

MEETING NOTICE

A meeting of the
Bayside Local Planning Panel
will be held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 28 October 2025 at 5:00 PM**

ON-SITE INSPECTIONS

On-site inspections are undertaken beforehand.

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

Bayside Council acknowledges traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 APOLOGIES

3 DISCLOSURES OF INTEREST

4 MINUTES OF PREVIOUS MEETINGS

Nil

5 REPORTS – PLANNING PROPOSALS

Nil

6 REPORTS – DEVELOPMENT APPLICATIONS

6.1 DA-2025/54 - 18 Hambly Street, Botany - Development Application.....2

Members of the public, who have requested to speak at the meeting, will be invited to address the Panel by the Chairperson.

The meeting will be video recorded and live streamed to the community via Youtube.

Meredith Wallace
General Manager

Bayside Local Planning Panel

28/10/2025

Item No	6.1
Application No	DA-2025/54
Property	18 Hambly Street, Botany
Application Type	Development Application
Proposal	Demolition of existing structures, tree removal, subdivision into two (2) Torrens title lots, construction of two (2) x two storey semi-detached dwellings and inground swimming pools
Owner	Christina Curry
Applicant	Next Level Building Design Pty Ltd
Ward	Ward 1
Lodgement Date	27/03/2025
No. of Submissions	One (1) submission
Cost of Development	\$1,375,000.00
Reason Criteria	Conflict of Interest
Report by	Peter Barber, Director City Futures

Reason for Report

This application has been referred to the Bayside Local Planning Panel (BLPP) under Schedule 1 of the Local Planning Panels Direction dated 6 March 2024 for the following reason:

1. Conflict of interest
Development for which the applicant or land owner is:
(b) a councillor.

Officer Recommendation

That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2025/54 for the demolition of structures, tree removal, subdivision into two (2) Torrens title lots, construction of two (2) x two storey semi-detached dwellings and inground swimming pools at 18 Hambly Street, Botany, NSW by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.

1. That the submitter is to be notified of the Panel's decision.
-

Location Plan



Attachments

- 1 [↓](#) Planning Assessment Report
- 2 [↓](#) Draft Conditions
- 3 [↓](#) Site Analysis/Demolition Plan
- 4 [↓](#) Subdivision Plan
- 5 [↓](#) Landscape Plan
- 6 [↓](#) Survey Plan
- 7 [↓](#) Arborists Report
- 8 [↓](#) BASIX Certificate
- 9 [↓](#) Aircraft Noise Intrusion Assessment
- 10 [↓](#) Waste Management Plan
- 11 [↓](#) Applicant RFI Statement
- 12 [↓](#) Elevations
- 13 [↓](#) Materials and Colours Schedule/ 3D Perspectives
- 14 [↓](#) Roof Plan
- 15 [↓](#) Shadow Diagrams



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2025/54 - PAN
Date of Receipt:	27 March 2025
Property:	18 Hambly Street, BOTANY NSW 2019 Lot 3 Sec H DP 939785
Owner:	Christina Curry
Applicant:	Next Level Building Designs Pty Ltd
Architect:	Next Level Design Studio
Town Planner:	Matsuplan Planning Services
Proposal:	Demolition of structures, tree removal, subdivision into two (2) Torrens Title lots, construction of two (2) x two storey semi-detached dwellings with one garaged car space each and rear inground swimming pools
Recommendation:	Approval
No. of submissions:	1
Author:	Jason Perica (Director, Perica and Assoc. Urban Planning)
Date of Report:	8 October 2025

Reason for Report

This application has been referred to the Bayside Local Planning Panel (BLPP) for the following reason:

- In accordance with Schedule 1, Section 1(b) – Conflict of Interest of the Local Planning Panels Direction issued by the Minister for Planning and Public Spaces (dated 6 March 2024).

The subject site is owned by a Bayside Councillor and pursuant to the Direction, the development application must be determined by the Bayside Local Planning Panel (BLPP).

Key Issues

The key issues identified in the assessment of the development application relate to:

- Subdivision compatibility;
- Character of the area;
- Street tree and street parking impacts;
- Privacy Impacts;
- Overshadowing.

The development application ("DA") has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* ("the Act") and is recommended for approval.

The author of this report declares, to the best of his knowledge, that he has no interest, pecuniary or otherwise, in this application or persons associated with it and have provided an impartial assessment.

Recommendation

1. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2025/54 for the demolition of structures, tree removal, subdivision into two (2) Torrens title lots, construction of two (2) x two storey semi-detached dwellings and inground swimming pools at 18 Hambly Street, Botany, NSW by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.
2. That the submitter be notified of the Panel's decision.

Background

History

There have been no recent applications considered by Council in relation to the subject site.

For 20 Hambly Street to the immediate east, there was a DA and Modification approval in 2019 relating to alterations and additions to the existing single storey dwelling (and subsequent Construction Certificate).

No recent applications have been received for No. 16 Hambly Street to the immediate west of the site.

The history of the subject application is summarised as follows:

- 27 March 2025 - The DA was lodged with Council
- 3 – 17 April 2025 – The DA was publicly notified to 15 surrounding properties

- 29 May 2025 – site visit (and neighbouring properties)
- 25 June 2025 – RFI letter to applicant
- 8 July 2025 – Applicant response to RFI
- 25 August 2025 – follow up email queries to applicant regarding roadway/street tree impacts and options
- 2 September 2025 – applicant's response to street tree issue
- 2 September – 3 October 2025 – Email liaison with applicant about street tree removal, follow-up requests for arborist's response to TMO comments

Proposal

The proposed development is local development within the meaning of *Environmental Planning and Assessment Act, 1979* ('the Act') and is summarised as follows:

Demolition/Excavation/Tree Removal

- Demolish existing single dwelling, garage and improvements;
- Remove two trees within the site (Tree 1 – a large Jacaranda in the rear yard and Tree 2 – a small Frangipani also in the rear yard);
- Removal/replacement of an existing large street tree (Paperbark) in front of the site due to driveway impacts;
- Localised excavation for two rear pools, both 1.6m deep (note dwellings higher than existing land due to flood considerations);

Construction

- Erection of two x 2-storey semi-detached dwellings (1 per proposed lot);
- Ground floor includes a front garage (1 car space each), with a central study/bedroom and rear kitchen/living areas, with rear alfresco covered area, containing a BBQ area;
- First floor includes 3 bedrooms, 2 bathrooms/ensuites and ancillary space, with rear a rear balcony per dwelling, 1.5m x 4.3m, recessed back from the rear of the roofed patio below;
- Overall pitched roof form, with a combination of materials, including rendered brick, wall cladding, aluminum framed windows and metal roof (x2);

Landscaping and Fencing

- Landscaping including 4 x Crepe Myrtles;
- Two rear pools, 3.57 x 3m, with paved coping;
- No front fencing and no new fencing, apart from rear pool fencing;

Subdivision

- 2 new Torrens title lots, each 222.97sqm, both 6.096m x 36.575m



Figure 1 – Front montage (from the S-W)

The site is located on the northern side of Hambly Street, approximately 15m east of its intersection with Albert Street.

