property on any strata plan.

Parking must be allocated on the following basis:

- Residential dwellings: 84 spaces (minimum 1 per unit and 2 per 3 bedroom unit)
- Residential visitors: 13 spaces
- Loading/servicing: 1 MRV space

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.

42. (ORD9001)Safety and Security

A. Design & On-Going

- a) All security and access control devices installed should meet or exceed Australian Standard 4806.
- b) Security systems and CCTV cameras must be installed in and around the property particularly at all entry / exit points by a licensed security professional, and suitable sign posting shall be placed to deter potential offenders.
- c) All levels of the car park, pedestrian routes, communal areas and entry and exit points must be adequately lit to meet Australian Standard 1158.3.1.
- d) Lighting must be compatible with the CCTV system.
- e) Exterior fixtures and fittings must be made from robust and vandal resistant materials.
- f) All graffiti is to be removed within 7 days.
- g) Emergency evacuation plans shall be implemented and maintained to assist residents and emergency services in the event of an emergency. This plan shall be prominently displayed.

Attached are the prescribed conditions that must be complied with under the Environmental Planning and Assessment Regulations 2000.

Division 8A of the Environmental Planning and Assessment Regulation Prescribes the following conditions of development consent

S98 Compliance with Building Code of Australia and insurance requirements under the <u>Home Building</u> Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

S98A Erection of signs

(1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

S98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 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 following information:
 - (a) 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,
 - (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.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes 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.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

S98E 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.

Please be advised if this consent is for an entertainment venue, then there are further prescribed conditions that apply under clauses 98C and 98D of the Environmental Planning and Assessment Regulation.

APPENDIX 'B'

Evan Phillips - 9710 0569 File Ref: PAD16/0063

12 July 2016

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Office Hours 8.30am to 4.30pm Monday to Friday

Dear Sir/Madam

Pre-Application Discussion No. PAD16/0063

Proposal: Demolition of all existing buildings on site, proposal for a 5-storey residential flat building with 2 levels of basement parking and ground floor and rooftop communal open space.

Property: 17, 19, 21 & 23 Mitchell Avenue, Jannali & 78 Sutherland Road, Jannali.

Council is committed to achieving quality built outcomes for the benefit of residents and the broader community. The Pre-Application (PAD) process is intended to assist in this goal and I appreciate you taking the time to attend.

The PAD held on 22 June 2016 regarding the above development proposal was attended by Luke Murtas (Team Leader), Evan Phillips (Planner), David Jarvis (Architect) and Stevie Medcalf (Landscape Architect) on behalf of Council.

The purpose of this letter is to provide a summary of the issues discussed at the meeting and provide information that will assist you complete a development application (DA). Council cannot provide you with certainty on the determination of the proposal until a DA has been lodged and assessed.

Your DA will need to be supported by a Statement of Environmental Effects addressing all relevant Environmental Planning Instruments, and the detailed planning controls contained in Council's Draft Development Control Plan 2015.

The Site and Proposal:

The site comprises 5 separate residential allotments bound by Mitchell Avenue to the south and Sutherland Road to the west. The site has a combined area of approximately 4144m² and frontage widths of 57.9m and 73.1m to Mitchell Avenue and Sutherland Road respectively. There is a significant slope of approximately 9m from west to east within the site. There are currently single detached residential

dwellings occupying the individual allotments and numerous established canopy trees and rocky outcrops. The site is approximately 120m west of the Jannali Local Centre and 210m walking distance to the entry of Jannali Train Station.

The proposal is to develop a 5 storey residential flat building accommodating 62 residential apartments in a mix of 1, 2 and 3 bedroom configurations. The building footprint is roughly 'L' shaped addressing both street frontages. Communal open space areas are provided both at ground level and at Level 4 (roof top). A total of 85 car parking spaces are proposed within a ground / semi basement level, and lower basement level parking area which is accessed via a new driveway crossing to Mitchell Avenue on the eastern side of the site. A Medium Rigid Vehicle parking space and turning area is also accommodated within the development site.

The property is located within Zone R4 – High Density Residential under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed residential flat building is a permissible form of development within this zone. The primary development standards are:

Maximum building height: 16m
Maximum building density: 1.2:1
Minimum Landscaped Area: 30%

Draft Sutherland Shire Draft Development Control Plan 2015 (SSDCP2015) is applicable to the development site and contains specific development controls for residential flat buildings. State Environmental Planning Policy No. 65 (SEPP 65) and the Apartment Design Guide (ADG) are also relevant to this application. Together with on-site car parking, the applicable standards, controls and design criteria has the effect of limiting the overall scale of the development and reinforcing the residential context of the zone.

Comments on the Proposal:

The following comments are provided in respect to the concept plans presented for consideration at the meeting.

1. Architectural Review Advisory Panel (ARAP)

A Pre-Development Application discussion with the Architectural Review Advisory Panel (ARAP) was held on 16 June 2016. The panel were generally supportive of the preliminary proposal and progression of the development scheme from an architectural perspective and have provided written feedback to assist in refining the design of the proposal (refer to letter dated 4 July 2016).

Further appointment with ARAP will be required at the Development Application stage. Coming to an accord with State Environmental Planning Policy No. 65 (SEPP65), the Apartment Design Guide (ADG) along with ARAP's comments and recommendations is an essential step in demonstrating design excellence. Council supports quality, well considered development and the following comments are intended to help you work toward this outcome and are provided having regard to other relevant planning provisions / considerations.

2. Building Height and Massing of Built Form

The general site planning is appropriate in that the development actively engages both street frontages and access is provided from the lowest side of the site. Council acknowledges the difficulty in maintaining a fully complaint building height in light of the topographical constraints. A number of the height breaches could however be overcome or minimised with a reduction of Gross Floor Area (GFA) on the upper floor of the development and modifications to the unit configuration / layout (such as a change of 3 bedroom units to 2 bedroom units). The development is encouraged to comply with the height provisions of SSLEP2015 and any areas of encroachment / non compliance (including to lift over-runs) must be detailed on final plans and supported by appropriate planning justification including a written submission pursuant to Clause 4.6 of SSLEP2015.

The site is located at a zone interface with Zone R2 - Low Density Residential. The existing and future character of these surrounding lands is typified by single detached dwelling housing. The building must provide a careful transition in scale and density, particularly towards the adjoining built form at No.76 Sutherland Road. The Concept Design has provided an increased setback by 3m (i.e. total 9m) to the northern side boundary to respond in the change in zone from apartment buildings to a lower density area, consistent with the ADG. It is recommended however for the building mass further respond to the zone interfaces. The stepping of built form (particularly to the upper floor) should be considered.

3. Building Density & Calculation

The proposal is indicated to utilise the full quantum of permitted Gross Floor Area (GFA). The areas noted as 'breezeways' are indicated to be excluded from the GFA calculation. The development standard is largely designed to control building mass and a core objective of SSLEP2015 is to ensure that the bulk and scale of new buildings is compatible with the context of the locality. It is Council's position that the internal area of the internal breezeways contribute to building mass, bulk and scale. With the exception of the open corridors with standard height balustrades which run parallel and immediately adjacent to the outside of the building (provided they are not in majority enclosed by screening / architectural detail), the remaining areas marked as 'breezeways' are to be included as GFA in the calculation. Further, all storage areas within the ground level car park which are not located in a bona-fide basement must also be included as GFA.

4. Frontage / Edge Treatment

The sites proximity and orientation to the Jannali Centre, as well as its corner location needs to be carefully considered in the final design. The south east corner is of concern particularly given the visual prominence of the entry driveway, parking and MRV entry portal, and the finished 'Ground Upper' level above existing site levels. The concept is anticipated to result in poor streetscape presentation at the first part of the building to be experienced by pedestrians and visitors.

There is opportunity for the ground level parking head clearance to be reduced where above the residential parking area by up to 1.5m to lower the 'Ground Upper' level (i.e. maintain MRV parking head clearance). Additional internal ceiling height and enhanced amenity could be provided to these 'Ground Upper' apartments to maintain

the finished first floor level above. Suitable landscaping/façade treatment (such as screening) should also be incorporated into the design.

Where private courtyards are located in the front setback, the outdoor living space must be set back a minimum of 3m from the front boundary to allow a landscape strip at the street frontage. This should be planted with trees and landscaping that complements the scale of the development and streetscape.

5. Residential Amenity (Solar access / privacy)

There is a significant level difference between the 'Ground Upper' floor units and the adjoining Sutherland Road reserve. Concerns are raised regarding solar access and the amenity of these units and private open spaces. The impacts from the entry bridge and boundary fencing must also be considered in the final design.

The floor plan layout and design of the access way / circulation route in the south eastern portion of the development is of concern. An amenity issue exists for occupants as bedrooms immediately adjoin the circulation route. This access way also facilitates common access to the roof top communal open space on Level 3.

The orientation of balconies over the side boundaries should be avoided where possible. The revised Concept plan set depicts unit layout / configuration amendments which provide an improved interface relationship to the northern adjoining property (No. 76 Sutherland Road) from the original scheme. Opportunity for the north western 2 bedroom units to orientate their balconies to the street, rather the side boundary should also be explored. This will also increase opportunities for passive surveillance of the street.

Privacy mitigation measures, both through architectural detail and landscape treatment should be incorporated in to the final design (e.g. screens / strategically orientated louvers). The trafficable area of roof-top communal open space should also be setback within the building footprint to minimise direct sight lines into adjoining properties.

6. Other Design Considerations

Consideration to the principle aims of Crime Prevention through Environmental Design (CPTED) should be given with regards to safety and security issues. Paths and entry portals must be visible and designed to be clearly legible from the public way. Adequate lighting must also be considered. Specific care also needs to be undertaken regarding the accessibility and functionality of the land at the rear of the site, and private open spaces within the sites frontage.

The proposal must comply with the relevant National Construction and accessibility standards. The design will need to consider the provision of suitable access to the site and building entrance, within, to and from parking areas and other facilities. A minimum 20% adaptable and 10% livable housing units are required to be provided within the development.

7. Environmental Heritage

Schedule 5 of SSLEP2015 indentifies the cultural plantings, comprising *Lophostemon confertus* (Brush Box) within Mitchell Avenue as items of Environmental Heritage (Item

No 2102). The relationship of the development to the plantings and overall streetscape will need to be taken into consideration when preparing your DA (including the final built form, landscape design, design of driveway / paths etc). Any future application must be accompanied by a heritage assessment which considers the impact of the proposed development on the heritage significance of the items and their setting.

8. Natural Site Features & Landscape Design

A core objective of the zone is to promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features. The Concept Design does not acknowledge or seek to retain the sites natural features and sandstone outcrops that run along the north-western corner of the site. This is a characteristic natural feature of Sutherland Shire that should be preserved where possible. Typically an alternate design should be explored in order to maintain the outcrops by relocating the building mass eastward in the allotment.

All efforts to retain outcrops, particularly outside of the final building footprint must be undertaken. Outcrops are to be depicted on plans and should be retained and incorporated in the landscape design in the sites frontages and within private ground level courtyard spaces. Excavated stone should also be re-used both in the landscape design and as façade material finishes.

An Arborist Report is required to be prepared and submitted to Council in order to ensure that the existing trees onsite and on neighbouring boundaries are properly assessed and adequate protection methods are in place for trees deemed worthy of retention. The retention of the large Melaleuca to the central area is strongly recommended. The tree could become a feature of the site, enhance amenity, and help to scale the development. Root Mapping around the proposed building/basement footprint must be undertaken to determine root locations and possibility of retention of this tree.

25% of the site area is required to be provided for Communal Open Space. The ground level communal open space is dominated by a series of circuitous paths indicating a poor resolution of levels. The alternate design Concept appears to rationalise these levels. Amenities such as a BBQ, seating, toilets and all-weather covering should be incorporated to make the communal areas usable/sociable.

A less rigid approach to landscape that reflects the local biodiversity and indigenous plant form and character of the Sutherland Shire is encouraged. This can be achieved through irregular spacing and intermixing of canopy trees and understorey species. Species can be selected online using Council's Native Plant Selector.

9. Car Parking Provision & Design

The depicted parking provision relies on the minimum amount of car parking specified in Part 3J of the ADG and RMS Guide to Traffic Generating Developments (GTTGD) - site within 800m walking distance of a Jannali railway station. The Sutherland Shire however does not have any Metropolitan Regional Centres or Metropolitan Sub-Regional Centres specified within the RMS Guidelines. The 'cannot refuse provisions' specified in Clause 30 of SEPP65 with respects to minimum amount of car parking does not apply.

It is noted that the practice note on SEPP65 and car parking on the Planning NSW website indicating that remaining Sydney centres serviced by railway or light rail stations should be classified as a Metropolitan Subregional Centre for the purposes of the GTTGD has no statutory weight. Council in its DCP may be inconsistent with the SEPP/ ADG requirements in accordance with Clause 6A of SEPP65.

It is Council's adopted position that the provisions of SSDCP2015 must be applied and satisfied with any development scheme. Parking compliance will be particularly critical in this instance given the constraints (i.e. no stopping) and parking strain observed within the street and immediate locality, as well as the anticipated dependence on motor vehicle use / ownership within the development.

A minimum of 1 space per 1 bed, 1.5 spaces per 2 bed, 2 spaces per 3 bed, plus 1 visitor space per 4 units must be provided. The design of the driveway and car parking area (aisles and parking spaces- including adaptable) must also comply with the applicable Australian Standards. Suitable area for manoeuvring needs to be provided for a Medium Rigid Vehicle (MRV) to achieve forward entry/exit. It is also recommended that Road opening approval (access / alignment levels) and the road frontage design be obtained prior to final preparation of the Development Application.

Any future application must be supported by a detailed Traffic Report which assesses the site suitability and development intensity having regard to the surrounding road and pedestrian routes, site access location / design, total provided parking provision, and the design of the parking area. The report will need to demonstrate that the development will not result in any adverse traffic, safety or amenity impacts to the locality.

10. Drainage Design

An easement over downstream properties is required to be obtained to direct drainage into the natural sub catchment. Care must be taken in the location of the pipeline over the adjoining lands so as to not unduly inhibit future development as anticipated within the zone. A detailed stormwater design to be provided by a suitable qualified engineer with OSD calculations, and evidence of negotiations / agreement of the easement must be submitted with any development application.

Utilities and Infrastructure

You are advised to make enquiry early with the various infrastructure and utility providers to ensure relevant considerations for the provision of services have been taken into account early in the building design. Urban infrastructure and utilities are reaching, or have reached maximum capacity in some localities. Electricity substations are required on occasion to ensure sufficient power to buildings and NSW Fire have required substantial water tanks in some instances to meet flow requirements for sprinkler systems.

Infrastructure to support these requirements in the front boundary set back at the expense of landscaping or parking requirements is not likely to be acceptable. So you are encouraged to make enquiries and plan in advance.

Conclusion

The preliminary Concept proposal is generally considered appropriate in both site planning and general scale for the site. The prominent corner location at the periphery of the zone, along with the established streetscape / landscaped setting must be considered and respected in the final design. Further design resolution is required to ensure the interface with existing and future development on adjoining lands is appropriate and that reasonable residential amenity is afforded. Council would be supportive of a scheme which exhibits design excellence as a first major development on the western side of Jannali Rail Line outside of the Jannali Centre. Coming to an accord with the Architectural Review Advisory Panel (ARAP) is an essential step in demonstrating design excellence. It must also be demonstrated that adequate parking has been provided.

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself aware of any subsequent changes to legislation or local planning controls before lodging your development application.

For detailed information about how to prepare and lodge a development application, please refer to the "Development" section of Council's website (www.sutherlandshire.nsw.gov.au). A "DA Guide" is available and an online tool called "Development Enquirer", which searches the applicable planning instruments for the planning controls relevant to your site and development.

To make sure lodgement of your application is quick and easy, make an appointment with Council's Development Enquiry Officers on 9710 0520 when you are ready to lodge. Requests for appointments can also be made via Council's website.

For council to ensure the highest integrity in the development application process, all property owners and development applicants are required to declare all affiliations or associations they had with councillor/s or council staff over the past 2 years.

Please contact Council if you believe any of the above information to be incorrect or if you need clarification of the advice provided. Your initial point of contact should be Evan Phillips (9710 0569) as this is Council's development assessment officer who will most likely be responsible for the assessment of your DA.