The subject site is legally identified as Lot 3, Sec H, in Deposited Plan (DP) 939785 and is commonly known as No. 18 Hambly Street, Botany. The site is a rectangular and regular in shape with front and rear boundary widths of 12.19 metres. The side boundaries are 36.58m deep. The site has sole frontage to Hambly Street. The total site area is 445.9sqm by surveyed calculation. The topography of the site is relatively flat, with a very slight fall of around 200mm from the front down to the rear.

The subject site contains a one-storey fibro detached dwelling, with tiled roof and detached garage at the rear of the site. There is a concrete side driveway to the east of the site, aligned with the eastern boundary. Two trees are located in the rear of the site and the remainder of the site is mostly grassed, with some paths. A small attached fibro laundry with metal roof is also in the rear yard, towards the west.

Adjoining development to the both sides includes single storey detached dwellings, at Nos. 16 and 20 Hambly Street, while a 1-2 storey detached dwelling is to the north/rear of the site, at No. 18 Queen Street.

The character of the surrounding area is predominantly residential, and mostly a mix of one and two storey dwellings, either detached or attached, and interspersed villa/town house development. In this section of Hambly Street, 1 and 2 storey detached housing prevails, although along Hambly Street and within the surrounds there are attached two storey dwellings, particularly for newer development. The area can be considered to be undergoing some transition, noting the planning controls, including lack of heritage identification and no mapped minimum allotment size.

The site is not a listed Heritage Item and is not located in a Conservation Area, nor is the site proximate to other listed items or areas.

The following figures and photos illustrate the site and surrounds.

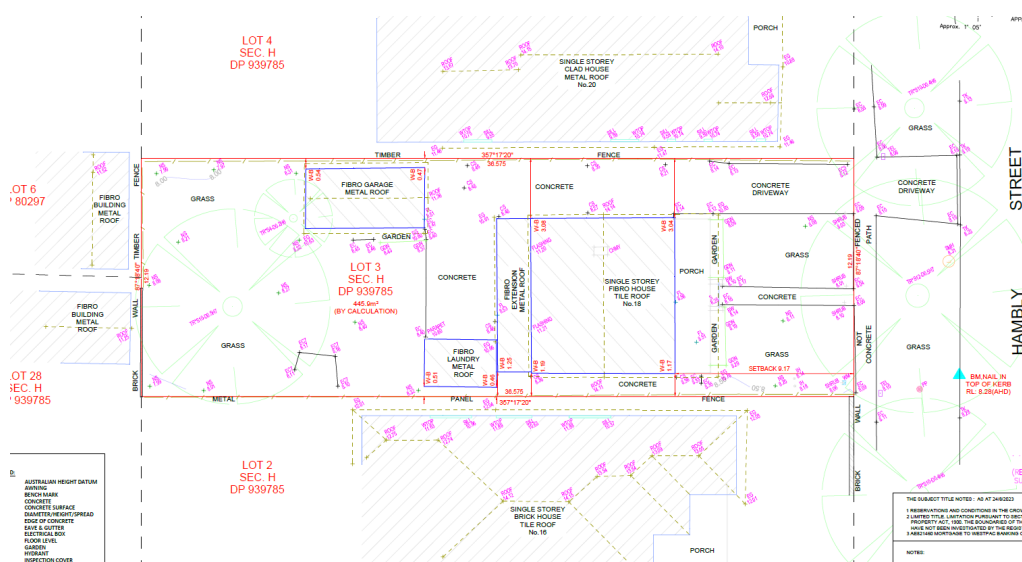


Figure 2 – Survey Extract

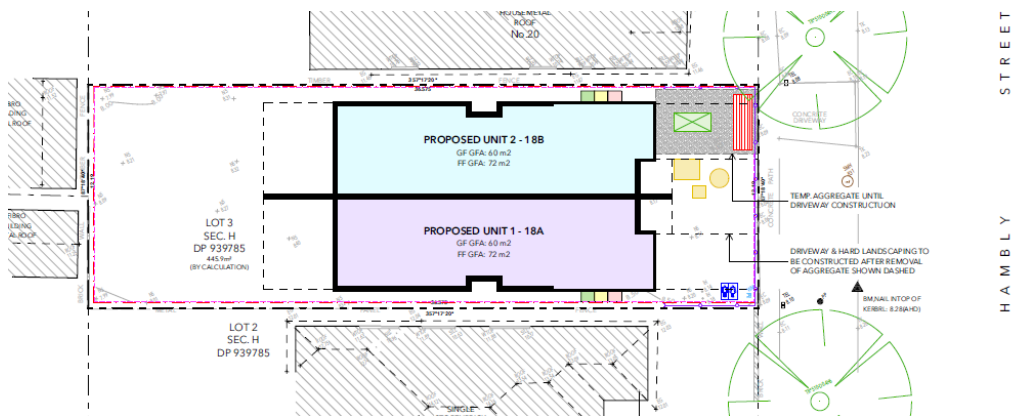


Figure 3 – Proposed Site Plan



Figure 4 – Zoning extract (E-Spatial Planner)



Figures 5 and 6 – Site and surrounds (boundaries approximate – see survey)

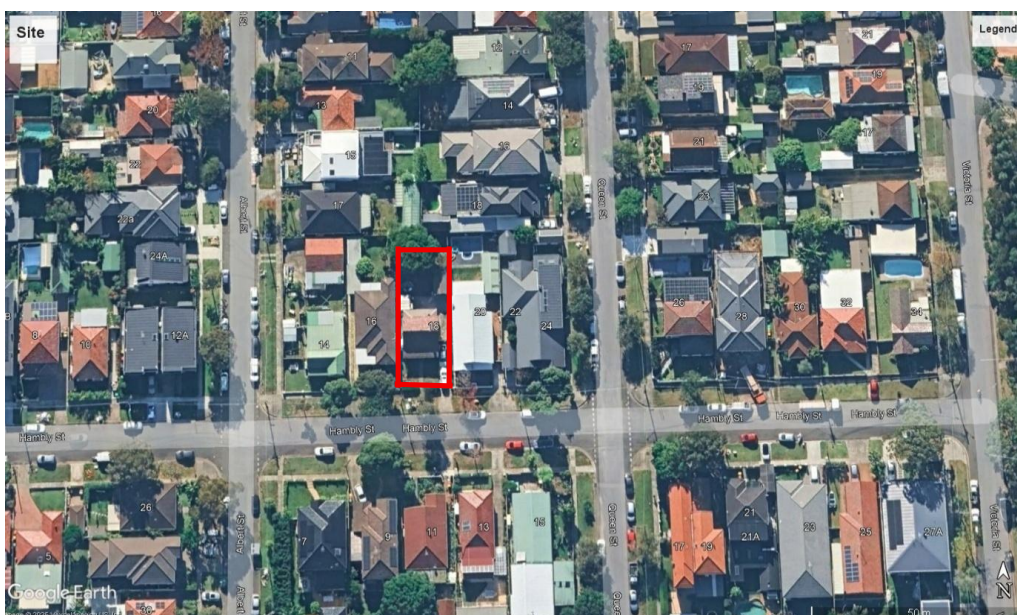




Photo 1 – Subject site and adjoining dwellings



Photo 2 – Adjoining No. 16 Hambly Street to the west



Photo 2 – Adjoining No. 20 Hambly Street, and other dwellings to the east



Photo 3 – Front and side relationship with No. 20 Hambly Street to the east



Photo 4 – Front western relationship



Photo 5 – View east along Hambly St from corner of Albert Street (site left, hidden)



Photo 6 – Dwellings across Hambly Street from the site, to the south



Photo 7 – Townhouse development to the west of the site (Hambly and Albert St corner)



Photo 8 – Development southeast of site on Hambly Street



Photo 9 – Hambly Street – block to the west



Photo 10 – Nos. 26-28 Hambly Street further east of the site



Photo 11 – View west down Hambly Street from the site



Photo 12 – Existing rear elevation



Photo 13 – Rear of site including trees proposed to be removed



Photo 14 – Rear pool in adjoining No. 20 Hambly Street, looking north to rear boundary



Photo 15 – View towards the site from rear of 20 Hambly Street, looking west



Photo 16 – Rear relationship with site from rear of No. 20 Hambly Street to the east



Photo 16 – Rear relationship with No. 16 Hambly Street to the west

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979* ('the Act') and associated *Environmental Planning and Assessment Regulation, 2021* ('the Regulation').

S4.15 (1) - Matters for Consideration - General

S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

The applicant has submitted a BASIX Certificate for the proposed development, being Certificate number 1777081M.

Commitments made within BASIX certificates result in reductions in energy and water consumption on site post construction. A condition has been recommended to ensure that the stipulated requirements are adhered to. The proposal is satisfactory in this regard.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

The provisions of Chapter 4 of the SEPP have been considered in the assessment of the proposal. Subsection 4.6 of the SEPP requires Council to be satisfied that the site is, or can be made, suitable for its intended use at the time of determination of an application.

The site appears to have been continuously used for residential purposes. The adjoining and adjacent properties are currently used for residential purposes. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide, in particular industrial, agricultural or defence uses. There is no significant excavation proposed.

On the above basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary. The proposal satisfies the requirements of Subsection 4.6 of the SEPP. Appropriate conditions are recommended regarding classification of waste and construction management.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

This Chapter applies to non-rural areas of the State, including the Bayside Local Government Area and aims to (a) *protect the biodiversity values of trees and other vegetation in non-rural areas of the State*, and (b) *preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation*.

This Chapter is triggered due to the need for approval to remove vegetation/trees as outlined in Bayside DCP 2022.

The proposed works includes the removal of vegetation requiring approval. This includes a large (9m) Jacaranda tree and a smaller (3m) Frangipani tree in the rear yard and a 7m high Paperbark in the street verge in front of the site.

An arborist's report was lodged with the proposal, supporting the proposed tree removal. In terms of the trees in the rear yard, the applicant's arborist highlighted the lopped nature of the Jacaranda tree and assessed its significance as Moderate. The Frangipani is 3m high and was assessed by the applicant's arborist as having Low significance.

No objection has raised by Council's arborist or Landscape Officer to the removal of the two trees in the rear yard, subject to an additional two (2) trees to the two trees proposed in the rear yard (and 2 new trees in the front yard). This is reasonable and is subject to a recommended condition.

In terms of the proposed removal of the street tree, the applicant's arborist states the tree is required to be removed due to the impact of the driveways on the Structural Root Zone (SRZ), of 35%, and TPZ of the tree. The applicant's arborist states this "high category tree" has moderate significance and has been lopped due to the power lines, which is true. Council's tree management officer (TMO) recommended trees outside the site be retained and subsequently elaborated:

I would prefer that the existing Tree 4, one (1) Melaleuca quinquenervia (Broad-leaf Paperbark) street tree be retained even though it has been pruned for wire clearance by Ausgrid.

It takes many years for a tree of this nature to reach such a biomass and habitat for both birds and mammals that frequent the streets around Botany. A replacement tree will take a minimum 20 years if not longer to equal or surpass the existing specimen.

The crossovers will encroach into the TPZ of the tree, but this species of Paperbark will tolerate the disturbance.

A related issue to the street tree removal is the placement of the driveways and impacts on availability of street parking. The Council's original engineering referral response suggested the driveways should be a maximum of 2.7m, with suitable power pole setback, and set further apart (5.9m), to allow a full on-street car space meeting Australian Standards, between the driveways. This was included in a RFI to the applicant.

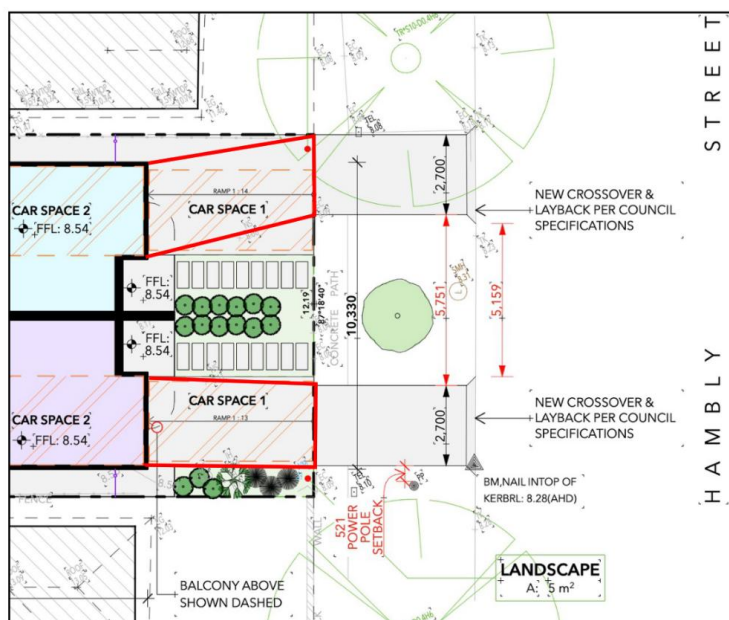
In response to the RFI, the applicant reduced the driveway widths from 3m to 2.7m, but advised when accounting for the required clearances from the existing telegraph power pole, 5.9m separation between driveways was not possible, even pushing the eastern driveway to the eastern side boundary (5.751m achieved, and 5.16m at the kerb line allowing or splays). So, the applicant retained a 931mm setback from the eastern boundary in the latest plans, to not "reduce landscaping" and "not detract from the residential amenity and local character" by otherwise aligning to the eastern boundary.



Figure 7 – existing street tree, power pole and applicant diagram

An updated referral response from the Council's engineers regarding the revised details stated:

I am happy with the amended stormwater plans subject to conditions. However, I need the driveways adjusted to help preserve on-street parking. The plans need to be amended to reflect the below mark-up, the red shows the driveway extent require which will still allow for landscaping or the driveways or alternatively, this can be conditioned.