Yours faithfully

Mark Adamson
Manager – Projects and Development Assessment

Public Submissions

Address	Date of Letter/s	Summary of Main Issues Raised
10 Mitchell Avenue Jannali	13 October 2016	Adequacy of Submission- Shadow Diagrams
No Address	23 October 2016	 Traffic and parking impacts - Sutherland Road Bushfire evacuation / resident safety Strain / suitability of Infrastructure
83 Soldiers Road Jannali	22 October 2016	 Bushfire evacuation / resident safety Strain / suitability of Infrastructure Traffic impacts, parking and accessibility (including suitability of bridge of railway) Site Suitability and overdevelopment Bulk, Scale and Height Non compliance with building height standard
93 Sutherland Road Jannali	25 October 2016	 Heritage impact – dwelling opposite Loss of view aspect of leafy area and Botany Bay Traffic impacts and parking provision Site Suitability and overdevelopment Bulk, Scale and Height Not in keeping with character of locality
3/43 Oxley Ave Jannali	28 October 2016	 Noise. Privacy and overlooking Overshadowing Construction and excavation impacts Loss of vegetation Alack of children playground facilities Traffic impacts and parking provision Strain / suitability of Infrastructure No affordable housing Site Suitability for R4 zone and overdevelopment of
No Address	28 October 2016	 Site Suitability and overdevelopment Bulk, Scale and Height Non compliance with building height standard Not in keep gin with character of locality Bushfire evacuation / resident safety Traffic impacts, parking provision and safety Overshadowing Construction and excavation impacts
No Address	29 October 2016	 Adequacy of Submission- traffic generation Traffic impacts, parking provision and safety Bushfire evacuation / resident safety Site Suitability and overdevelopment
10 Mitchell Ave Jannali	31 October 2016	 Inappropriate rezoning of land to R4 and process for adopting new LEP Site Suitability and overdevelopment Bulk, Scale and Height Not in keeping with character of locality

66 Sutherland Rd	2 November 2016	 Non compliance with building height standard Adequacy of Submission- Shadow Diagrams Overshadowing Traffic impacts, parking provision and safety Bushfire evacuation / resident safety Waste management Tree removal and impact on heritage trees Suitability of DA exhibition
Jannali		 Traffic impacts, parking provision and safety Bushfire evacuation / resident safety Site Suitability and overdevelopment Bulk, Scale and Height Not in keeping with character of locality Non compliance with building height standard Adequacy of Submission- Shadow Diagrams Strain / suitability of Infrastructure
2/43 Oxley Ave	2 November 2016	 Loss of privacy due to loss of vegetation Site Suitability and overdevelopment Bulk, Scale and Height Not in keeping with character of locality Noise and construction impacts Traffic impacts and parking provision Rejected easement proposal
83 Sutherland Road Jannali	1 November 2016	 Site Suitability and overdevelopment Bulk, Scale and Height Not in keeping with character of locality Noise and amenity Traffic impacts and parking provision Bushfire evacuation / resident safety
No address	3 November 2016	 Suitability of DA exhibition Traffic impacts and parking provision Strain / suitability of Infrastructure Site Suitability and overdevelopment Bulk, Scale and Height Not in keeping with character of locality Construction impacts
8/43 Oxley Ave, Jannali	3 November 2016	Comments not attached / accompanying email
13B Sutherland Road Jannali	3 November 2016	 Site Suitability and overdevelopment Bulk, Scale and Height Not in keeping with character of locality Traffic impacts and parking provision Bushfire evacuation / resident safety Tree removal and impact on heritage trees Capacity of Jannali bridge and train station
71 Sutherland Rd	3 November 2016	Site Suitability and overdevelopment Bulk, Scale and Height Not in keeping with character of locality

502/11A Lachlan Street Waterloo	14 November 2016	 Traffic impacts and parking provision Bushfire evacuation / resident safety Strain / suitability of Infrastructure Adequacy of Submission- traffic generation Traffic impacts and parking provision Safety and quality of life Site Suitability and overdevelopment Bulk, Scale and Height Not in keeping with character of locality / aesthetics
No address	15 November 2016	 Site Suitability and overdevelopment Strain / suitability of Infrastructure Bushfire evacuation / resident safety Capacity of Jannali bridge Traffic impacts and parking provision

Architectural Review Advisory Panel

Proposal: Demolition of existing structures and construction of a new residential flat building

Property: 19 Mitchell Avenue JANNALI NSW 2226

21 Mitchell Avenue JANNALI NSW 2226 23 Mitchell Avenue JANNALI NSW 2226 78 Sutherland Road JANNALI NSW 2226 17 Mitchell Avenue JANNALI NSW 2226

Applicant: Winim Funds Management Pty Ltd

File Number: DA16/1239

The following is the report of the Architectural Review Advisory Panel Meeting held on Thursday, 10 November 2016 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

"3. DA16/1239 – DEMOLITION OF 5 EXISTING DWELLINGS, ANCILLARY STRUCTURES AND REMOVAL OF 21 TREES TO ENABLE CONSTRUCTION OF A 5 STOREY RFB (22 X 1 BEDROOM, 37 X 2 BEDROOM; 5 X 3 BEDROOM APARTMENTS) AT 17-23 MITCHELL AVENUE & 78 SUTHERLAND ROAD JANNALI

Council's Peter Brooker, Evan Phillips, Luke Murtas and Stevie Metcalf outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Louise Thompson & Ben Pomroy (architects), Robert Loughman (landscape architect), Jeff Mead & Julie Horder (planners) and Lline Lim (developer) addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

The Development Application is for the demolition of 5 existing dwellings, ancillary structures and removal of 21 trees and construction of a 5 storey residential flat building containing 64 units

(22 x 1 bed, 37 x 2 bed and 5 x 3 bed) and 2 level basement carpark at 17-23 Mitchell Avenue and Sutherland Road, Jannali.

The site area is 4,144 sqm. The site is within Zone R4 - High Density with a maximum permissible FSR of (4.971.6sqm GFA), maximum permissible HOB of 16m and minimum landscaped area of 30%.

Key Controls

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).

Sutherland Shire Council Draft Development Control Plan 2015 (SSDDCP 2015).

Apartment Design Guide (ADG)

Applicant's Submission

PRINCIPLE 1 - CONTEXT & NEIGHBOURHOOD CHARACTER

The comments noted in the ARAP Report for the Pre-DA remain relevant:

"The proposed development is located within an established low density residential area typified by single occupancy cottages set in undulating topography of sandstone ridgelines and a strong, established landscape character that includes significant mature street trees. The existing residential areas comprised of mid-20th-century dwellings will remain on the opposite sides of the sites two frontages to Sutherland Road and Mitchell Avenue. To the north and east, the site adjoins an existing area of older residential flat buildings near the railway line.

The site has been rezoned for high density residential and the proposal will be the first of a number of likely redevelopments. Amalgamating five allotments, it offers a good opportunity to set a high quality design standard for future RFB development in the area.

There are a number of mature eucalypt species present on the site and mature brush-box trees along the verge adjoining the site at Mitchell Avenue. The site slopes steeply (approx.10m) from the north-west to the south-east, with grades over 1:3 (35%) in some areas and particularly along the northern boundary.

Sutherland Road forms the higher western frontage to the site, with the frontage to Mitchell Avenue to south falling steeply to the lowest point in the south-east corner.

The existing built form and natural context have been well described in the site analysis, as has the evolution of the design proposal to suit the project brief and the challenging topography."

PRINCIPLE 2 - SCALE & BUILT FORM

The proposal has been skilfully handled, with the built form articulated into smaller parts and arranged to minimise bulk on the sloping site.

There are two relatively minor height non-compliances: a breach of the height control is shown clearly on Section 3; there is another point breaching the ADG Level 4 setback/height limit, on the northern facade. The height non-compliances are minor and considered by Panel to be supportable in the context of the severe site topography. The Applicant was advised that the JRPP might not agree with Panel about height non-compliances.

The lower level apartments facing west towards Sutherland Street are below the footpath level and face into a sandstone cliff or retaining wall. This potentially awkward relationship has been handled well, ensuring

that the outlook is pleasant and that there is adequate access to both natural light and sunlight. The access bridge connecting the northern circulation core to the street has been skilfully designed to minimise the issues of overlooking into a number of apartments.

A good solution to the awkward relationship between lower level apartments and the rock wall has been to design the space at the north-eastern corner as an undercroft area of common space. The main area of common open space is in the central courtyard, one level below the covered communal area. The link between these spaces would be improved with a more direct physical connection; this can easily be facilitated with slight redesign in the carpark and plant rooms.

The apartments accessed via the open breezeways on the southern side facing Mitchell Avenue were characterised by the Architect as being 'house-like', as a transition to multi-unit dwelling for people moving out of single-family houses. Generally this has been designed well. Consideration may be given to relocating the south-eastern fire stair to avoid reducing the 'entry threshold' space to a mere corridor at U106, U206 & U306 for example. The northern edge of the undercroft could be excavated to open up and link the communal open space on the northern side, and provide better aspect and amenity to the undercroft.

PRINCIPLE 3 - DENSITY

Density is OK, even when building bulk has been increased by the use of open gallery spaces for circulation.

PRINCIPLE 4 - SUSTAINABILITY

Adequate solar and cross-ventilation has been achieved.

PRINCIPLE 5 - LANDSCAPE

The landscape design proposes a variety of open space typologies. The open central courtyard however may be over dominated by the 3.5m high-exposed sandstone 'plinth' at the rear of the building. Some articulation or screening should be introduced at points along this wall to reduce its impact on the space. Some seating should also be introduced in this area.

The levels within the tree protection zones of the trees to be retained in and around the central courtyard area should be reviewed to ensure that existing levels are being retained.

The covered communal open space area requires further design development to improve its spatial quality and introduce a considered program of use that meets the needs of a varied demographic and caters for both individuals and small groups. Direct access between the covered common open space and the central courtyard should be provided.

Large exposed roof areas on levels 3 and 4 could be redesigned and landscaped as private open space.

PRINCIPLE 6 - AMENITY

Generally the units are well planned, with the caution that bedrooms on galleries must achieve compliant privacy and natural ventilation.

Toilets should be provided that are accessible from communal open space areas.

PRINCIPLE 7 - SAFETY

OK.

PRINCIPLE 8 - HOUSING DIVERSITY & SOCIAL INTERACTION

The separation between apartments close to the lift lobbies and those accessed via the open breezeways serves to break down the mass of apartments on each floor into small neighbourhood clusters of three or four units.

PRINCIPLE 9 - AESTHETICS

The use of materials is consistent and appropriate: a screen or skin of light painted masonry and concrete forms envelopes a textured form – shown as timber but apparently more likely to be textured FC panels encasing the apartments. The balustrades to balconies and the stairs are consistently shown throughout as painted steel. If detailed and built with the same care it has been designed the building will be high-quality development.

The material used for the apartment shell – the textured FC – may need to be reconsidered to find a material with a longer life in use – 7 years would not be sufficient for such a building.

The timber insertion in the framed architecture on the north-eastern end of the southern wing is effective but appears to be foreign to the form and outlook, especially as it affects some of the best views to the district. It could be interrupted so that projecting balconies could 'pop out' of the elevation, creating a less intimidating and lighter form at this prominent edge.

RECOMMENDATIONS/CONCLUSIONS

The Panel strongly supports this proposal. With minor refinements it has the potential to be very fine piece of architecture. This is a fine, layered building design. Its high quality approach will hopefully translate to the building's materiality, uncompromised by cost cutting measures.

The Applicant is requested to respond to the suggestions of this ARAP report as part of the resolution of design quality issues arising from its submission. The Applicant's response should be descriptive and adopt a format of Panel suggestion and response, clearly transcribing the suggestion from the report, followed by the Applicant's response under each Principle."

Frank Stanisic

ARAP Chairman

28 November 2016

Our Ref: 0489/15 5 January 2017

Sutherland Shire Council **Attention: Evan Phillips**

Sent via email: EPhillips@ssc.nsw.gov.au

Dear Evan,

DEVELOPMENT APPLICATION NO. DA16/1239

PROPOSED DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW RESIDENTIAL FLAT BUILDING

17-23 MITCHELL AVENUE & 78 SUTHERLAND ROAD, JANNALI

We act on behalf of Winim Funds Management Pty Ltd, the applicants for DA No.16/1239. This letter forms part of the response to Council's request for additional information and amended plans.

Amended Architectural Plans prepared by Rothelowman are submitted under separate cover with the revisions shown clouded and detailed on each plan. Amended landscape plans by Ground Ink Landscape Architects are also provided under separate cover.

We respond to each of Council's issues below.

1. ARCHITECTURAL REVIEW ADVISORY PANEL (ARAP)

It is noted that the ARAP had favourable comments in regards to the architectural merits of the proposed development with only minor design changes suggested. The drawings have been revised to address the suggestions made by the Panel, including:

- Stairs added to covered communal open space to connect into the central courtyard;
- Landscape screening to sandstone plinth added to central courtyard. Seating within the communal open space has also been added; and
- Toilet added to ground level directly below covered communal open space and accessible via new stairs.

2. GROSS FLOOR AREA (GFA) CALCULATION

The GFA calculations have been reviewed in light of Council's comments. As such, the proposal has been amended to comply with the maximum building density (1.2:1). Amended GFA diagrams have been submitted in this regards. The GFA has been reduced through the following amendments:

- a. Bins rooms have been removed. Residents will now access the bins via the lifts;
- b. Screened entry areas at the front of the units fronting Mitchell Avenue have been removed (replaced with voids) and units will be accessed directly from breezeways;
- c. Amendment of the "Ground Level" (TP01.02) to ensure services, plant rooms, etc are within the basement.

Notably, the lobby areas and all areas of common walls have been included in the GFA calculation.



3. BUILDING HEIGHT, BULK AND SCALE

The proposal has been amended to reduce the building mass and maximum building height. Level 4 of the building has been reconfigured to remove the northern eastern portion of the building. As demonstrated in the height plane diagram below (Figure 1), the development as now proposed includes only minor elements which protrude above the maximum building height including the southern lift overrun. The projection above the 16m height limit is also indicated in Sections provided at Figure 2 and 3.

The non-compliance does not substantially add to the visible bulk of the building when viewed from the adjacent street frontages or any significant public vantage point. As the non-compliant elements will not be readily visible from ground level at the street frontages they will not in any way detract from the high quality design of the proposal. Notably, the building is now setback 12.32m from the northern boundary.

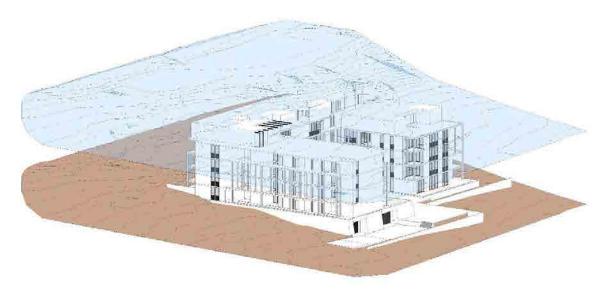


Figure 1: Height plane Diagram

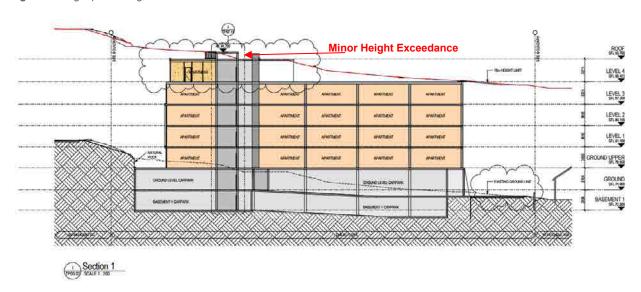


Figure 2: Section 1

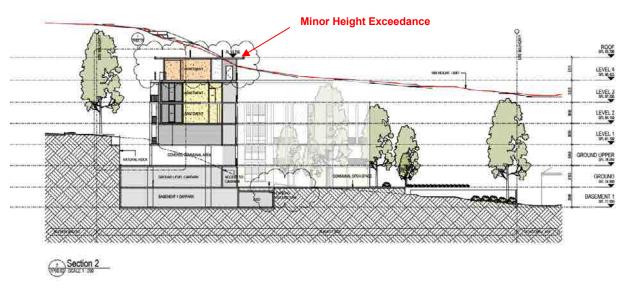


Figure 3: Section 2

4. MITCHELL AVENUE ENTRY LOBBY

To improve safety and security, the height of the screening to the upper ground level units facing Mitchell Avenue has been increased and security fencing has been added to UG01. Security fencing and a gate have also been added to the eastern corner of the communal open space (at the rear of the driveway).

5. ENTRY PATH

In response to Council's concerns regarding privacy and solar access concerns from the footbridge, the footbridge and entrance off Sutherland Road has been removed from the plans.

6. UNIT SIZE

All proposed units now comply with the minimum unit size requirements of the ADG's.

7. ACCESS TO COMMUNAL OPEN SPACE (COS)

Access to the communal open space has been improved through the inclusion of stairs from the covered communal area (upper ground) to the central communal open space (ground level). The staircase accesses a corridor adjoining the ground level carpark. The corridor provides direct access to the central communal open space, the northern communal open space and the ground level carpark. The corridor also provides access to the common toilet.

The amended Landscape Plan includes the addition of a number of additional large trees including additional *Angophora costata* (Sydney Red Gum).

The oval pavilion has been removed from the proposal and replaced with planting of a Sydney Red Gum and seating underneath. The pavilion is not required given the provision of the large covered communal space.

8. EXISTING TREES

Additional details and levels surrounding the trees to be retained are now shown on the amended Landscape Plans.

9. SPECIES SELECTION

The proposed landscape scheme now includes a high number of indigenous spaces. Refer to amended Landscape Plans.

10. PLANTER BOX DEPTHS

The planter boxes along the western boundary have been increases in height to 1m to support a range of ground covers, shrubs and small trees. Refer to amended Landscape Plans.

11. OTHER SERVICES

The hydrant boosters and meters have been removed from the eastern side of the driveway and replaced with landscaping.

12. PARKING AREA (PROVISION AND DESIGN)

The table below shows a comparison of the parking requirements for the proposed development based on Council's DCP and the RMS Guide.

Туре	Unit Yield	Minimum DCP Parking Rates	DCP Parking Requirement	SEPP Parking Rates	SEPP Parking Requirement	Provided parking spaces
1 bedroom	21	1 space per unit	21	0.6 space per unit	12.6	84
2 bedrooms	38	1.5 space per unit	57	0.9 space per unit	34.2	
3 bedrooms	5	2 space per unit	10	1.4 space per unit	7	
Visitors	64	0.25 space per unit	16	0.2 space per unit	12.8	13
Total	64		104	0.2 space	67	97

The Draft SSDCP 2015 requires the provision of 104 spaces for the proposal. The proposal provides 97 spaces and thus represents a shortfall of 7 spaces under the provisions of the Draft DCP 2015.

The parking provision is appropriate given that the site is located within 130m walking distance of the western entrance to Jannali Railway Station (for north bound (City) services) and within 288m walking distance of the eastern entrance (for south bound services).

Comparatively, the development at Nos. 34 - 38 Railway Crescent, Jannali involving the redevelopment of the Hotel and 89 residential units (Council Reference: DA 15/1345) was subject to the following parking rates:

Minimum – 1 space per unit (88 spaces)

- Maximum 2 spaces per unit (176 spaces)
- No visitor parking spaces required.

The proposal was approved with 129 spaces (equivalent to 1.47 spaces per unit).

Nos. 34 - 38 Railway Crescent is located 255m walking distance from the western entrance of Jannali Railway Station and 99m to the eastern entrance.

That is, the subject site has equivalent access to public transport services as Nos. 34- 38 Railway Crescent but is subject to a much higher parking requirement. Should a similar parking rate provision (1.47 spaces per unit) be applied to the proposed development a total of 95 spaces would be required. The proposed development provides 97 spaces.

The Sutherland Shire Council Housing Strategy 2031 (August 2014) contains a number of objectives including Objective 6:

"To facilitate the use of public transport and the efficient utilisation of existing and future infrastructure

When residents are located within walking distance to public transport, shops and services, they drive less. This takes increased pressure off the road network while also reducing potential greenhouse gas emissions. Concentrated housing strategies have environmental benefits over dispersed housing models and encourage the efficient use of utility services. "

The pattern of development across Sutherland Shire has a direct impact on residents and visitors ability to access public transport and other community infrastructure. The most accessible areas of the Sutherland Shire are the ridges. The ridges are where the commercial centres, the railway lines and the main roads are located. The location and capacity of existing infrastructure, proximity to public transport and accessibility for pedestrians have informed the selection of areas for increased residential capacity.

As stated above the subject site is located within walking distance of Jannali Railway Station, Jannali commercial centre and a number of bus stops. The proposal is therefore a development which facilitates the use of public transport and existing and future infrastructure in accordance with Objective 6 of the Housing Strategy 2031.

Given the above circumstances, the shortfall of 7 spaces is considered appropriate in the circumstances of the case.

It is also noted that should the parking rates provided in the ADG be applied to the development the proposed development would require a minimum of 67 parking spaces.

13. ENGINEERING CONCERNS

Manoeuvring

The swept paths for vehicles turning in and out of Mitchell Avenue have been added to the architectural drawings (refer to Drawing No.TP 01.02). The swept path analysis has not required the widening of the layback or crossing.

To ensure sufficient vision is achieved a convex mirror is proposed on the eastern side of the driveway. The applicant's traffic and parking consultant (Traffix) have advised that the placement of a mirror as proposed would more than satisfy any issue with overlapping paths.

Loading Bay

The storage area at the rear of the loading bay has been removed. The loading bay as now proposed is able to accommodate access and servicing of bins.

Drainage Design

The applicant has made attempts to negotiate an easement over downstream properties. Please find attached at Annexure A, letters from the Owners Corporations for No.41 and No.43 Oxley Avenue. As discussed in the meeting with Council on 14 December 2016, the process of obtaining an easement is ongoing and proceedings under Section 88K may be required. Council's engineer confirmed at the meeting that a condition of consent could be appropriately included as part of any determination.

14. SUBMISSION DETAILS

As requested, the revised set of architectural drawings include additional dimensions, shadow diagrams showing full extent of shadows, section plans depicting ground lines, additional section plan and a perspective depicting the 16m height plane.

15. PUBLIC SUBMISSIONS

The public submissions received by Council during the notification period have been reviewed and considered as part of the amended proposal. The development as now proposed has been designed to relate to the size, shape and context of the site and has been designed in accordance with the desired future character for development in the area. The proposal is permitted under the provisions of the Sutherland Shire LEP 2015. The proposal will provide high quality residential accommodation in the form of a contemporary residential fat building as encouraged by the applicable planning controls.

The proposal has been designed to minimise as far as practicable any adverse effects on the adjacent residential development and ensure high amenity for future residents.

16. CONCLUSION

The amended architectural and landscape plans and additional information submitted responds to Council's request. In particular the building mass has been reduced to produce a building which complies with the maximum FSR with only minor (indiscernible) protrusions above the 16m maximum height limit.

We trust the information provided is adequate however, should you have any questions or wish to discuss the application please do not hesitate to contact our office.

Yours faithfully,

Planning Ingenuity Pty Ltd

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Julie Horder

PRINCIPAL PLANNER

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Clause 4.6 Variation Statement (Maximum Height)

<u>CLAUSE 4.6 VARIATION STATEMENT – MAXIMUM HEIGHT (CLAUSE 4.3)</u>

1. Introduction

Clause 4.3 (2) of SLEP 2015 relates to the maximum height requirements and refers to the *Height of Buildings Map*. The relevant map identifies the subject site as having a maximum height of 16m. Building height is defined as:

- " building height (or height of building) means:
 - (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
 - (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,
 - including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.."

As indicated in the axonometric diagram included in Figure 1 below, the proposed roof slabs and the lift overruns at the central portion of the 'U-shaped' building breach the maximum height. The greatest height breach is a maximum of 3.28m which occurs at the centre of the northern wing of the building. The maximum height breach at the southern central wing of the building is a maximum of 2.02m, and the maximum height breach of the central roof along the eastern edge of the building is 1.2m. The building easily complies with the height limit at the eastern and western edges of the site.

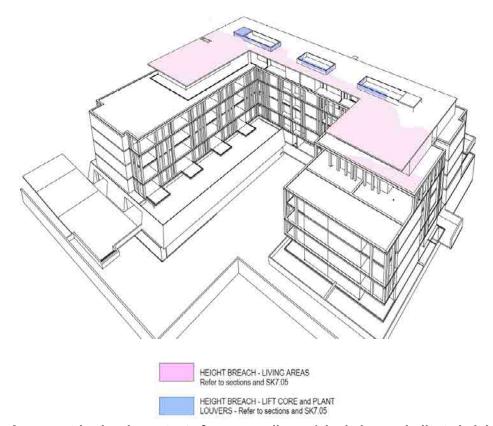


Figure 1: Axonometric showing extent of non-compliance (shaded areas indicate height breach)

Sections through the proposed development are provided in Figure 2 to 4 below which provide a context for the development and the height breaches in terms of existing topography and proposed built form envelope.

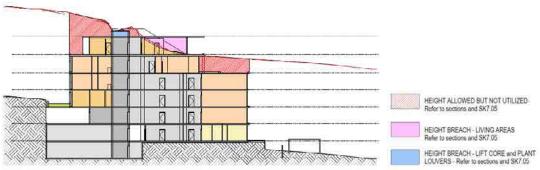


Figure 2: Section 3 (north) - Red line indicates existing topography

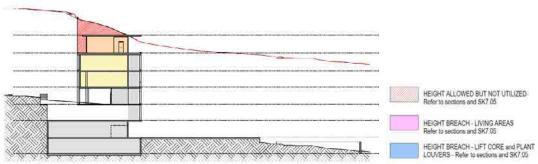


Figure 3: Section 2 (central) - Red line indicates existing topography

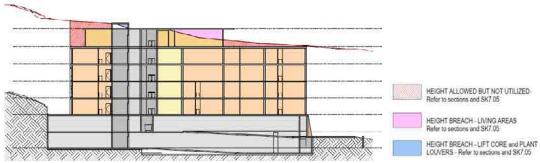


Figure 4: Section 1 (south) - Red line indicates existing topography

That maximum height control is a "development standard" to which exceptions can be granted pursuant to clause 4.6 of the LEP.

The objectives and provisions of clause 4.6 are as follows:

"4.6 Exceptions to development standards

- (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, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (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.
- (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 Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
 - **Note.** When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <u>State Environmental Planning Policy</u> (<u>Building Sustainability Index: BASIX</u>) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clause 4.3A (2)."

The development standards in clause 4.3 are not "expressly excluded" from the operation of clause 4.6.

This submission will address the requirements of subclauses 4.6(3) & (4) in order to demonstrate that the exception sought is consistent with the exercise of "an appropriate degree of flexibility" in applying the development standard, and is therefore consistent with objective 1(a). In this regard, it is noted that the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, for example, subclause 4.6(6).

The balance of this request will be divided into the following sections, each dealing with the nominated aspect of clause 4.6:

- consistency with the development standard objectives and the zone objectives (clause 4.6(a)(ii));
- sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)); and
- compliance is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a)).

2. Consistency with the development standard objectives and the zone objectives (clause 4.6(a)(ii))

The objectives and relevant provisions of clause 4.3 are as follows, inter alia:

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
- (a) to ensure that the scale of buildings:
 - (i) is compatible with adjoining development, and
 - (ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and
 - (iii) complements any natural landscape setting of the buildings,
- (b) to allow reasonable daylight access to all buildings and the public domain,
- (c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,
- (d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,
- (e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones,
- (f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas. "

The *Height of Buildings Map* nominates a maximum height of 16m for the site. It is hereby requested that an exception to this development standard be granted pursuant to clause 4.6 so as to permit a maximum height of 19.28m for the subject development.

Objectives (e) and (f) are not applicable to the proposal. In order to address the requirements of subclause 4.6(4)(a)(ii), each of the relevant objectives of clause 4.3 are addressed in turn below.

Objective (a)

The scale of the proposed buildings has been driven by a strong focus to ensure sympathetic design and compatibility with the adjoining types of existing low density residential dwellings surrounding the site. It is noted that objective (a) refers to being "compatible" with adjoining development. It is considered that "compatible" does not promote "sameness" in built form but rather requires that development fits comfortably with its urban context. Of relevance to this assessment are the comments of Roseth SC in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191:

"22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve."

The proposed encroachments into the maximum building height affects only the eastern edges of Level 4 of the building. Within the centre of the site the height is well below the maximum building height and in fact the centre of the site is free from buildings which provides a communal open space and

significant relief in built form terms. The siting and scale of the proposed development has been designed to take into account the slope of the site and distribute building mass in a manner that best addresses the corner and minimises impact on adjoining development. That is, the opportunity is available to increase building volume within the centre of the site where the proposal is well below maximum height limits. Preference has been given to increasing the height of the building where it adjoins the central portion of the site. Accordingly, the proposed area of non-compliance results from the consolidation of building mass on the site in a manner that minimises as far as practicable, impacts on adjoining properties.

The subject site is not situated within any specific "character area" and is not subject to a "desired future character statement". The desired future character must therefore be gleaned from the suite of built form controls that apply under the LEP and Draft DCP 2015 and from the zone objectives. In this regard, the zone objectives promote the provision of varied housing types in a high density environment and in floor space terms, the proposal is within the allowable maximum FSR. Additionally, the site is one of the first developments of this scale (in light of the recent up zoning), seeking to create an exemplary, highly accessible, medium to high density residential community in a landscaped setting. The proposed development is a high quality, well designed high density scheme sited within in a landscaped setting and is within close proximity of the Jannali local centre and railway station.

Accordingly, it is considered that the scale of the buildings is compatible with adjoining development, the desired future character of the locality and the natural setting. The minor height breach does not offend this compatibility in any noticeable way. The proposal therefore satisfies Objective (a).

Objective (b)

In terms of daylight access to buildings and the public domain, the proposed height non-compliance does not contribute towards any additional overshadowing of the adjoining public domain or neighbouring dwellings. In fact, the proposed height non-compliance is a result of the preferred consolidation of the building envelope to the central portions of the site. The scheme takes advantage of the sites topography and corner address to minimise shadow impacts on the adjoining dwellings to the south and south east.

Submitted under separate cover is an Architectural Report which includes shadow diagrams indicating the overshadowing impacts between the proposal and surrounding development between 9am and 3pm in mid-winter. It is demonstrated that the proposed scheme provides a complying outcome in terms of sunlight access to the adjoining dwellings and the public domain.

Objective (c):

In terms of views, the height of the building will not result in any significant additional view loss compared with a compliant building. Views from likely future buildings on the eastern side of the site will be generally towards the north or south and views will be maintained in that direction.

In terms of privacy, the non-compliance will not have any additional impacts on adjoining properties. The primary outlook from the proposed buildings are to the street frontages to the west and south and over the common open space in the centre of the site, not adjoining buildings. Additionally, the removal of building mass completely from the centre of the site minimises the opportunity to overlook into the adjoining properties to the east.

The proposal will not compromise the use and enjoyment of neighbouring properties. The examination of the proposal in this report demonstrates that there will be no unreasonable detrimental impact to privacy and daylight access for neighbouring properties. The development will enhance the interface with the public domain.

In relation to solar access, this has been addressed in relation to Objective (c) above.

Matters of visual impact have largely been addressed in relation to Objective (a).

Objective (d):

Matters of visual bulk have largely been addressed in relation to Objective (a). In essence, it is considered that given the location of the proposed non-compliance, architectural treatment of the building in terms of setbacks, materials and viewing points from which the non-compliances would be seen, visual impacts will be minimal. The proposed development provides for a floor space ratio that is consistent with the maximum allowed. Accordingly, the proposal satisfies Objective (d).

The proposed development is therefore consistent with the objectives for maximum height, despite the numeric non-compliance.

Clause 4.6 (4) also requires consideration of the relevant zone objectives. The objectives of the *Zone R4 High Density Residential* are as follows:

- "To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.
- To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.
- To minimise the fragmentation of land that would prevent the achievement of high density residential development."

The zone objectives overlap to a large extent with the objectives of the height control and have been addressed above. Further to that, it is considered that the proposal directly responds to the housing needs of the community by providing a high quality residential flat development, which is encouraged by the recently gazetted Sutherland LEP 2015.

3. <u>Sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b))</u>

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, as discussed above it is considered that there is an absence of significant impacts of the proposed non-compliance on the amenity of future building occupants, on area character and on neighbouring properties.

On "planning grounds" and in order to satisfy that the proposal meets objective 1(b) of clause 4.6 in that allowing flexibility in the particular circumstances of this development will achieve "a better outcome for and from development", it is considered that the proposal provides for a more effective and appropriate massing of the allowable building density so as to minimise impacts on neighbouring properties. That is, solar access is improved, views and outlooks are improved and perceived streetscape bulk is lessened. As indicated, the proposal provides for a floor space ratio which complies with the maximum permitted

and accordingly, the height breach is not associated with additional density beyond what is expected by the controls.

The design of the development on the subject site is challenged by its topography, falling towards the north eastern corner of the site and across the site from the western boundary to the eastern side boundary. This is further constrained by the existing rocky escarpment, which under Council's guidance has been retained.

The built form facing Sutherland Road interfaces the existing low scale dwellings by presenting a principal street facade of only 3 storeys, approximately 8m above street level. The upper single storey pavilion is positioned setback from the street (approximately 11.5m above street level and at least 3m setback from the primary facade on Sutherland Street).

The proposed height encroachment will enable the orderly and economic redevelopment of the subject site in accordance with the intentions of the Environmental Planning and Assessment Act, 1979. There is no planning purpose to be served by limiting the height strictly to the maximum height allowable given the site constraints and absence of amenity related impacts.

4. Compliance is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a))

In Wehbe V Pittwater Council (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

" An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgement goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- 3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Having regard to all of the above, it is our opinion that compliance with the maximum height development standard is unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives as detailed above. Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of clause 4.6(3) are satisfied.

5. Conclusion

The development proposal will provide diverse and additional housing choice with superior amenity. This is achieved by well-planned and functional apartments with high solar and cross ventilation performance, and access to common open space.

Accordingly, for the reasons stated above, we respectfully request that the consent authority permit the variation to the maximum building height development standard.

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LL DIMENSIONS TO BE VERTIED PRIOR TO PREPARATION OF SHOT PRAWINGS AND COMMENCEMENT OF CONSTRUCTION

DOOR HARDWARE TO BE FIXED AT 1050mm A F.F.L. U.N.O. REFEF HEDULE FOR DOORFRAME DETAILS AND SIZE.

GENERAL NOTES:

OCUMENTS TO BE READ IN CONJUNCTION WITH & COMPLY WITH ALL PRES INCLUDING BUT NOT LIMITED TO BLDG SURVEYOR, ACOUSTICS, ACTOR SHALL REPORT ANY DISCREPANCY IN THE DOI ECT FOR CLARIFICATION PRIOR TO THE AFFECTED W NORK SHALL COMPLY WITH NCC/ RELEVANT AUTHOF AUSTRALIAN STANDARDS (AS.) CODES FOR TRADES ACTOR SHALL VERIFY ALL DIMENSIONS ON SITE

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R TO SJRVEYORS DRAWINGS CHECK SURVEY AND DETAL DRAWING TE AND CONFRIM ALL EXISTING SERVICES, PIPES POLES, EMBANKAR AND LIKE PRIOR TO COMMENCING ANY WORK

EFER TO THE ACOUSTIC REPORT FOR REQUIRED ACOUSTIC SPECIFICATIO DETAILS. ALL ACOUSTIC REQUIREMENTS TO MEET MINIMUM NCC U.N.O.

SSPP(Sydney South) Business Paper Appendicies - (21 February 2017) - (2016SYE109) (DA16/1239)

DEVELOPMENT APPLICATION

WINIM DEVELOPMENTS PTY LTD

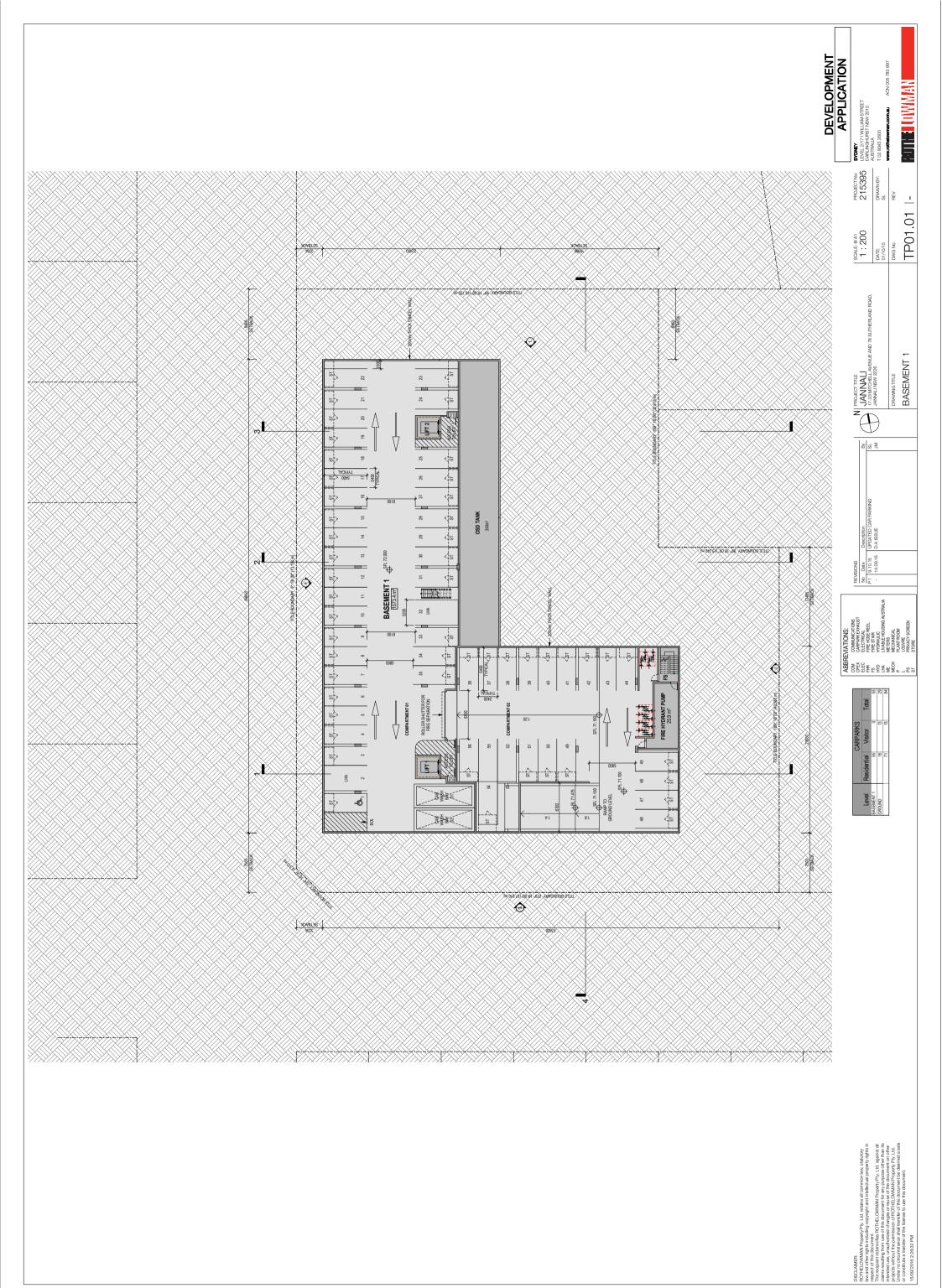
SYDNEY LEVEL 2/171 WILLIAM STREET DARLINGHURST NSW 2010 AUSTRALIA T 02 8045 2600

Rev. Date.