The comments from both the Council's tree officer and engineer are entirely reasonable, noting the recommended driveways allow maximum separation to benefit the existing street tree and

street parking (allowing a smaller car to park between the driveways). The existing eastern driveway is also currently on the boundary, while the applicant's arguments about "street rhythm" and eastern landscaping strip are not supported. However, it is agreed the relocation of the power pole is unwarranted and would be counterproductive as the only viable other position is the location of the street tree, which would necessitate its removal when its retention is preferred.

The applicant was afforded a further opportunity to accept a condition or provide further arguments against the street tree retention. If arguing against the street tree retention and given a different opinion about the ability to retain the street tree between the Council and applicant expert, the applicant was requested to provide updated advice from their arborist confirming, or otherwise, the need for the tree removal, given the reduced width and relocation of driveways, with consequent changed and reduced tree impacts. The applicant provided further arguments about retaining the street tree, providing evidence of blockage of sewer pipes by the existing street tree. However, the applicant was unable to secure definitive advice from their arborist about the ability to retain the street tree.

It is accepted based on information provided that the existing street tree is likely causing issues with a sewer line servicing the existing property. However, the recommendation by Council's TMO to retain the existing street tree is supported, for the following main reasons:

1. The proposal will necessitate the provision of independent sewer and water lines for each dwelling (through Sydney Water), such that the existing tree root issues in an existing line will no longer be an issue;
2. The Council's TMO has provided a specific opinion regarding the ability to retain the current street tree, with changes to the driveway locations and proximity to the street tree since DA lodgement, and this has not been specifically rebutted by the applicant's arborist and the applicant's arborist would not support removal of the street tree but for the impact of the proposal necessitating its removal);
3. While the street tree is pruned, it has significant biomass and is significant, and retention rather than replacement is a preferable outcome.

In regard to related matters to tree removal, Council's Landscape Officer reviewed the proposal and was supportive of the proposed landscaped area (a very minor amount below the DCP control on review). However, the original proposed planting schedule only included 13-14% of native planting and some smaller pot sizes for trees. This was also raised with the applicant who refined the proposal and also increased native planting, which was supported by the Landscape Officer, subject to appropriate conditions, which are included in recommended conditions.

Bayside Local Environmental Plan 2021

The following table outlines the relevant Clauses of Bayside Local Environmental Plan 2021 ('the LEP') applicable to the proposal, while aspects warranting further discussion follows:

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
1.2 Aims of the Plan	Yes – Proposal is not inconsistent with the 11 broad aims of the Plan	No standard applies
2.3 Zone and Zone Objectives (R2 – Low Density Residential)	Yes - see discussion	Yes – use permissible

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
2.6 Subdivision requires consent	Not Applicable	Yes – DA made
2.7 Demolition requires consent	Not Applicable	Yes – DA made
4.1 Minimum subdivision lot size	NA – Clause does not apply to proposal	NA – Clause does not apply to proposal. See discussion
4.3 Height of buildings	Yes	Yes – standard = 8.5m. The proposal is below the height standard, with a maximum height of just under 8m (checked against survey levels)
4.4-4.4A Floor space ratio (“FSR”)	Yes	Yes – FSR standard is 0.6:1 (Clause 4.4A – due to site size). The proposed FSR is 0.59:1, complying with the FSR standard.
5.1 Relevant acquisition authority	Yes – not reserved	Yes – not reserved
5.10 Heritage conservation	Yes. Site not heritage listed	Yes. Site not heritage listed
5.21 Flood planning	Yes - see discussion	Yes - see discussion
6.1 Acid Sulfate Soil	Yes - see discussion	Class 4. Yes - see discussion
6.2 Earthworks	Yes	Yes – No substantive earthworks proposed. Excavation limited to pools. Considerations in the Clause does not give rise to concerns. Appropriate conditions are recommended.
6.3 Stormwater and water sensitive urban design	Yes - see discussion	Yes - see discussion
6.8 Development in areas subject to aircraft noise	Yes - see discussion	Able. The site is located in ANEF contour 20-25. See discussion
6.11 Essential services	Yes	Yes. Site well serviced. Servicing requirements addressed by recommended conditions.

Table 1 – BLEP 2022 Compliance summary

The matters in the above table and relevant to LEP compliance warranting further discussion are outlined below.

2.3 – Zoning and Zone Objectives

The subject site is zoned R2 – Low Density Residential under the provisions of the LEP. The proposal is defined as two dwelling houses, which constitutes a permissible development with development consent. The objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure land uses are carried out in a context and setting that minimises impact on the character and amenity of the area.*
- *To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling*

The proposal is consistent with these objectives. The character of the area is evolving and the proposal is not antipathetic to the existing and evolving character of the area, despite the immediate context of the site being detached housing.

A wider application and appreciation of “the area” is warranted, and this wider context includes semi-detached two storey dwellings, especially for newer development.

4.1 – Minimum Subdivision Lot Size

The site does not have a mapped minimum lot size and this clause does not apply to the proposal.

Despite this, discussion of the proposed subdivision is warranted, in the context of the objectives of the zone (including character, which is affected by the subdivision pattern), and broader objects of the Act.

In considering the character of the area as affected by the subdivision pattern, it is also considered reasonable and appropriate to consider that pattern in relation to the surrounding R2 zoning, extracted below, in blocks surrounding the site. This is because that surrounding zoned area is a reasonable representation of the “area” in general terms, but also because the planning approach regarding the orderly development of land for the R2 zone differs from other zones, and the nature and character of uses and development within areas generally reflects the zoning.



Figure 8 – Zoning extract (E-Spatial Planner)

The following minimum lot size map extract gives a clear indication of the subdivision pattern in the surrounding area.