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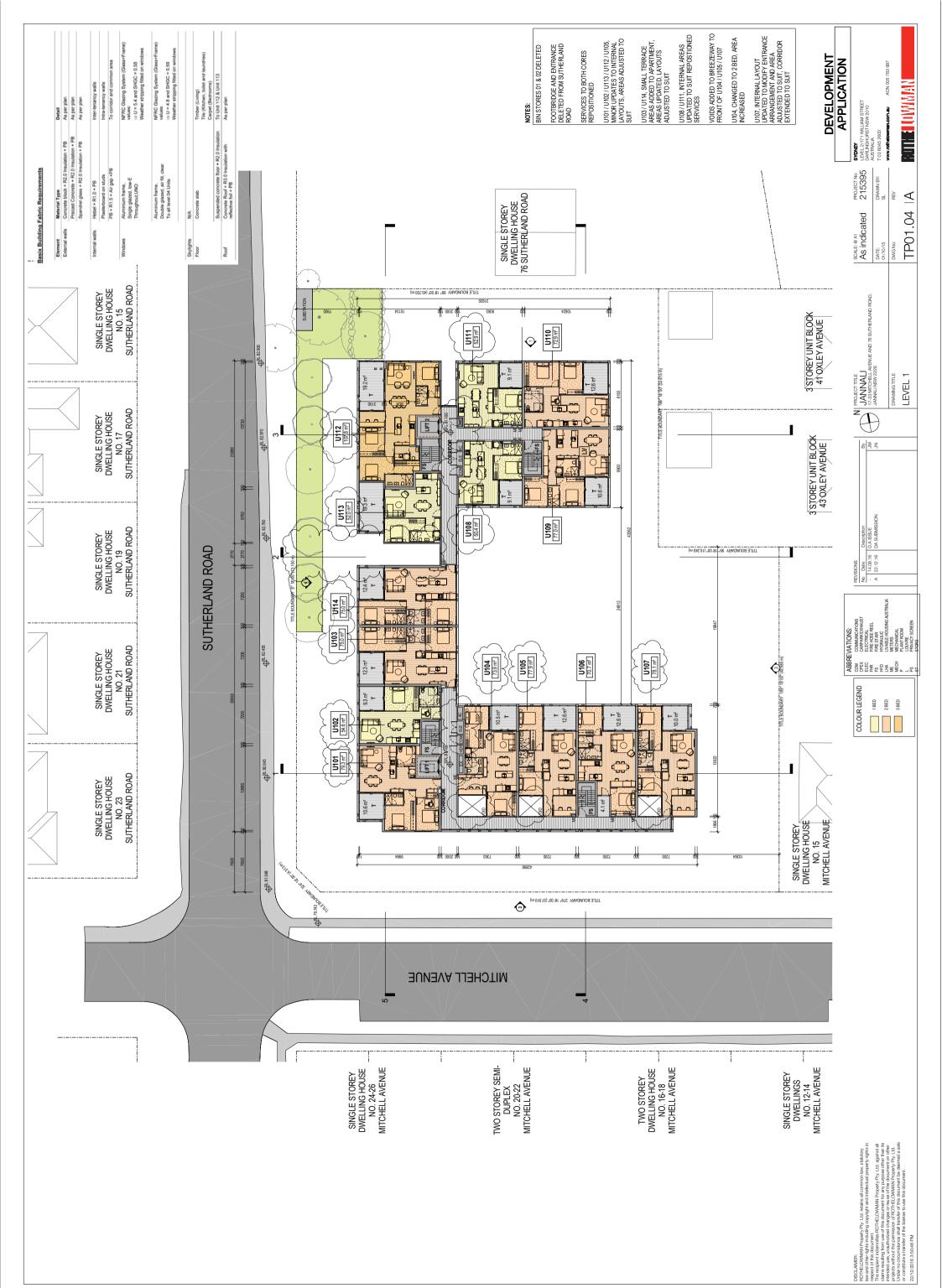
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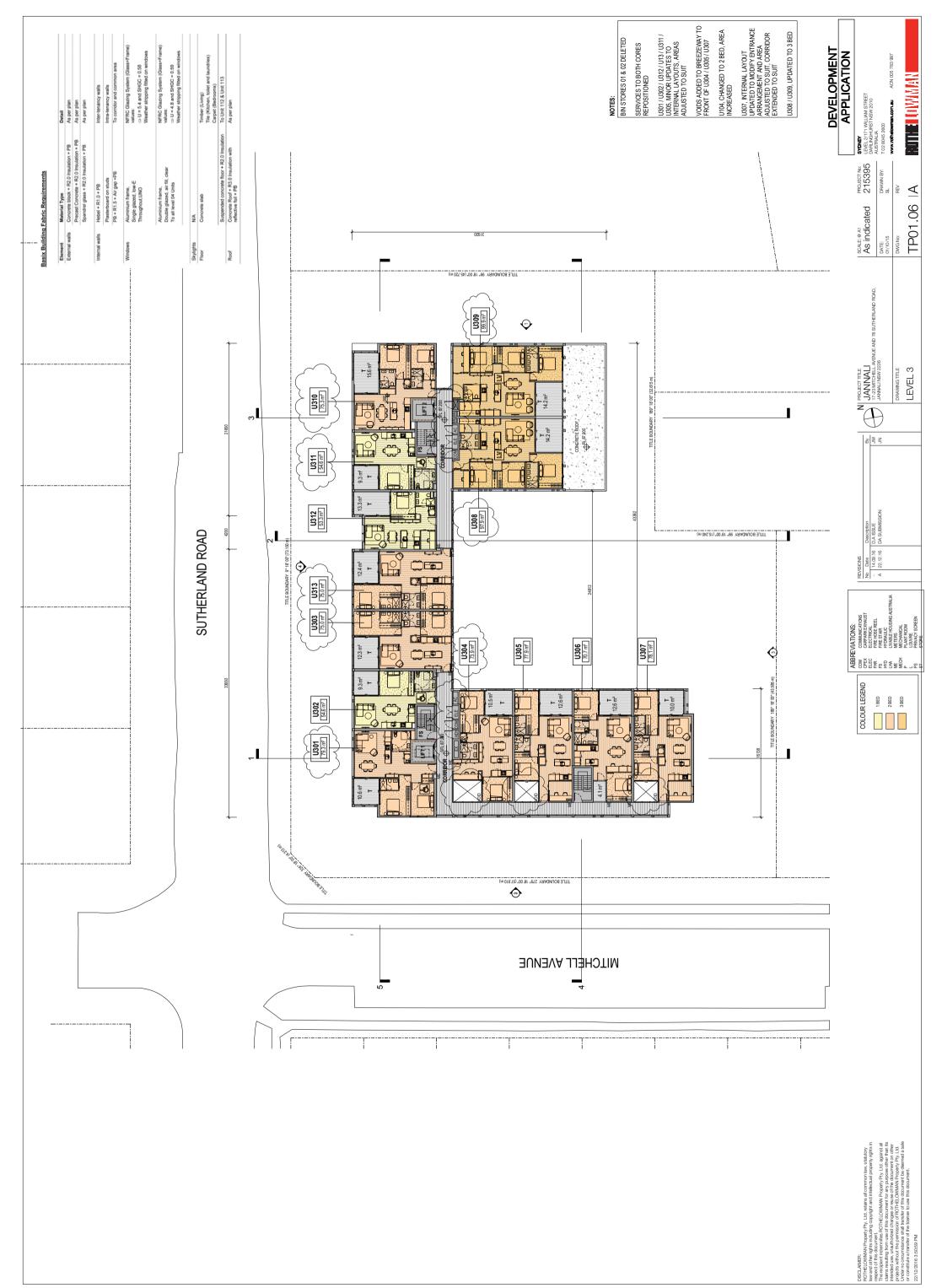