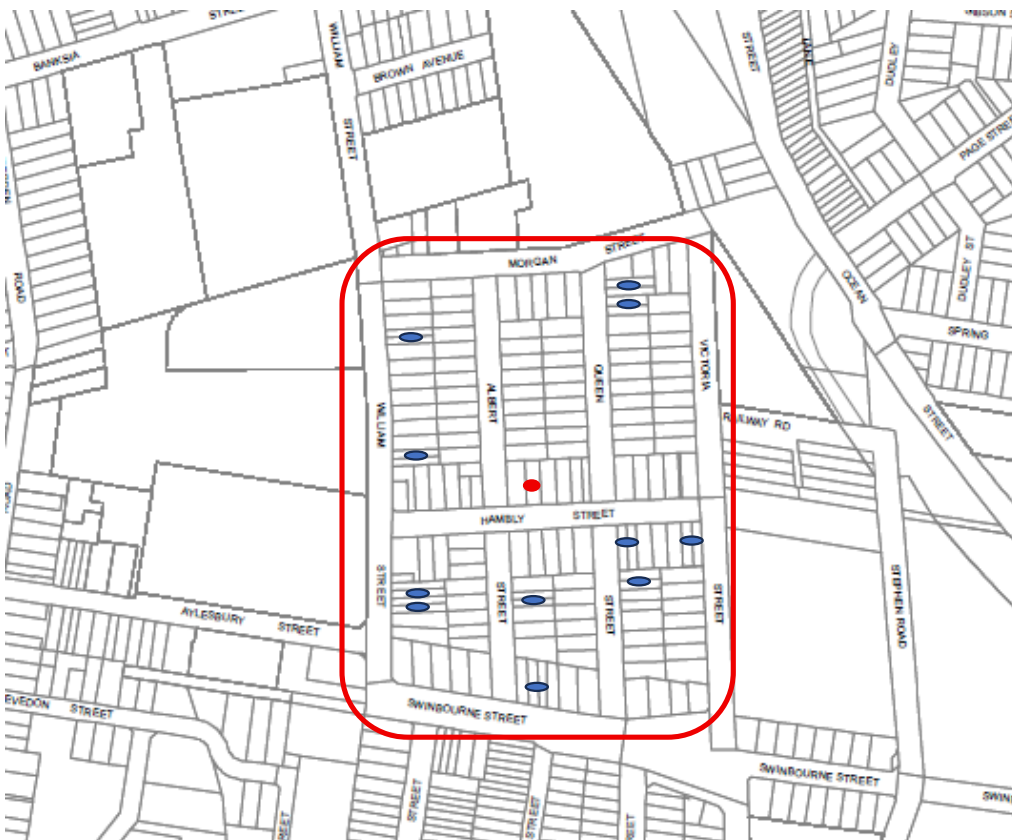


Figure 9 – Minimum Lot size Map extract (the LEP), site red other subdivided sites blue

As can be in the above map extract seen, the lot size, configuration and dimensions are relatively consistent in the short block of Hambly Street bounded by Albert Street to the west and Queen Street to the east. However, when the surrounding area is considered (with the same zoning), smaller, narrower blocks are relatively common, both oriented east-west and north-south. Further, development on those lots is commonly two storey semi-detached housing.

In the context of the surrounding area, the proposed subdivision (and built form type) is not out of character, particularly with the evolving character of the area.

5.21 – Flood Planning

The applicant sought a flood advice letter prior to DA lodgement (December 2023).

That advice indicated that the site is not identified as:

- a) A flood storage area;
- b) A floodway area;
- c) A flow path;
- d) A high-hazard area;
- e) A high-risk area

Council records indicate that the lot is subject to partial flooding in a 1% AEP, as shown in the map extract below:

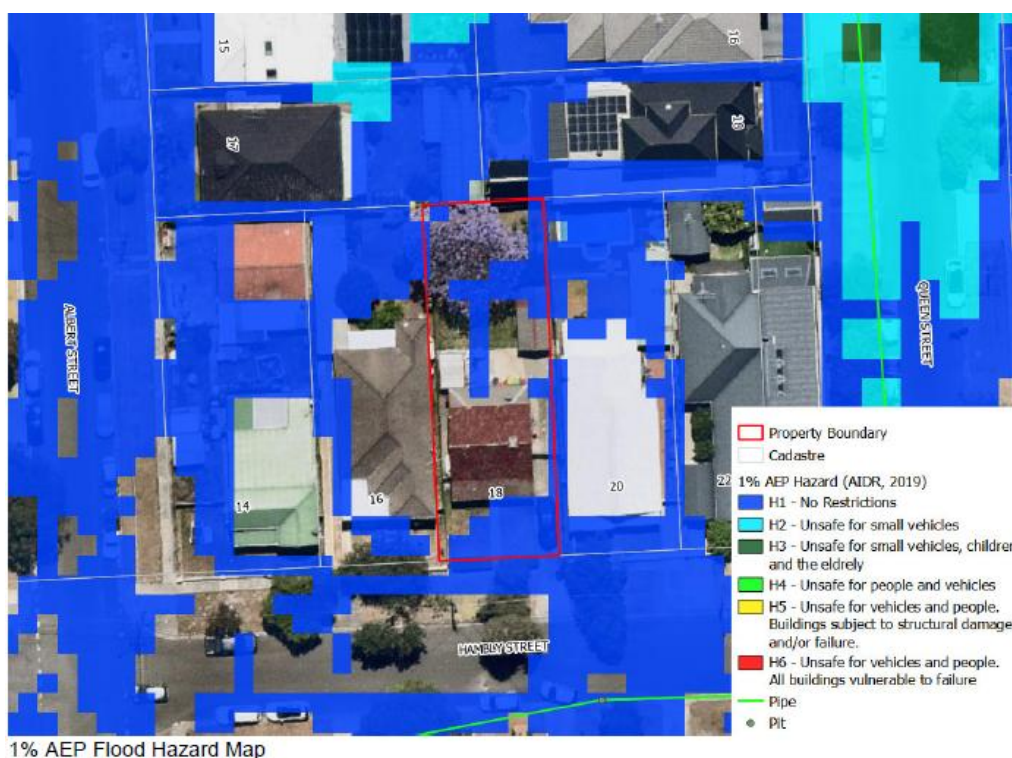


Figure 10 – Flood Map extract

The level of the 1% AEP flood is RL 8.1 (PMF = 8.26). Parts of the front of the site are slightly

below RL 8.1. The Council's flood planning level for dwellings (not garages) is 500mm clearance above the 1% AEP, being RL 8.6.

The proposal adopts a habitable floor level of RL 8.62, slightly elevated compared to current levels and compliant with the flood planning level.

The proposal was reviewed by Council's Development Engineer. No flood-related concerns were raised.

6.1 – Acid Sulfate Soils

Acid Sulfate Soils (ASS) – Class 4 affects the property by the LEP mapping.

The controls for this class of ASS relate the excavation more than 2m or likely to reduce the watertable more than 2m below ground level. Neither threshold is reached by the proposal.

6.3 – Stormwater and WSUD

The originally-proposed stormwater solution (and pool connections) was not supported by Council's Development Engineer. The solution was neither designed by an hydraulic engineer nor met Council specifications. This was included in the RFI letter to the applicant, and the response included a revised stormwater design and solution.

The revised and updated stormwater solution was found to be acceptable by Council's Development Engineer (as quoted earlier).

6.8 – Development in Areas subject to Aircraft Noise

The subject site is located within the 20 to 25 ANEF Contour, thus subject to potential adverse aircraft noise.

Clause 6.8 of the LEP contains the following objectives:

The objectives of this clause are as follows—

- (a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford-Smith) Airport and its flight paths,*
- (b) to assist in minimising the impact of aircraft noise from the airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,*
- (c) to ensure that development in the vicinity of that airport does not hinder or have any other adverse impact on the ongoing, safe and efficient operation of the airport.*

Clause 6.8(3) states:

In deciding whether to grant development consent to development to which this clause applies, the consent authority—

- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and*
- (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015 for development for the following purposes—*
 - (i) for development proposed to be located in an ANEF contour of 20 or greater—child care centres, educational establishments, entertainment facilities, hospitals, places of*

*public worship, public administration buildings or residential accommodation,
(ii) for development proposed to be located in an ANEF contour of 25 or greater—
business premises, hostels, hotel or motel accommodation, office premises or retail
premises.*

In considering the above, the proposal is considered satisfactory, for the following summarised reasons:

- The ANEF contour is not overly sensitive;
- Noise attenuation measures to meet Australian standards are addressed by the submitted acoustic report, reinforced by recommended conditions;
- The proposal will not affect safe functioning of the airport;
- There will be an increase in potential number of people, although construction techniques to address noise impacts reasonably address concerns; and
- The area provides low and medium density housing already, is zoned for such and the locational advantages of the site and area provides good overall amenity, despite some aircraft noise.