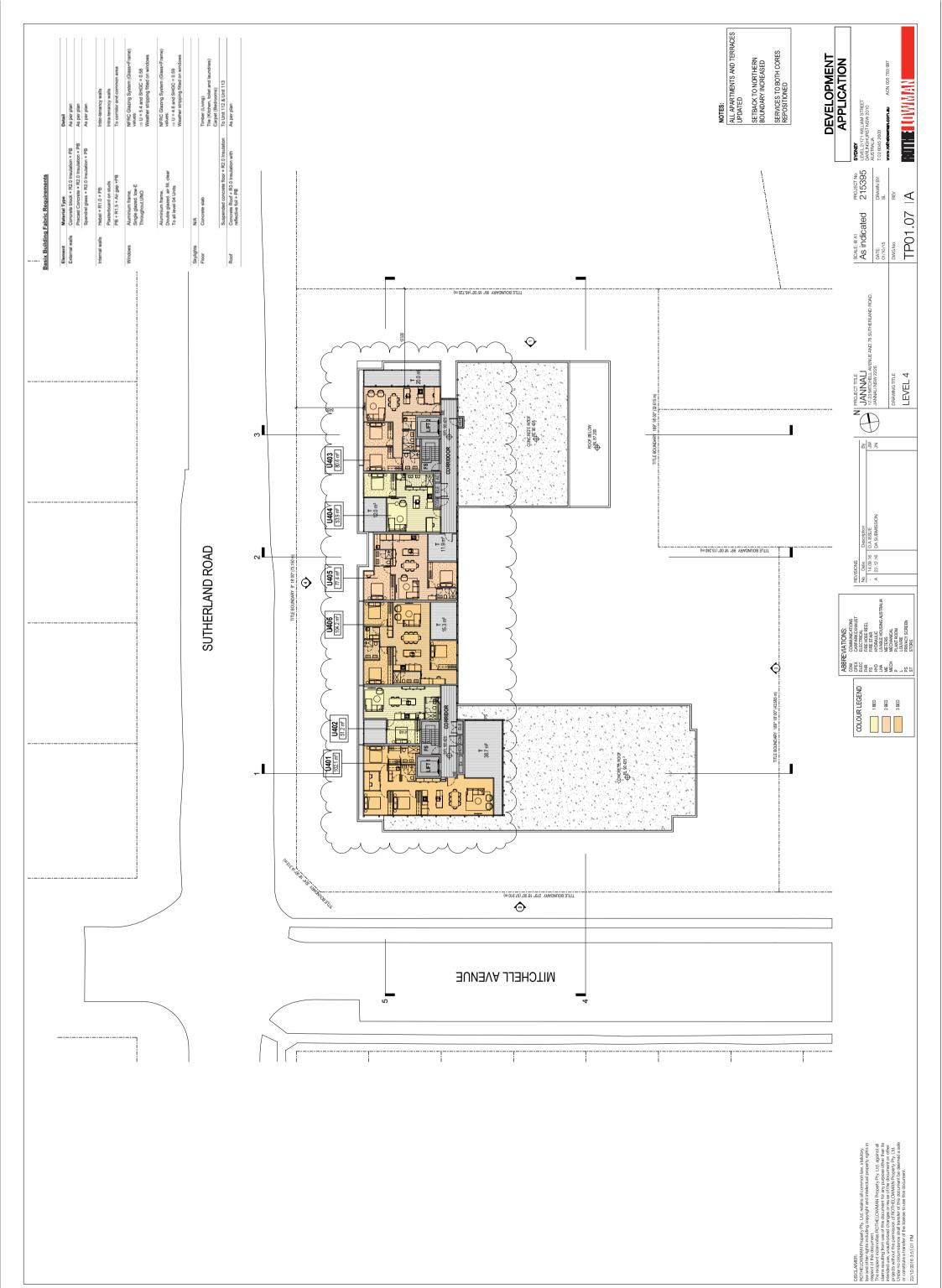


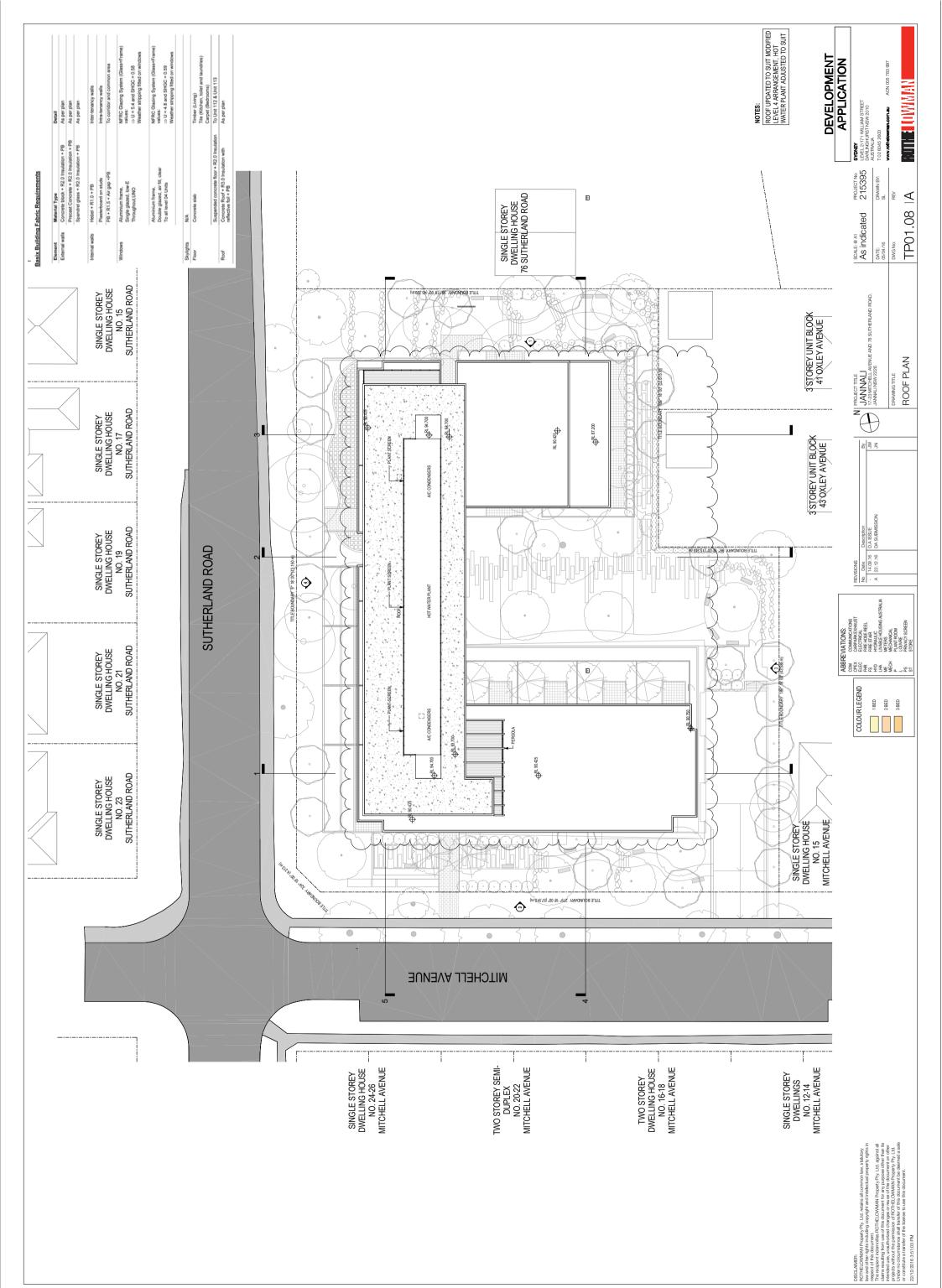


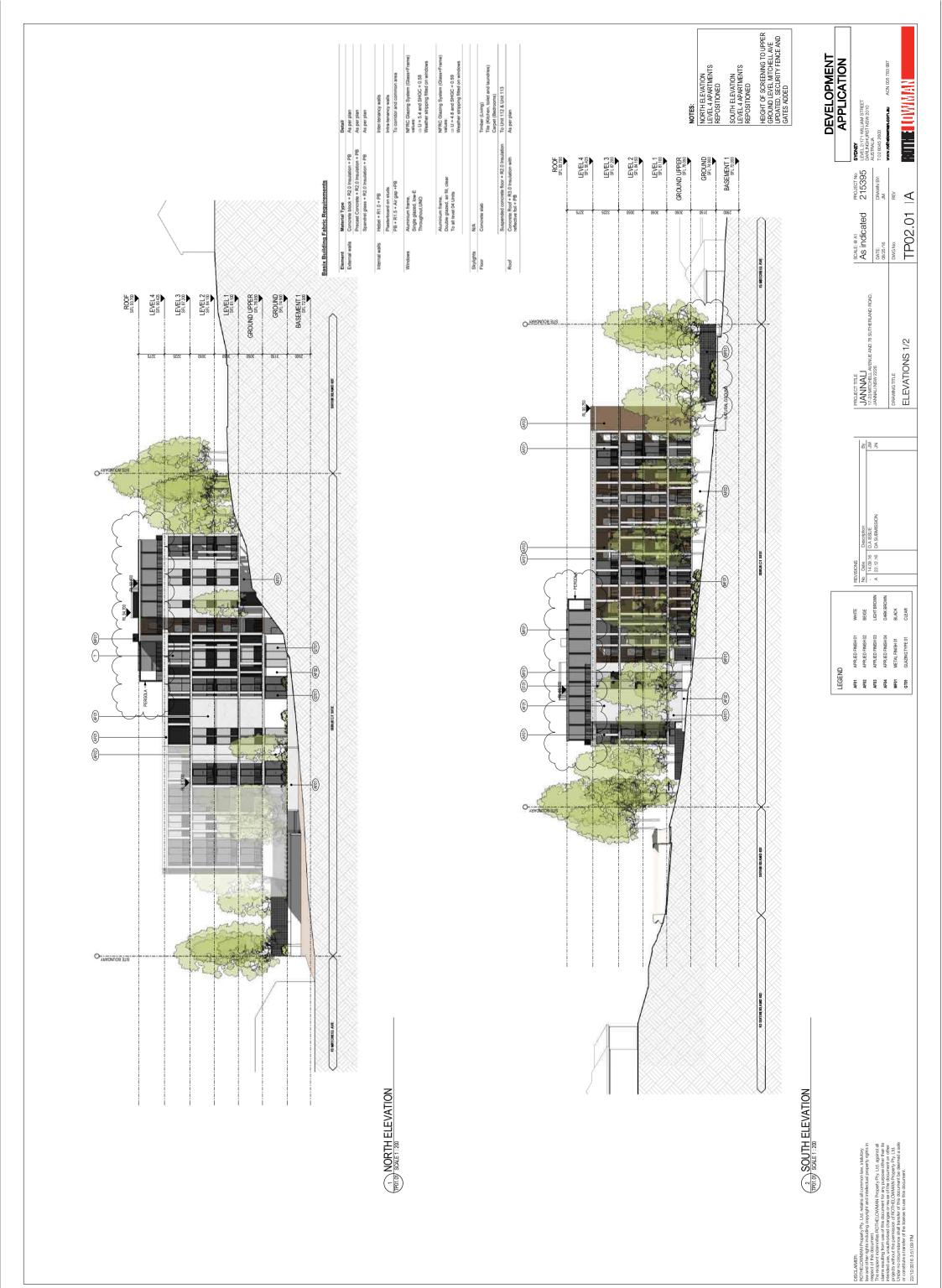


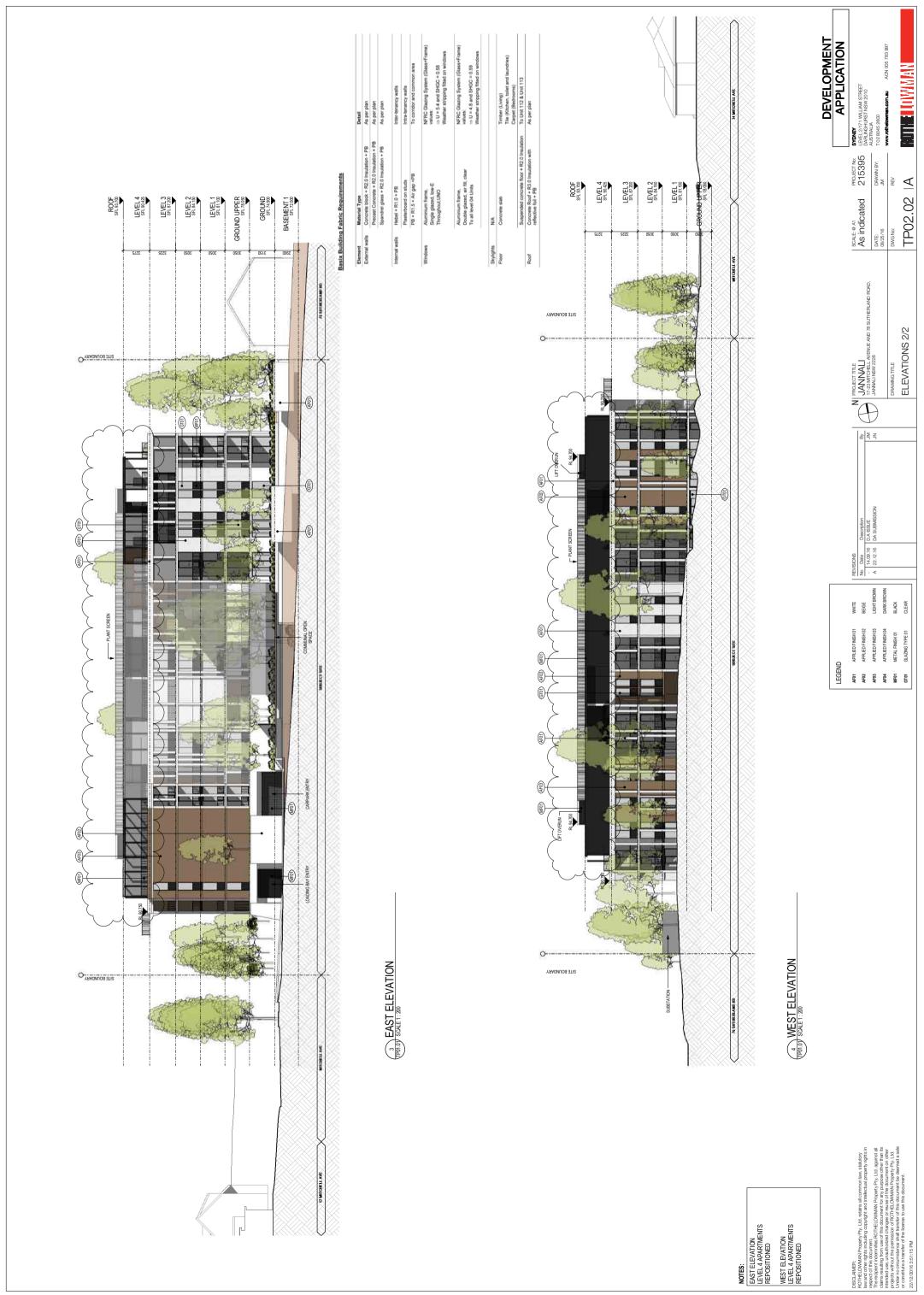












BBQ PAVILION AREA DELETED SECTION 1 LEVEL 4 APARTMENTS REPOSITIONED SECTION 2 LEVEL 4 APARTMENTS REPOSITIONED

DEVELOPMENT APPLICATION

8*CONEY

CHEEL 2/17 WILLIAM STREET

ACT STATE

TO 28 645 2800

WWW.nothielowman.com.au

ACN 005 783 897

Scale: ® A1 PROJECT No: As indicated 215395

JANNALI 17-23 MITCHELL AV

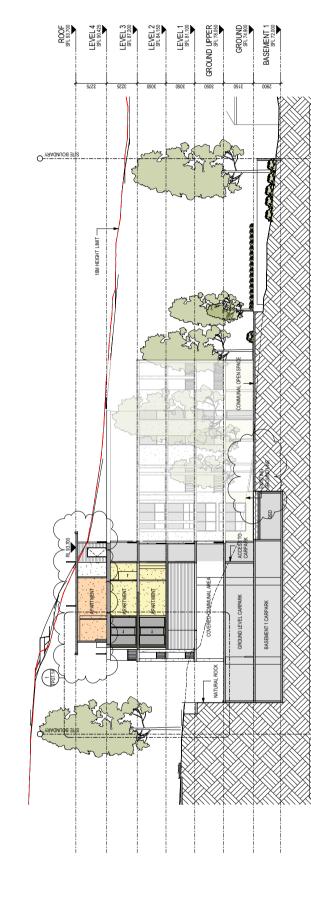
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TP03.01 |A

SECTIONS 1 and 2

NOTES:
EXISTING GROUND LINES ADDED

Section 2



COLOUR LEGEND 1 BED 2 BED 3 BED 3 BED

	Concrete block + R2 0 Intulation + PR	As per plan
	Precast Concrete + R2.0 Insulation + PB	As per plan
Internal walls Hebel	Spandrel glass + R2.0 Insulation + PB	As per plan
	Hebel + R1.0 + PB	Inter-tenancy walls
Plaster	Plasterboard on studs	Intra-tenancy walls
PB+R	PB + R1.5 + Air gap +PB	To corridor and common area
Windows Alumini	Aluminium frame,	NFRC Glazing System (Glass+Frame)
Single	Single glazed, low-E	values:
Throug	Throughout, UNO	⇒ U = 5.4 and SHGC = 0.58
		Wealther stripping fitted on windows
Alumini	Aluminium frame,	NFRC Glazing System (Glass+Frame)
Double	Double glazed, air fill, clear	values:
To all k	To all level 04 Units	⇒ U = 4.8 and SHGC = 0.59
		Weather stripping fitted on windows
Skylights N/A		
Floor Concrete slab	ite slab	Timber (Living)
		Tile (Kitchen, toilet and laundries)
		(managed and an

Section 1

GROUND SFL 74900

BASEMENT 1 SFL 72000

GROUND UPPER SPL 78050

NOTES: EXISTING GROUND LINES ADDED LEVEL 4 APARTMENTS REPOSITIONED

DEVELOPMENT APPLICATION

SCALE: ® A1
As indicated 215395

JANNALI 17-23 MITCHELL AV JANNALI NSW 2226

TP03.02 |A

SECTIONS 3 and 4

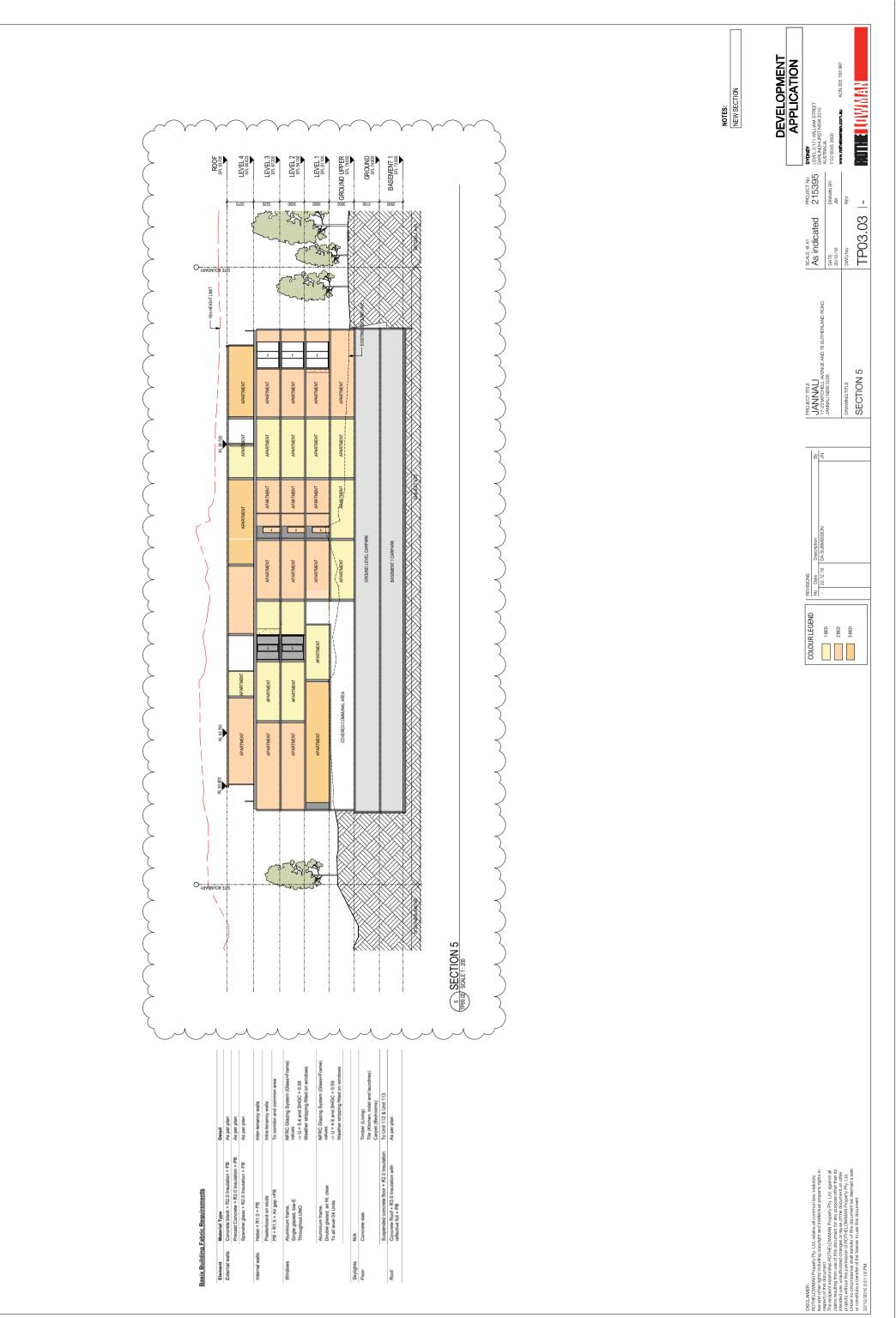


COLOUR LEGEND

1 BED 2 BED 3 BED 3 BED

K/X//X//X//X/X/X/X/X/X/X/

Roof



NOTES:
DIAGRAMS EXTENDED TO SHOW
FULL EXTENT OF SHADOWS



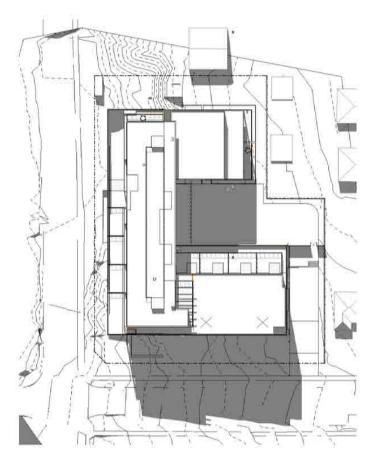
DEVELOPMENT APPLICATION

PROJECT No: 215395

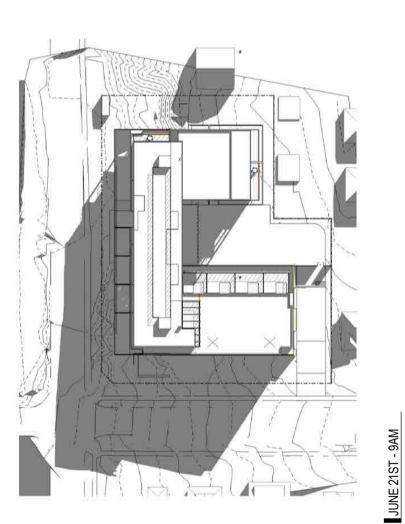
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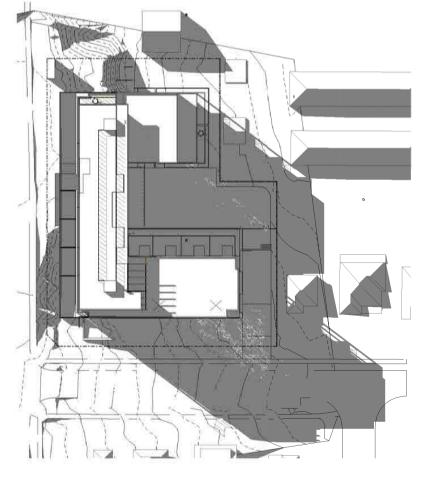
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17-23 MITCHELL AVEN
JANNALI NSW 2228

SHADOW DIAGRAMS - JUNE 21st | TP04.01 | A



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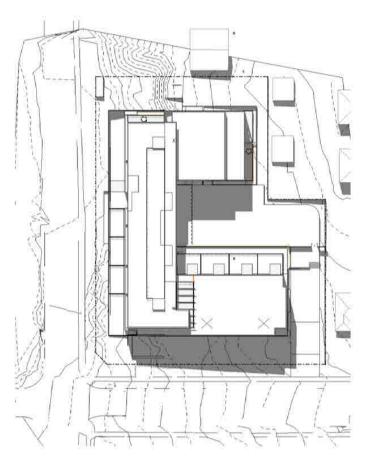
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NOTES:
DIAGRAMS EXTENDED TO SHOW
FULL EXTENT OF SHADOWS

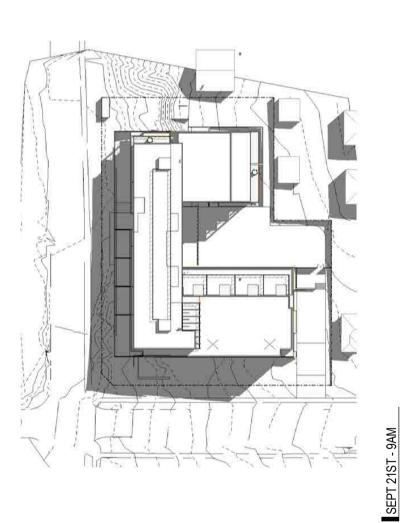


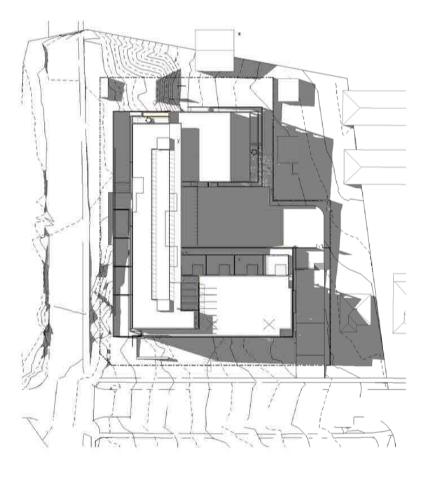
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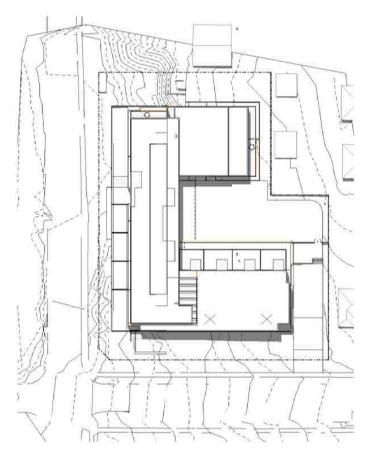