S4.15(1)(a)(ii) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no draft environmental planning instruments of direct relevance to the proposal.

S4.15 (1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Bayside Development Control Plan 2022

The application is subject to the Bayside Development Control Plan 2022 ('the DCP'). This is the comprehensive DCP relevant to the proposal.

The following table outlines the relevant Clauses of the DCP applicable to the proposal, while aspects warranting further discussion follows:

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
PART 3 – GENERAL DEVELOPMENT PROVISIONS		
3.1 Site Analysis and Locality	Yes	Yes.
3.3 Energy and Environmental Sustainability	Yes	Yes. BASIX Certificate provided.
3.5 Transport, Parking and Access	Yes. See discussion	Yes. See discussion.
3.7 Landscaping, Private Open Space and Biodiversity	Yes. See discussion	Yes/No. See discussion.
3.8 Tree Preservation and Vegetation Management	Yes	Yes, subject to recommended conditions.

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
		Discussed earlier in report.
3.9 Stormwater Management and WSUD	Yes	Yes. Discussed earlier in report.
3.10 Flood Prone Land	Yes	Yes. Discussed earlier in report.
3.11 Contamination	Yes	Yes. Discussed earlier in report.
3.12 Waste Minimisation and Site Facilities	Yes	Yes.
3.13 Areas subject to Aircraft Noise and Airport airspace	Yes	Yes. Discussed earlier in report.
3.14 Noise, Wind, Vibration and Air Quality	Yes	Yes.
3.18 Utilities and Mechanical Plant	Yes	Yes. Appropriate conditions recommended.
PART 4 – SUBDIVISION, CONSOLIDATION AND BOUNDARY ADJUSTMENTS		
4.1 General	Yes. See discussion	Yes. See discussion.
4.2 Residential Subdivision	Yes. See discussion	Yes. See discussion.
4.6 Connectivity and Future Development Potential	Yes. See discussion	Yes. See discussion.
PART 5 – RESIDENTIAL AND MIXED USE DEVELOPMENTS		
5.1.1 Fences and Walls	Yes	Yes. No front fencing proposed. No change to side fencing proposed.
5.1.3 Pools and Spas	Yes	Yes.
5.1.4 Quality of Design, Choice and Diversity	Yes	Yes. Design acceptable. First floor balconies not greater than 2.5m in depth.
5.2.2 Dual Occupancies and Semi-Detached Housing	Yes	Yes/No see discussion.
PART 7 – SPECIFIC PLACES		
7.12 Botany	Yes. See discussion	Yes. See discussion.
PART 8 – MANAGING RISK AND ENVIRONMENTAL CONSIDERATIONS		
8.2 Soil Management	Yes. Addressed in response to LEP clause and by recommended conditions.	Yes. Addressed in response to LEP clause and by recommended conditions.
PART 9 – SCHEDULES		

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
Flooding, Stormwater, Waste, Landscape Plans	Yes. Addressed by relevant Council specialists or earlier in report	Yes. Addressed by relevant Council specialists or earlier in report and by recommended conditions.

Table 2 – Bayside DCP 2022 Summary Response

The following Sections elaborate on Key matters from the above table.

It is important to note a relatively-recent amendment to the EPA Act 1979 within Section 4.15, specifically relates to the role of DCP provisions in the assessment of DAs, as follows:

- (3A) **Development control plans** *If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—*
- (a) *if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
 - (b) *if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
 - (c) *may consider those provisions only in connection with the assessment of that development application.*

Part 7 is dealt with first, as the DCP states: “Provisions in the chapter [7] prevail over any similar provisions in other sections of the DCP”.

Part 7 – Botany Precinct

This section of the DCP provides controls and guidelines for 17 areas within the Local Government Area. Not all areas are included. The areas chosen are either unique or have been subject to detailed masterplanning controls, with more specific controls to guide development.

As stated, the provisions of this Section prevail over other sections of the DCP, including where there is any inconsistency. The site is located within the Botany Precinct.

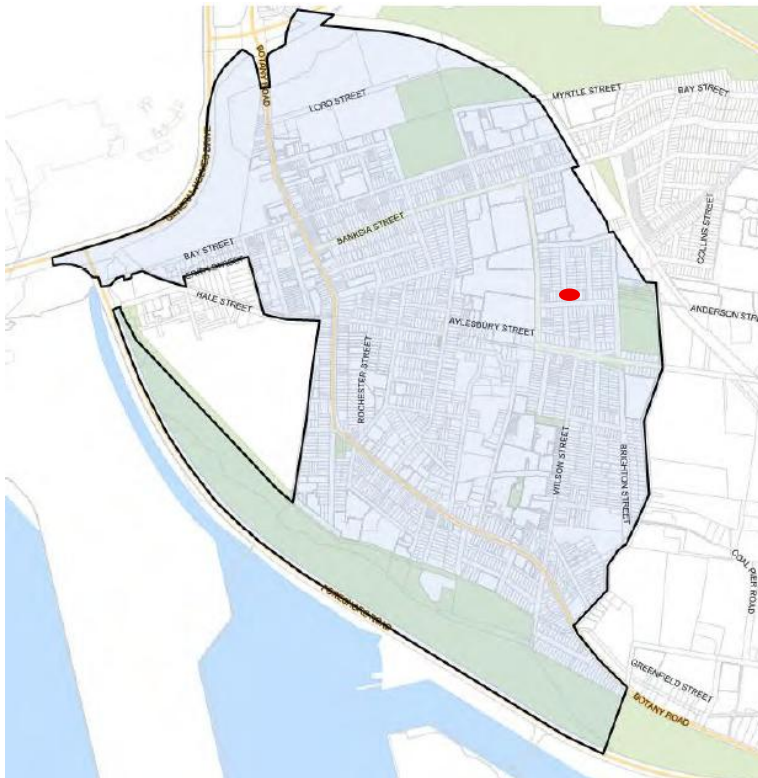


Figure 11 – Botany Precinct (DCP Part 7 Extract)

Description

The description of the locality, as relevant to the proposal, includes:

The Botany Precinct is bounded by the Airport, parklands abutting Botany Bay, Banksmeadow industrial area and the goods railway line. The dominant land uses are industrial and residential, which co-exist throughout the Precinct. Two linear retail shopping strips are located along Botany Road - Botany Local Centre within a Heritage Conservation Area and Banksmeadow Local Centre. The Botany Precinct has seen a transition with the conversion of industrial zoned land to residential zoned land, which has resulted in the emergence of stylish and high-quality medium density housing in the areas of Daphne Street, Banksia Street and William Street.