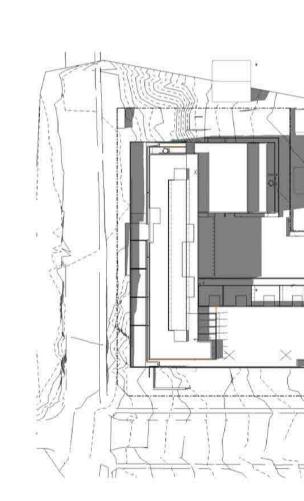
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NOTES:
DIAGRAMS EXTENDED TO SHOW
FULL EXTENT OF SHADOWS



DEC 21ST - 12PM



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	DRAFT		CIRCULATION/			No. 1 BEDS		No. 2 BEDS		
LEVEL	STRATA AREA	PARKING	SERVICES	TERRACE	No. 1 BEDS	PLUS	No. 2 BEDS	PLUS	No. 3 BEDS	TOTAL U
BASEMENT 1	0.0 m ²	1573.4 m²	226.6 m²	0.0 m ²	0	0	0	0	0	0
GROUND	256.0 m ²	1320.3 m²	360.5 m²	138.6 m²	2	0		_	0	4
GROUND UPPER	787.3 m²	$0.0 \mathrm{m}^2$	246.0 m ²	444.7 m²	5	0	4	3	0	12
LEVEL 1	996.5 m²	0.0 m ²	187.9 m²	183.4 m²	4	0	9	3		14
LEVEL 2	1020.0 m ²	$0.0 \mathrm{m}^2$	184.6 m²	177.1 m²	4	_	7	3	0	15
LEVEL 3	964.6 m²	$0.0 \mathrm{m}^2$	171.1 m²	161.0 m ²	3	0	5	3	2	13
LEVEL 4	465.0 m ²	$0.0 \mathrm{m}^2$	95.1 m²	121.3 m²	2	0	2	0	2	9
	4489.4 m ²	2893.7 m ²	1471.8 m ²	1226.2 m ²	20		25	13	5	64

SSPP(Sydney South) Business Paper Appendicies - (21 February 2017) - (2016SYE109) (DA16/1239)

GFA	311.6 m²	889.2 m²	1096.9 m ²	1121.3 m ²	1050.7 m ²	501.9 m ²	4971.6 m ²
LEVEL	GROUND	GROUND UPPER	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	

F 41, 00000	CROSS VENI	COMPLIANT	75.0%	
	SOLAK	COMPLIANT	81.3%	

	Room Category		2 BED PLUS	2 BED	2 BED	2 BED	3 BED	3 BED	
MPLIANT	Liveable Compliant		Yes	Yes	Yes	Yes	Yes	Yes	
LHA CO	Number		UG02	60090	0109	U209	U308	U309	
	Level		GROUND	GROUND	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 3	Grand total: 6
	LHA COMPLIANT	LHA COMPLIANT Liveable Number Compliant	LHA COMPLIANT Liveable Number Compliant	LHA COMPLIANT Liveable Number Compliant UG02 Yes 21	LHA COMPLIANT Liveable Number Compliant UG02 Yes 21 UGU09 Yes 21	LHA COMPLIANT Liveable Number Compliant UG02 Yes 21 UGU09 Yes 21	LHA COMPLIANT Liveable Number Compliant UG02 Yes 21 UGU09 Yes 21 U109 Yes 21 U209 Yes 21 U209 Yes 21	Liveable	LHA COMPLIANT Liveable Liveable UG02 Yes 21 UGU09 Yes 21 U109 Yes 21 U209 Yes 21 U308 Yes 31 U309 Yes 31 U309 Yes 31

- 50.0 m²	- 53.3m²	- 74.5m²	- 76.7m²	- 93.4m²
1 BED	1 BED PLUS	2 BED	2 BED PLUS	3 BED

		CARPARKS		
Level	Residential	Visitor	Total	Carwash
BASEMENT 1	22	0	55	2
GROUND	16	13	29	0
	71	13	84	2

13 2 Accessible Parks GROUND LHA Compliant Parks
BASEMENT 1

*For preliminary feasibility purposes. Areas are not to be used for purpose of lease or sale agreements. Layouts may not comply with building regulations or other regulatory requirements. The information contained in this schedule is believed to be correct at the time of printing. Areas are draft Strata area - measured to inside face of corridor walls, parti walls and external walls.

100%

7.8%

20.3%

2 BED 39.1%

1 BED PLUS

BED

31.3%

UNIT MIX
2 BED PLUS

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CAR-PARKING GENERATION NOTES: GROUND

Development adopts RMS car-parking rates for sub-regional centres:

o 0.6 per 1 bed apartment;

o 0.9 per 2 bed apartment;

o 1.4 per 3 bed apartment;

o 1 visitor space per 5 apartments.

Total of 66 spaces are required.

Council DCP minimum rates for parking are:

o 1 per 1 bed apartment;

o 1.5 per 2 bed apartment;

o 2 per 3 bed apartment;

o 0.25 Visitors per apartment.

Council DCP rates will generate 103 spaces.

GFA MEASUREMENT ASSUMPTIONS:

- Car-parking (including above-ground parking) excluded from GFA as per LEP definition Breezeways and other external areas excluded from GFA Services and plant rooms excluded from GFA

NOTES AND DEFINITIONS

(Gross Building Area) has been calculated as the total enclosed and unenclosed area of the building at all building floor levels measured to the slab edge. GBA

relevant Local Environmental Plan (LEP). (Gross Floor Area) has been calculated as per the definition in the

DRAFT STRATA AREA (Residential) Measured to inside face of corridor walls, parti walls and external walls.

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. **SOLAR ACCESS**

At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. **CROSS VENTILATION**

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SCALE: @ A1 1:500	DATE: 01/10/15	DWG No:	TP05.01
PROJECT TITLE JANNALI 17-23 MITCHELL AVENUE AND 78 SUTHERLAND ROAD,	JANNALI NSW 2226	DRAWING TITLE	DEVELOPMENT SUMMARY
By	Z		

PROJECT No: 215395

DRAWN BY: SL

UPDATED TO REFLECT PLAN CHANGES

NOTES:



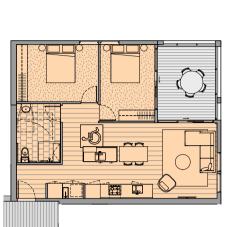
DEVELOPMENT APPLICATION SYDNEY

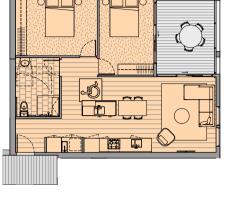
BEEL 271 WILLIAM STREET
DARM KIGHUEST INSW 2010
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TO SHOW TO SHOW 5783 997

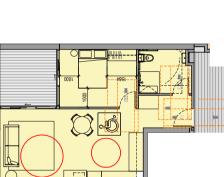
WWW.rothsiorman.com.au
ACN 035 783 997 Scale: ® A1 PROJECT No: As indicated 215395 TP06.01 |A



NOTES: UPDATED TO REFLECT MINOR INTERNAL MODIFICATIONS

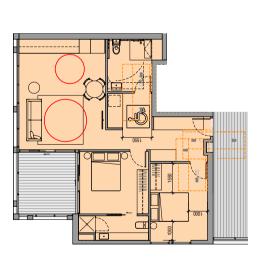














TYPE 7 - POST ADAPT

TYPE 7 - PRE ADAPT

TYPE 8 - POST ADAPT

TYPE 8 - PRE ADAPT

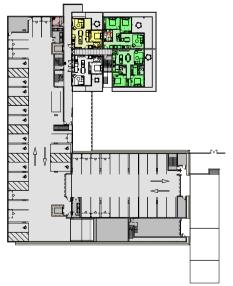
TYPE 3 - PRE ADAPT

(6) TYPE 3 - POST ADAPT SCALE 1:100

DRAWNGTITLE
ADAPTABLE AND LIVEABLE UNIT
PLANS JANNALI 17-23 MITCHELL AVE JANNALI NSW 2226 β N N







GROUND

TPOZ.03 SCALET: 500

(TP02.07) SCALE 1:500

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DEVELOPMENT APPLICATION

STONEY
DAMENGHEST INSTRET
DAMENGHEST INSTRUCT
DAMENGHEST INSTRUCT
TO 2005 2000
WWW.rathelorman.com.au
ACN 005 789 997

PROJECT No: 215395

3CALE: @ A1

JANNALI 17-23 MITCHELL AVB JANNALI NSW 2226

TP07.11 |A

DRAWING TITLE SOLAR / CROSS VENTILATION COMPLIANCE 2/2

Ventilation Compliant Room Category	Yes 2 BED	Yes 2 BED	Yes 2 BED	Yes 2 BED PLUS	Yes 2 BED	Yes 2 BED PLUS	Yes 2 BED PLUS		Yes 2 BED	Yes 2 BED	Yes 2 BED	Yes 2 BED	Yes 3 BED PLUS	Yes 3 BED PLUS	Yes 2 BED PLUS	Yes 2 BED	Yes 2 BED PLUS	Yes 2 BED PLUS	
Number (U212 Y	V209	U210 Y	U205 Y	U206 Y	V207	U204 Y	LEVEL 2: 10	U301 Y	U303 Y	U313 Y	U310 Y	V 605U	N308	U305 Y	J 90EU	V 705U	U304 Y	
ategory																			

	SEPP 65 (ROSS VEN	SEPP 65 CROSS VENTILATION COMPLIANCE	SEPP 65	CROSS VEN	SEPP 65 CROSS VENTILATION COMPLIANCE
	Number	Ventilation Compliant	Room Category	Number	Ventilation Compliant	Room Category
J I						
	UG03	Yes	2 BED	U212	Yes	2 BED
	UG02	Yes	2 BED PLUS	U209	Yes	2 BED
,	GROUND: 2			U210	Yes	2 BED
_	UGU04	Yes	2 BED PLUS	U205	Yes	2 BED PLUS
	UGU01	Yes	2 BED	U206	Yes	2 BED
	UGU03	Yes	1 BED	U207	Yes	2 BED PLUS
	UGU12	Yes	1 BED	U204	Yes	2 BED PLUS
	nen09	Yes	2 BED	LEVEL 2: 10	0	
	UGU10	Yes	2 BED	U301	Yes	2 BED
	UGU07	Yes	2 BED PLUS	U303	Yes	2 BED
	UGU05	Yes	2 BED PLUS	U313	Yes	2 BED
	90090	Yes	2 BED	U310	Yes	2 BED
٦	GROUND UPPER: 9	PPER: 9		U309	Yes	3 BED PLUS
	U113	Yes	1 BED	U308	Yes	3 BED PLUS
	U104	Yes	2 BED PLUS	U305	Yes	2 BED PLUS
	U105	Yes	2 BED PLUS	N306	Yes	2 BED
_	U106	Yes	2 BED	U307	Yes	2 BED PLUS
	U101	Yes	2 BED	U304	Yes	2 BED PLUS
_	U103	Yes	2 BED	LEVEL 3: 10	0	
_	U114	Yes	2 BED	U401	Yes	3 BED
	U109	Yes	2 BED	U404	Yes	1 BED
	U110	Yes	2 BED	U405	Yes	2 BED
	U107	Yes	2 BED PLUS	0406	Yes	3 BED
	U112	Yes	3 BED PLUS	U402	Yes	1 BED
_	LEVEL 1: 11			U403	Yes	2 BED
	U201	Yes	2 BED	LEVEL 4: 6		
	U203	Yes	2 BED	Grand total: 48	48	
_	U215	Yes	2 BED			

Room Category	1 BFD	2 BED	2 BED	2 BED	2 BED PLUS	2 BED	2 BED PLUS	2 BED PLUS	1 BED		2 BED	2 BED	3 BED PLUS	2 BED PLUS	2 BED	2 BED PLUS	1 BED	1 BED	1 BED	2 BED PLUS		3 BED	1 BED	2 BED	3 BED	1 BED	2 BED				
Solar Compliant	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	_	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes		52		ı
Number	11213	U212	U209	U210	U205	U206	U207	U204	U211	LEVEL 2: 14	U301	U310	N309	U305	N306	U307	N302	U312	U311	N304	LEVEL 3: 10	U401	U404	U405	N406	U402	U403	LEVEL 4: 6	Grand total:		2
				1								1																			
Room Category	2 BED	2 BED PLUS	1 BED		2 BED PLUS	1 BED	2 BED	2 BED	2 BED PLUS	2 BED PLUS	2 BED		1 BED	1 BED	2 BED PLUS	2 BED PLUS	2 BED	2 BED	2 BED	2 BED	2 BED	2 BED	2 BED PLUS	3 BED PLUS		2 BED	2 BED	2 BED	1 BED	1 BED PLUS	
Solar Compliant			Yes		Yes	Yes	Yes	Yes	Yes	Yes		PPER: 7	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	
Number	11903	UG02	UG04	GROUND: 3	UGU04	UGU11	nenoa	UGU10	UGU07	UGU05	90050	GROUND U	U102	U111	U104	U105	U106	U101	U103	U114	U109	U110	U107	U112	LEVEL 1: 12	U201	U203	U215	U202	U214	
	Solar Solar Category Number Compliant	Solar Solar ber Compliant Room Category Yes 2 BFD	Solar Solar Solar Compliant Room Category Number Compliant Yes 2 BED U213 Yes 1 Yes 2 BED PLUS U212 Yes 2	Solar Solar Solar Number Compliant Compliant Yes 2 BED U213 Yes 1 Yes 1 BED U209 Yes 2	Solar Solar Solar Yes 2 BED U213 Yes 1 BED Yes 1 BED U209 Yes 2 U209 IND: 3 U210 Yes 2 U209	Solar Solar Solar Yes 2 BED U213 Yes 1 BED Yes 1 BED U209 Yes 2 BED PLUS ID: 3 U209 Yes 2 BED PLUS ID: 3 U209 Yes 2 BED PLUS Yes 1 BED U209 Yes 2 BED PLUS	Solar Solar Solar Yes 2 BED U213 Yes 1 BED Yes 1 BED U209 Yes 2 BED PLUS ID: 3 Ves 1 BED U209 Yes 2 BED PLUS ID: 3 Ves 1 BED U200 Yes 2 BED PLUS ID: 3 Ves 1 BED Ves 2 BED PLUS IV Yes 1 BED Ves 2 BED PLUS IV Yes 1 BED Ves 2 BED PLUS	Solar Solar Solar Yes 2 BED U213 Yes 1 BED Yes 2 BED PLUS U212 Yes 2 BED PLUS Yes 1 BED U212 Yes 2 BED PLUS Yes 2 BED PLUS U209 Yes 2 BED Yes 1 BED U206 Yes 2 BED Yes 2 BED U207 Yes 2 BED	Solar Solar Compliant Room Category Number 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SOLAR COMPLIANT	81.3%	

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DEVELOPMENT APPLICATION		ACN 005 783 997	
DEVELO	SYDNEY LEVEL 2/171 WILLIAM STREET DARLINGHURST NSW 2010 MISTRA IA	T 02 8045 2600	
	PROJECT No: 215395	DRAWN BY: JM	REV

DATE: DRAWN BY:

DWGNG: REV

TP07.13 | A

DRAWING TILLE STORAGE SCHEDULE

SCALE: @ A1

PROJECT TITE

JANNAL

17-28 MITCHEL AVENUE AND 78 SUTHERLAND ROAD,
JANNALI NSW 2226

STORAGE SCHEDULE	DULE	STORAGE SCHEDULE	EDULE	STORAGE SCHEDULE	EDULE
	Volume		Volume		Volume
U101		BASEMENT	3 m³	UGU02	
BASEMENT	3 m³	U214		BASEMENT	3 m³
U102	,	BASEMENT	3 m³	UGU03	,
BASEMENT U103	3 ™²	U215 BASEMENT	8 m³	BASEMENT UGU04	4 m³
BASEMENT	3 m³	U301		BASEMENT	3 m³
U104		BASEMENT	3 m³	UGU05	
BASEMENT	3 ш³	U302	5 3	BASEMENT	4 m³
DIUS	4 m³	BASEMEN I U303	3 III	DGCU06	4 m³
N106		BASEMENT	3 m³	UGU07	
BASEMENT	4 m³	U304		BASEMENT	4 m³
U107	4 2.3	BASEMENT	3 m³	UGU08	53
BASEMEN I	4 III 4	DSCS	4 m ³	DASEMENT LIGHTO	3 IIIL
BASEMENT	3 m³	U306		BASEMENT	4 m³
U109		BASEMENT	4 m³	UGU10	
BASEMENT	4 m³	U307		BASEMENT	4 m³
U110		BASEMENT	4 m³	UGU11	
BASEMENT	4 m³	U308		BASEMENT	3 ш³
U111		BASEMENI	3㎡	UGU12	43
BASEMEN I	S III'	DASEMENT	3 m3	BASEMENI	4 III
BASEMENT	3 m³	U310			
U113		BASEMENT	4 m³		
BASEMENT	3 m³	U311			
U201		BASEMENT	3 m³		
BASEMENT	3 m³	U312			
UZUZ		BASEMENI	3 m²		
BASEMEN I	3 m²	U313 BASEMENT	4 m ³		
DACEMENT	2 m3	DASCINICIN I	‡		
U204		BASEMENT	3 m³		
BASEMENT	3 m³	U402			
U205		BASEMENT	4 m³		
BASEMENT	4 m³	U403	,		
UZUO	4 m ³	BASEMEN I	4 M ²		
U207	<u> </u>	BASEMENT	5 m³		
BASEMENT	4 m³	U405			
U208		BASEMENT	4 m³		
BASEMENT	3 m³	UG01			
U209		BASEMENT	3 m³		
BASEMENT	4 m³	UG02			
U210	,	BASEMENT	3 m³		
BASEMEN I	4 M³	UG03 RASEMENT	4 m³		
RASEMENT	3 m³	11904			
U212		BASEMENT	3 m³		
BASEMENT	4 m³	UGU01			
U213		BASEMENT	3 m³		

STORAGE SCHEDULE Volume

nnali, NSW

Development Application andscape SSPP(Sydney South) Business Paper Appendicies - (21 February 2017) - (2016SYE109) (DA16/1239)

Context Plan



Drawing Register:

DWG INO.	
	Cover Sheet & Design Statement
	Landscape Masterplan
	Tree Removal & Retention Plan
	Sutherland Road Landscape Plan
	Northern Communal Landscape Plan
	Central Garden Landscape Plan
LDA-06	Mitchell Avenue Landscape Plan
	Landscape Areas Plan
	Landscape Details

Project 17-23 Mitchell Ave Jannali, NSW 2226 17-23 Mitchell Ave Jannali, NSW 2226 Scale 17-23 Mitchell Ave Jannali, NSW 2226 Scale 17-240 @ A1 (1:800 @ A3) O 4 8 12 16 20m I 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	FOR DEVELOPMENT APPLICATION Date Revision Job Number Drawing Number 22.12.2016 B 20160330 LDA-00 Scale 1:400 @ A1 (1:800 @ A3) North 0 4 8 12 16 20m Drawing Name Drawing Name Landscape Cover Sheet Sheet Landscape Cover Sheet
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Ground The Company of The Company of

Line of building over Site boundary

Proposed finished level Proposed top of wall lev Finished floor level Existing spot level + FFL 92.70 + TW 92.20 + EX 94.00 + RL 92.70

Tiles to private terraces

17-23 Mitchell Ave Jannali, NSW 2226

FOR DEVELOPMENT APPLICATION Drawing Name

LANDSCAPE MASTERPLAN

SUTHERLAND AVENUE MITCHELL

Tree to be retained

STING TREE SCHEDULE

SSPP(Sydney South) Business Paper Appendicies - (21 February 2017) - (2016SYE109) (DA16/1239)

Q	BOTANICAL NAME	COMMON NAME	EXISTING HEIGHT	EXISTING SPREAD	ACTION	REASON FOR REMOVAL
1	Lophostemon confertus	Brushbox	9m	8m	Retain	
2	Lophostemon confertus	Brushbox	8m	6m	Retain	
8	Lophostemon confertus	Brushbox	9m	7m	Retain	
4	Lophostemon confertus	Brushbox	8m	8m	Retain	
9	Lophostemon confertus	Brushbox	8m	8m	Retain	
9	Cupressus sempervirens	Mediterranean cypress	10m	4m	Retain	
7	Lophostemon confertus	Brushbox	8m	8m	Retain	
8	Livistona australis	Cabbage Tree Palm	7m	6m	Transplant	
6	Pittosporum undulatum	Sweet Pittosporum	6m	5m	Remove	Affected by proposed development
10	Livistona australis	Cabbage Tree Palm	5m	4m	Transplant	
11	Lophostemon confertus	Brushbox	7m	7m	Remove	Affected by proposed development
11C	Melaleuca linariifolia	Snow in Summer	6m	3m	Retain	
11D	Leptospermum petersonii	Lemon-scented Teatree	6m	5m	Retain	
11E	Callistemon viminalis	Weeping Bottlebrush	9 em	4m	Remove	Affected by proposed development
11G	Melaleuca quinquenervia	Broad Leaved Paperbark	8m	7m	Remove	Affected by proposed development
11H	Callistemon viminalis	Weeping Bottlebrush	7m	6m	Retain	
111	Melaleuca quinquenervia	Broad Leaved Paperbark	9m	6m	Retain	
11)	Syzygium luehmannii	Lilly Pilly	5m	5m	Remove	Tree suitable to be replaced
11K	Ligustrum lucidum	Broadleaf Privet	7m		Remove	Affected by proposed development
11L	Callistemon viminalis	Weeping Bottlebrush	6m	5m	Remove	Affected by proposed development
11M	Agonis flexuosa	West Aus Peppermint	7m	6m	Remove	Affected by proposed development
11P	Callistemon viminalis	Weeping Bottlebrush	em 9	4m	Remove	Supressed canopy
11Q	Pittosporum undulatum	Sweet Pittosporum	em 9	5m	Remove	Affected by proposed development
11R	Strelitzia nicholii	Bird of Paradise	7m	5m	Remove	Affected by proposed development
118	Dead Tree				Remove	Affected by proposed development
13	Melaleuca quinquenervia	Broad Leaved Paperbark	12m	10m	Retain	
14	Eucalyptus sideroxylon	Red Ironbark	11m	8m	Remove	Affected by proposed development
15	Liquidambar styraciflua	American Sweet Gum	7m	5m	Remove	Tree suitable to be replaced
16	Jacaranda mimosifolia	Jacaranda	8m	8m	Remove	Dangerous tree with structural defects
16A	Agonis flexuosa	West Aus Peppermint	6m	8m	Retain	
17	Melaleuca bracteata	Mock Olive	7m	6m	Remove	Affected by proposed development
18	Eucalyptus sp.	Eucalyptus	7m	10m	Remove	Poor vitality - 50% dead
19	Agonis flexuosa	West Aus Peppermint	8m	10m	Retain	
20	Corymbia gummifera	Red Bloodwood	8m	3m	Retain	
20A	Grevillea hybrid	Grevillea	4m	6m	Retain	
51	Corymbia gummifera	Red Bloodwood	8m	7m	Retain	
22	Leptospermum laevigatum	West Aus Peppermint	8m	10m	Retain	
23	Eucalyptus piperita	English Peppermint	20m	14m	Remove	Affected by proposed development
24	Banksia serrata	Old Man Banksia	8m	6m	Remove	Affected by proposed development
25	Eucalyptus piperita	English Peppermint	9m	6m	Remove	Affected by proposed development
56	I joustrum Incidum	Broad Leaf Privet	m6		Remove	Affected by proposed development

X	

G COUNTY Independent of the sign visuals ABN 55 163 025 45 ACN 163 025 456 Suite 201, 75 Archer St, Chatswood NSW 2067 Ph (02) 9411 3279 www.groundink.com.au LEVEL 2/171 WILLIAM STREET
DARLINGHURST NSW 2010 AUSTRALIA
T 61 2 8045 2600
www.rothelowman.com.au

FOR DEVELOPMENT APPLICATION 17-23 Mitchell Ave Jannali, NSW 2226

 Date
 Revision
 Job Number
 Drawing

 22.12.2016
 B
 20160330
 LDA

 Scale
 North

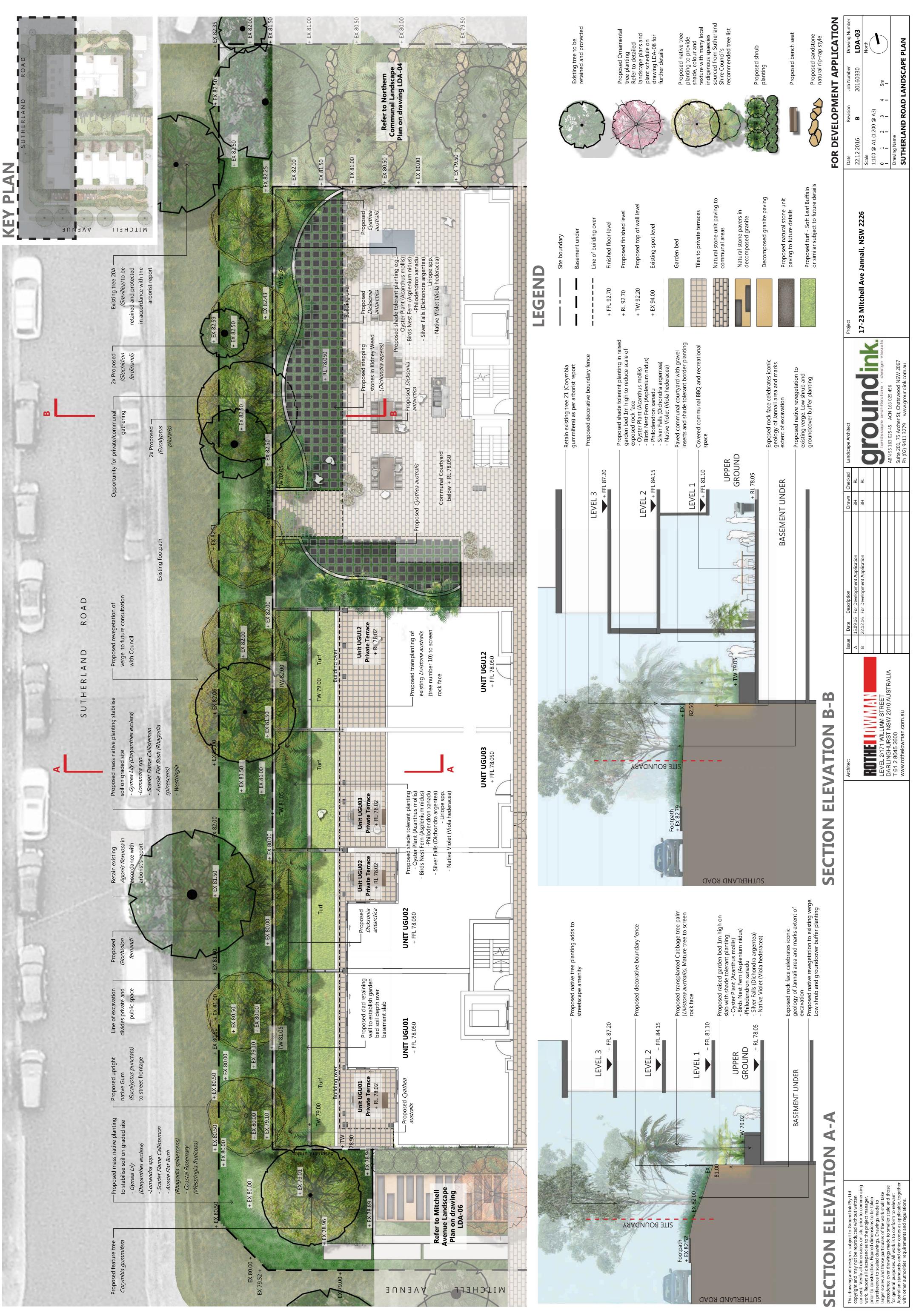
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 North

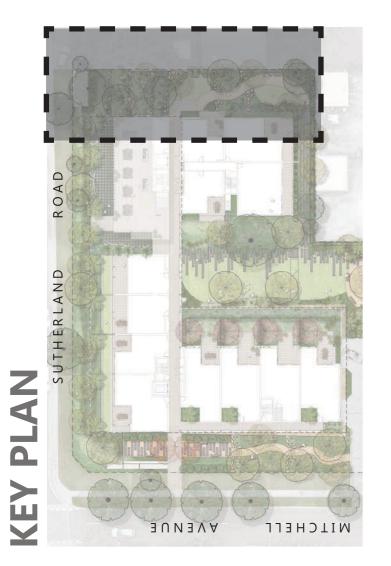
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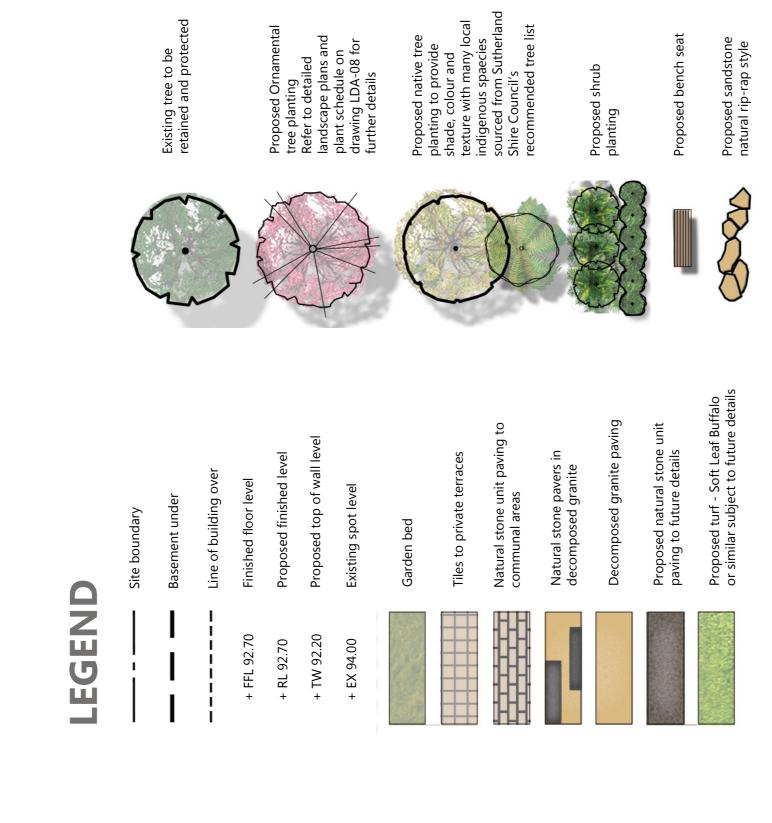
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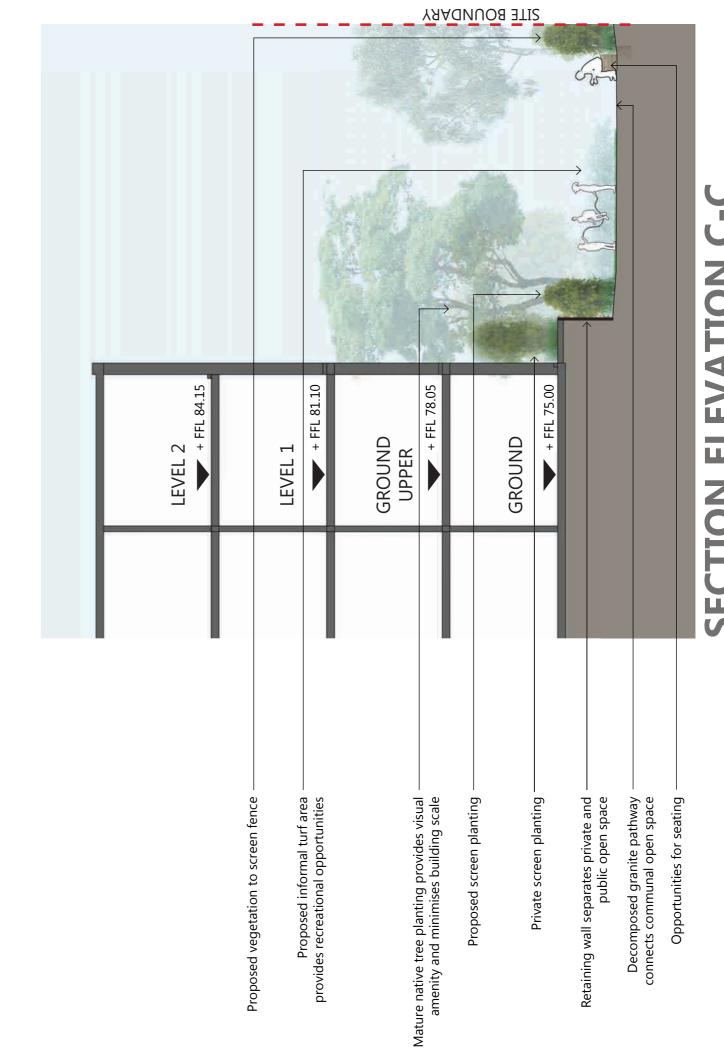
 TREE REMOVAL & RETENTION PLAN

Drawing Num
LDA-02
North











FOR DEVELOPMENT APPLICATION Drawing Name
NORTHERN COMMUNAL LANDSCAPE PLAN Job Number 20160330 Scale 1:100 @ A1 (1:200 @ A3) 0 1 2 3 1 1 1 Date 22.12.2016 17-23 Mitchell Ave Jannali, NSW 2226

GEOUINGINK Iandscape architecture. design with the

ABN 55 163 025 45 ACN 163 025 456 Suite 201, 75 Archer St, Chatswood NSW 2067 Ph (02) 9411 3279 www.groundink.com.au

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LDA-04

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consent. Verify all dimensions on site prior to commencing	
work. Report all discrepancies to the project manager,	
prior to construction. Figured dimensions to be taken	
in preference to scaled drawings. Drawings made to	
larger scales and those particulars of the work shall take	
precedence over drawings made to smaller scale and those	
for general purposes. All work is to conform to relevant	
Australian standards and other codes as applicable, together	