The main road through the area is Botany Road with Stephen Road providing access to and from other parts of the LGA. As a result, Botany is somewhat isolated from the adjoining residential areas. The street network within the Precinct is a combination of regular and irregular grids with some large blocks utilising private internal access ways. As a result, the permeability of the area is highly varied.

The focal points for retailing and services are Botany and Banksmeadow shopping strips; both of which are located on Botany Road. Botany Road has a concentration of Heritage Items as well as a Heritage Conservation Area at Botany Local Centre.

The quality of residential streetscapes varies although is generally good however traditional centres feature average quality public domain and are impacted by heavy traffic volumes.

Open space are generally larger parks that lack facilities and are located towards the edges of the Precinct. Major open spaces areas including Booralee Park, Garnet Jackson Reserve and the Sir Joseph Banks Park. Landscaping provided through street trees and planting

within properties have created a pleasant environment, which results in a contrast to the industrial built form.

Setbacks within the Precinct vary markedly, with the area between the building line and front boundary line ranging from nil for some residential buildings to 10 metres for the larger industrial sites. Fences are varied in height and style but the majority of residential fences are of a low-scale.

Traditional detached housing occupies a large proportion of residential land, although more recent villas, townhouses and apartments provide a significant number of dwellings, particularly in the east. Some shop top housing occurs in the traditional strip shopping centres of Botany and Banksmeadow.

The precinct contains five localities which are subject to more specific design outcomes, as provided further within this Chapter:

- *The Botany Local Centre*
- *The Botany West Industrial Precinct*
- *The Lord Street Business Park Precinct*
- *The Banksmeadow Neighbourhood Centre*
- *Swinbourne Street Neighbourhood Centre*

Desired Future Character/Vision

There are no explicit desired future character statement(s) for this part of the Precinct (there are for other sub-areas).

Controls

There are no numerical controls, and the control statements are generally reflected by the 5 objectives of this part of the DCP, which state:

To encourage new development or alterations and additions to existing development which complements the height and architectural style found in the immediate vicinity, particularly where there is an established character

To ensure that the scale, design, materials and nature of the development contributes positively to the visual amenity of the area

To minimise the impacts of non-residential uses, such as traffic and noise/air pollution, on residential amenity to be minimised through appropriate design responses

To enhance the public domain and streetscapes within the Precinct through compatible land use, built form, amenity, and streetscape improvements

To ensure that new development provides a high level of amenity by adequately responding to the local and environmental context

In response to these objectives:

- The height and architectural style are generally complementary to that in the vicinity of the site;
- The site planning is appropriate and the scale, design and materials is appropriate for the evolving character of the area, for a use which is not uncommon (and permissible) in the area;
- The public domain is appropriately protected, including by amendments to the proposal by conditions, related to driveway location/design and street tree retention;
- The amenity of the proposed dwellings will be high, appropriately responding to the

context, and allowing good solar access, ventilation and indoor-outdoor relationships, and appropriate parking and private open space, all not inconsistent with the surrounding context.

PART 3 – GENERAL DEVELOPMENT CONTROLS

Part 3.5 – Transport, Parking and Access

The proposal is generally consistent with the objectives and controls of this Part of the DCP, noting:

- The design incorporates the garage into the dwelling design;
- The design of the driveways has been amended to reduce the driveway width, and with further refinement by a recommended condition(s), is acceptable;
- The parking rate of 2 spaces is met. The setback area allows tandem parking in the driveway within the site for some parking flexibility and reduces the visual impact of excessive garaging;
- Pedestrian and vehicular access is separated;
- No DCP parking controls are breached;

Overall, the design and location of the parking facilities and pedestrian access on the site is acceptable having regard to the nature of the site and the proposal, and subject to recommended conditions.

Proposed waste collection arrangements are able to meet Council's specifications and requirements.

Part 3.7 and 3.8 – Landscaping, Private Open Space, Biodiversity and Tree/Vegetation Management

The proposal is consistent with the objectives and controls of this Part of the DCP, noting:

- The proposal complies with the 20% of the front setback being landscaped;
- The proposal provided 24.8% of site area as Landscaped Area (as checked by Council's Landscape Officer), almost complying with the 25% DCP control, and complying by rounding;
- The proposed landscaping is supported by Council's Landscape Officer, subject to conditions included in the recommendation related to a revised landscape plan, native trees, tree replacement, pot sizes and the like;
- More trees are proposed than removed;
- Tree removal is acceptable, as addressed earlier in response to SEPP controls, with the exception of the proposed street tree removal, although this is addressed and resolved by recommended conditions.

The proposal is not within a Terrestrial Biodiversity area as identified in the LEP.

Overall, the proposal is satisfactory in regard to the objectives and provisions of Parts 3.7 and 3.8 of the DCP, subject to recommended conditions.

PART 4 – SUBDIVISION, CONSOLIDATION AND BOUNDARY ADJUSTMENTS

The following responds to Part 4 of the DCP, as applicable to the proposal.

Part 4.1 – General

The lot size and associated provisions of the LEP have been addressed previously.

The proposal is consistent with this Part of the DCP, noting the proposed subdivision:

- Does not compromise any significant features of the existing or adjoining sites;
- Is not dissimilar to the prevailing subdivision pattern of lots fronting the same street, particularly in terms of more recent development and in terms of area, dimensions, shape and orientation, while resulting in a density of dwellings that is not inconsistent with that prevailing in the surrounding area and compliant with the FSR standard;
- Has appropriately considered site topography and other features, existing services, existing vegetation (subject to conditions), vehicle access, existing vegetation, potential flood affectation and stormwater management requirements;
- Is accompanied by accompanied by building plans to consider potential amenity and amenity impacts;
- Creates no new lots within ANEF 30+ areas;
- Creates no new lots within predicted sea level rise areas by 2010; and
- Creates no isolated lots.

Part 4.2 – Residential Subdivision

The proposal complies with this Part of the DCP, noting each lot has frontage to a public road with a width greater than 6m.

Part 4.6 - Connectivity and Future Development Potential

This Part of the DCP is generally aimed at larger redevelopments.

The proposed subdivision is acceptable in regard to this Part of the DCP, as:

- Impacts on the existing street is managed by the design and recommended conditions;
- No isolated lots will be created; and
- The proposed subdivision will not result in any restriction to existing parcels of land within the vicinity of the site.

PART 5 – RESIDENTIAL AND MIXED-USE DEVELOPMENTS

5.1.4 - Quality of Design and Housing Choice and Diversity

An adequate site analysis plan was provided with the DA.

The overall design is acceptable having regard to matters of consideration in the DCP including materials, form, expression, flexibility, ability to meet family needs;

The depth of the first-floor balcony is below 2.5m as specified in the DCP, with appropriate treatment to consider privacy, and subject to a recommended condition.

5.2.1 - Low-density residential (dwellings, dual occupancy, semi-detached dwellings)

5.2.1.1 - Streetscape, Local Character and Quality of Design

The considerations for the local area outlined in Part 7 of the DCP have been addressed previously.