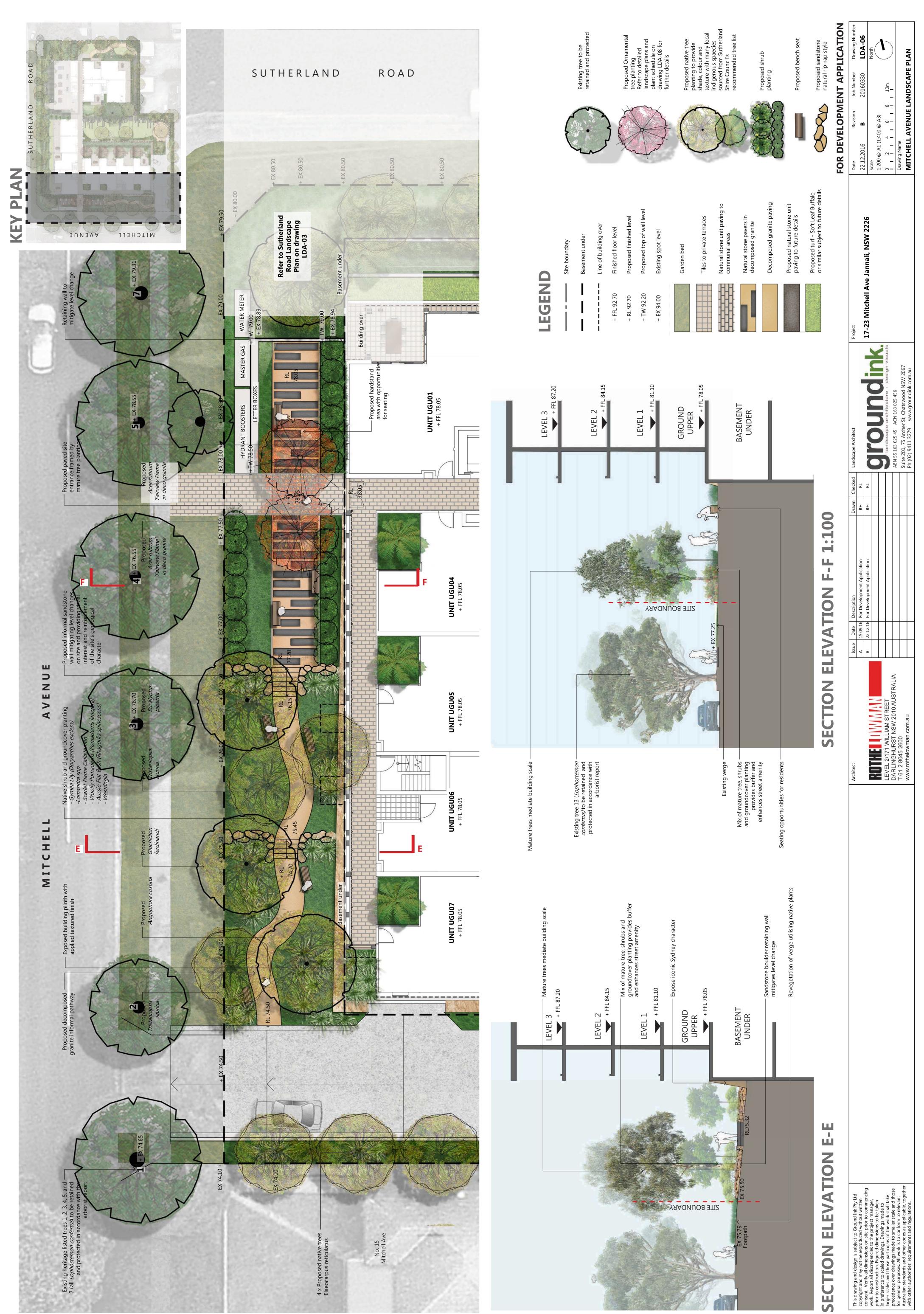
Existing tree 20A (<i>Grevillea</i>) to be retained and protected in accordance with the arborist report 2.35	+ EX 82.09 Existing tree 22 (<i>Corymbia gummifera</i>) to be retained and protected in accordance with the arborist report 81.50 Existing tree 21 (<i>Corymbia gummifera</i>) to be retained and protected in accordance with the arborist report	Proposed shrub and groundcover planting - Oyster Plant (<i>Acanthus mollis</i>) - Birds Nest Fern (<i>Asplenium nidus</i>) - Silver Lady Fern (<i>Blechnum</i>) - Bird of Paradise (<i>Strelitzia reinae</i>) - Dichondra spp Liriope spp - Native Violet (<i>Viola hederacea</i>)	Proposed informal sandstone wall mitigating level changes on site and providing visual interest and reinforcement of the site's geological character Proposed upright native tree Blueberry Ash		5.50	Proposed informal pathway providing access to communal open space areas Proposed Eucalytpus punctata upright native tree providing visual amenity Proposed native plantings Woolly Pomaderris (Pomaderris lanigera) Aussie Flat Bush (Rhagodia spinescens) One. 76 Grevillea	ne wall mit ng visual ii geological i ped and ca	3.50 Proposed Glochidion native canopy tree providing visual amenity Proposed informal turf area with landscape amenity and opportunity for seating	Proposed clad retaining wall separating private open space and communal gardens. Wall to be screened by the proposed landscaping. Existing trees 11J (Syzygium luehmannii) & 11H	(Callistemon viminalis) to be retained and protected in accordance with arborist's report in order to reinforce the proposed landscape amenity and the desired native plant character.	Proposed landscape bank to retain existing levels at site boundary & base of existing trees as illustrated
+ EX 82.96 + EX 82.96 + EX 82	+ EX 82.39 + EX 82.35 + EX 82.00 + EX 81.00	+ EX 81.50 + EX 81.00	+ EX 80.50 + EX 80.00	+ EX 79.50 + EX 79 + EX 78 + EX 77 + EX 77 + EX 77 + EX 77 + EX 77 + EX 77	+ EX 75.50 + EX 75.00 + TW 75.00	+ RL 74.90 + RL 74.00 + EX 72	HL 73.90 + + + + + + RL 73.00	+ FX 73 + TW 74.90 + RL 72.85	+ EX 72.89	+ EX 72.82 + RL 73.00 173.00	ing stones in native groundcover planting ins) providing connectivity between the hern communal open space.
	therland ape Plan LDA-03			Corridor	Building under WIT UG04 + FFL 75.00	Unit UG04 + RL 74.97	UNIT UG03 + FFL 75.00	Unit UG03 + RL 74.97	Building over	1 IN 25 RAMP	Proposed steppi (Dichondra repe central and nort
	Refer to Sut Road Landsc on drawing				UNIT UG01 + FFL 75.00	Unit UG01 Private Terrace + RL 74.97	UNIT UG02 + FFL 75.00	2 x Tristaniopsis laurina small native trees small native trees boardering Southern walkway Unit UG042 Private Terrace + RL 74.97		+ RL 73.68 + EX 73.68 + EX 73.50	Existing tree 11D (<i>Leptospermom</i>) to be retained and protected in accordance with the arborist report



SSPP(Sydney South) Business Paper Appendicies - (21 February 2017) - (2016SYE109) (DA16/1239)

Grand Scape architecture . doctor

Drawing Name
CENTRAL GARDEN LANDSCAPE PLAN Scale 1:100 @ A1 (1:200 @ A3) 0 1 2 3





DEEP SOIL LANDSCAPE PLA

LEGEND

Deep Soil Area - Total 1304m²

Deep Soll Area - 10tal 13 Total Site Area - $4144m^2$

DEEP SOIL PERCENTAGE OF SITE AREA

COMMUNAL OPEN SPACE PLAN: GROUND FLOOR

LEGEND

Communal Open Space - Tot

Total Site Area - $4144m^2$

COMMUNAL OPEN SPACE PERCENTAGE OF SITE AREA = 35%

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FOR DEVELOPMENT APPLICATION

17-23 Mitchell Ave Jannali, NSW 2226

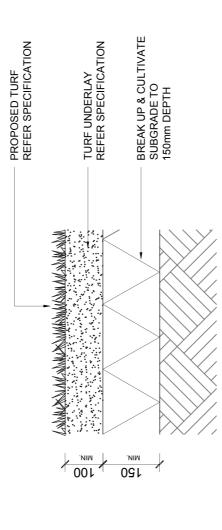
SCHEDUL **PNA**

Botanical Name	Common Name	Native	Expected Height	Install Size	Spacing	Quantity
TREES						
Acer rubrum 'Fairview Flame'	Fairview Flame		15m	19 <i>L</i>	As shown	*
Angophora costata	Smooth Barked Apple	^	20m	19 <i>L</i>	As shown	*
Corymbia gummifera	Bloodwood	<i>></i>	20m	19 <i>L</i>	As shown	* *
Cyathea australis	Rough Tree Fern	^	10m	2m trunk	As shown	*
Dicksonia antarctica	Australian Tree Fern	>	2m	2m trunk	As shown	* *
Elaeocarpus reticulatus	Blueberry Ash	^	15m	19 <i>L</i>	As shown	*
Eucalyptus pilularis	Blackbutt	>	30m	19 <i>L</i>	As shown	* *
Eucalyptus piperita	Sydney Pepermint	>	20m	19 <i>L</i>	As shown	* *
Eucalyptus punctata	Grey Gum	>	15m	19 <i>L</i>	As shown	*
Glochdion ferdunandi	Cheese Tree	^	10m	19 <i>L</i>	As shown	*
Lagerstroemia indica	Crepe Myrtle		2m	19 <i>L</i>	As shown	*
Melaleuca linariifolia 'Snow In Summer'	Snow In Summer	^	10m	19 <i>L</i>	As shown	*
Tristaniopsis laurina	Water Gum	^	10m	19 <i>L</i>	As shown	*

				·		
Botanical Name	Common Name	Native	Expected Height	Install Size	Spacing	Quantity
TREES						
Acer rubrum 'Fairview Flame'	Fairview Flame		15m	75L	As shown	*
Angophora costata	Smooth Barked Apple	>	20m	75L	As shown	*
Corymbia gummifera	Bloodwood	>	20m	75L	As shown	*
Cyathea australis	Rough Tree Fern	>	10m	2m trunk	As shown	*
Dicksonia antarctica	Australian Tree Fern	>	5m	2m trunk	As shown	*
Elaeocarpus reticulatus	Blueberry Ash	^	15m	12F	As shown	*
Eucalyptus pilularis	Blackbutt	^	30m	12F	As shown	*
Eucalyptus piperita	Sydney Pepermint	^	20m	12F	As shown	*
Eucalyptus punctata	Grey Gum	^	15m	75L	As shown	*
Glochdion ferdunandi	Cheese Tree	^	10m	75L	As shown	*
Lagerstroemia indica	Crepe Myrtle		5m	19Z	As shown	*
Melaleuca linariifolia 'Snow In Summer'	Snow In Summer	^	10m	19Z	As shown	*
Tristaniopsis laurina	Water Gum	^	10m	75L	As shown	*
SHRUBS						
Acanthus mollis	Oyster Plant		0.25m	200mm	1	*
Asplenium nidus	Birds Nest Fern		1m	200mm	1	*
Blechnum 'Silver Lady Fern'	Silver Lady Fern		1m	200mm	-	*
Callistemon viminalis Scarlet Flame	Scarlet Flame	^	1.2m	200mm	-	*
Doryanthes exclesa	Gymea Lily	^	1m	200mm	-	*
Myrtus communis	Common Myrtle		2m	200mm	-	*
Philodendron xanadu	Xanadu		0.75m	200mm	-	*
Pomaderris lanigera	Wooly Pomaderris	^	1.5m	200mm	1	*
Rhagodia spinescens	Aussie Flat Bush	^	0.5m	200mm	-	*
Strelitzia reginae	Bird of Paradise		1m	200mm	1	*
Syzygium 'Cascade'	Lilly Pilly	<i>/</i>	2.5m	200mm	'	*
Westringia Aussie Box	Aussie Box Westringia	<i>></i>	0.8m	200mm	,	*

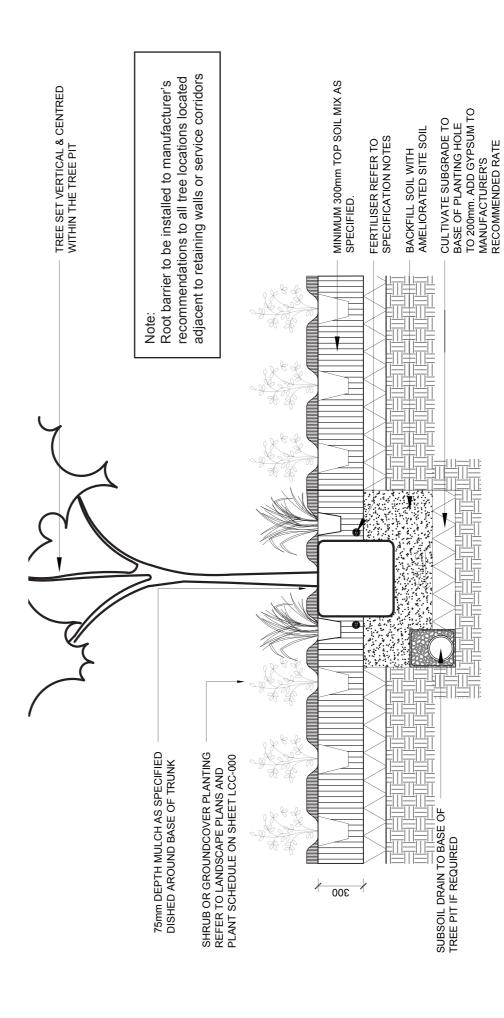
of planted areas to be

DETAIL **ANDSCAPE TYPICAL**



TURF DETAIL

IYPICAL SECTION



MASS PLANTING AND TREE DETAIL

TYPICAL SECTION

ANT IMAGES















PECIFICATION S PE 4 NDSC ш Z

aţ Maintenance shall mean the care and maintenance of the landscape works by accepted horticultural practice as rectifying any defects that become apparent in the landscape works under normal use. The landscape contractor shall attend the site on a weekly basis to maintain the landscape works for the full term approved a CC stage of the maintenance period (commencing from practical completion).

Rubbish

onmentally acceptable with the manufacturer' be removed using envir , applied in accordance maintenance period the Landscape Contractor to ensure the site remains in tidy condition. l areas is to be g. 'Roundup', a Weed Eradication
Weed growth that may occur in, planted or mulched a methods i.e. non-residual glyphosate herbicide, (e.g. directions) or hand weeding. During the term of the site on a weekly basis

the

rubbish removal from

shall undertake

Trees shall show signs of healthy vigorous growth and be free from disease and not exhibit signs of stress prior to handover to the client. Any trees or plant that die or fail to thrive, or are damaged or stolen will be replaced. Replacement material shall have the maintenance period extended in accordance with the landscape contract conditions. Trees and plant materials shall be equal to the minimum requirements of species specified and approved material delivered to site. Should the condition decline from the approved sample the Superintendent reserves the right to reject the tree / plants.

Tree Replacement

Selective pruning may be required during the establishment period to promote a balanced canopy structure. These activities shall be carried out to the best horticultural and industry practice. All pruned material is to be removed from site.

Pruning

A low volume drip irrigation system may be installed at the discretion of the Developer. Position of control box, solenoids and irrigation conduits to be designed by qualified irrigation engineer at CC stage. Controllers shall be mounted on a stable wall, power rack, or formed and constructed concrete based pedestal mount. Performance specification to be provided by landscape architect nominally 25mm delivered to plant areas each week during establishment (depending on weather conditions). After establishment, irrigation rates can decreased in certain areas of the landscape depending on the species. Irrigation

þe

Watering

regime in areas not irrigated in association with current waterin vigour. The program shall reflect seasonal conditions and plant Implement an appropriate hand watering programme to maintain plant health and vercies.

Drainage

requency: Weekly

identified All landscape areas are to have positive drainage to SW systems. If areas of poor drainage are in site then this should be brought to the site superindendants attention. Install agg lines if required.

on

Soils

9 ANL, as supplied by Garden Beds The landscape contractor shall supply and install 'Organic Garden Mix', 300mm to all garden beds as shown on the landscape plans.

a depth

Turf

thick

ᆂ

of

shall supply and install turf underlay under all turf areas, consisting of 100mm The landscape contractor layer of screened top soil.

Cultivation

only. pall be cultivated to a min depth of 150mm and tree pits to the depth of the root lighborn are required conduct this after cultivation into the top 100mm of soil. to be All garden beds to additives such as g

The Landscape Contractor shall supply and install 10mm Pine Bark Mulch to all garden beds shown on the landscape plans, to a minimum depth of 75mm. All mulch is to be free of deleterious matter such as soil, weeds and sticks. Mulched surfaces are to be kept clean and tidy and free of any deleterious material and foreign matter. Reinstate depths to a uniform level of 75mm with mulch as specified, mulch to be free of any wood material impregnated with CCA or similar toxic treatment. Maintain watering rings around trees. Top up mulch levels prior to handover to client. All planting
All planting to be grown to NATSPEC specifications. Contractor to prepare site for planting i cluding watering, handling, setting out and excavation. Excavate a hole for each plant large enough to provide not less than 100mm all around the root system of the plant. For tree planting each hole shall be dug with a shovel, backhoe or similar tool. Individual holes shall be excavated to allow root system to sit flat on the excavated hole and 400mm to each side of the root system. Backfill planting holes ith existing site soil and topsoil as described in section 'Soil', plant / Tree shall be set plumb, with the root ball set slightly below the final soil level Mulching

The landscape contractor shall supply and install Kikuyu turf in stretcher pattern to all turf areas shown on the landscape plans and is to finish flush with adjacent surfaces. Turf to be a min thickness of 50mm with a 40mm mowing height. Contractor to allow for fertilising, laying, tamping, watering, top dressing, maintenance and mowing.

Pest and Disease Control

The Landscape Contractor shall spray for pests and disease infestations when the pest and fungal attack has been positively identified and when their populations have incr ased to a point that will become detrimental to plant growth. Apply all pesticides to manufacturer's directions.

Frequency: weekly inspection

Fertilising Pellets shal

Pellets shall be in the form intended to uniformly release plant food elements for a period of approximately nine months equal to Shirleys KOKEI pellets, analysis 6.3:1.8:2.9 or similar approved. KOKEI pellets shall be placed at the time of planting to the base of the plant, 50mm minimum from the root ball at a rate of two pellets per 300mm of top growth to a maximum of 8 pellets per tree. Generally check for signs of nutrient deficiencies (yellowing of leaves, failure to thrive), and adapt fertiliser regime to suit. Fertiliser should be applied at the beginning and the end of the (summer) growing season.

APPLICATION DEVELOPMENT

Date	Revision	Job Number	Drawing Numb
22.12.2016	ω	20160330	LDA-08
Scale			
AS SHOWN			
Drawing Name			

LANDSCAPE DETAILS

OR 2226 NSM Mitchell Ave Jannali,

17-23