This Part of the DCP contains the following objectives:

To ensure that dwellings are compatible with the envisaged local streetscape and desired future character.

To create visual interest through building articulation and a variety of compatible materials, finishes and colouring.

The proposal is consistent with the local streetscape, noting the setbacks, form and materials incorporated into the design are contextually appropriate. The proposed new dwellings incorporate a range of materials and colours which are relatively common in the area and add interest and articulate the façade.

5.2.1.2 - Built Form Controls

The building is two storeys high and therefore complies with the requirements of this Clause, while meeting the LEP standard.

The maximum building length is compatible with that of adjoining sites.

5.2.1.3 – Setbacks

The DCP control requires a minimum front setback of the average of dwellings on adjoining lots or 6 metres, side setbacks of 900mm at ground floor and 1.5m at first and a rear setback of 5 metres.

The proposal complies with these controls.

5.2.1.4 - Landscaping and Private Open Space

The landscaping controls in Part 3.7 of the DCP have been addressed previously.

5.2.1.5 - Solar Access and Overshadowing

Dwellings within the development site and adjoining properties are required to receive a minimum of 2 hours direct sunlight to habitable living rooms (family rooms, rumpus, lounge and kitchen areas) and to at least 50% of the primary open space between 9am and 3pm in mid-winter (June 21). The proposal meets this control (key living areas adjoining the site are understood to be to the rear/facing north).

The applicant has provided existing and proposed shadow diagrams at 3-hourly intervals between 9am to 3pm for mid-winter (June 21) and spring-equinox (September/March 21), as well as hourly 'views from the sun' in midwinter.

The subject site is orientated north-south with the frontage of the site to the south and the rear of the site facing the north. This allows good solar access to the rear, for private open space, both on the subject site and adjoining to the east and west. While there is some additional overshadowing to side windows (mostly bedrooms and living to the rear), adjoining north-facing windows to living areas and private open space is largely unaffected by the proposal.

Overshadowing impacts are considered acceptable.

5.2.1.7 - Visual and Acoustic Privacy

An assessment of potential privacy impacts upon neighbours has been undertaken having regard to the controls and objectives of this Part of the DCP.

While there is raising of the level of dwellings to address flood planning considerations, the side setbacks, landscaping and orientation to the north within the site results in acceptable impacts. A condition is recommended requiring existing ground levels to be maintained along the side boundaries and within 1m of the rear boundary, so as not to compromise existing fencing and ground level privacy interfaces.

The proposal incorporates an elevated first floor balcony to the rear of each proposed dwelling. This is off a rear master bedroom for both dwellings, with dimensions of 1.5m x 4.3m (around 6.5sqm). The location is recessed/setback from the rear alignment of the roof below (over the alfresco areas), while side privacy screening is indicated on elevations.

The proposed development has been designed and sited to reasonably minimise overlooking to and from adjoining properties. The privacy impacts are considered acceptable, subject to conditions requiring:

- The side screens to the first-floor balconies being fixed; and
- At first floor to the side elevations, provide highlight windows with a minimum sill height of 1.5 metres or fixed translucent glazing to windows below 1.5m.

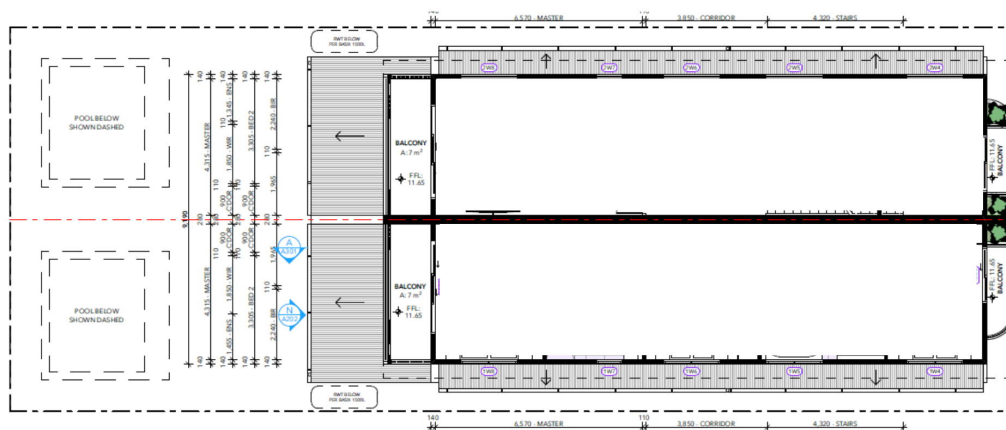


Figure 12 – First Floor Plan Extract

5.2.2 - Additional Controls for Dual Occupancy and Semi-Detached Dwellings

In terms of height, it is noted the DCP states:

Two or three storey development is only permitted on the front of an allotment and may extend to a maximum of 70% of the depth of the site measured from the property boundary

The two storey element extends 24.73m into the site. The site has a depth of 36.575, meaning the two storey element extends 67.6% into the depth of the site, complying with the DCP control.

There is a minimum site width control of 15m in the DCP for dual occupancies. However, this does not apply to this proposal, as it is a form of semi-detached housing, each dwelling being on one lot.

S4.15(1)(a)(iii) – Provisions any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement applicable to the proposal.

S4.15(1)(a)(iv) - Provisions of the Regulation

In terms of provisions of the Regulation:

- The DA submission has included sufficient information to enable environmental assessment of the application (Clause 24);
- No other concurrences or other approvals are proposed or required (Clause 25);
- No approval under the Local Government Act 1993 is sought as part of this DA (Clause 31(3));
- Demolition works are able to meet the provisions of Australian Standard ("AS") 2601 and this is addressed by conditions of consent; and
- The Council has an '*adopted a conflict of interest policy*' (Clause 66A) and the application has been assessed by an external consultant, consistent with that Policy. Further, the development application is referred to the BLPP pursuant to the 2024 Ministerial Directions.

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

S4.15(1)(b) - Likely Impacts of Development

This Section of the Act requires consideration of natural and built environmental impacts, and social and economic impacts. The potential and likely impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed or warrant some elaboration are as follows:

Views

No adverse view impacts are considered to arise from the proposal.

Aural Privacy

No adverse aural privacy impacts of any significance from the proposal to adjoining land are likely, due to the nature of the use and design/site planning.

Traffic

Traffic impacts will be minor and consistent with the permissible uses and controls applying to the site.

Construction Impacts

Temporary construction-related impacts do affect amenity and this is partially inevitable from demolition and constructing new works. However, these are not anticipated to unduly affect businesses or surrounding residents, with some localised impacts.

These construction-related impacts are able to be addressed by standard conditions of consent, as recommended, to reasonably manage and mitigate impacts, while allowing rational

and orderly construction.

Social Impacts

The social impacts of the proposal are expected to be positive or neutral, with a highly compliant development providing additional housing for a growing population, on a site with good accesses to services, within a form compatible with the evolving character of the area and with impacts which are not significantly adverse, and commensurate with impacts to be expected from development of the site, given the planning controls.

Economic Impacts

In terms of economic impacts, the proposal will cause no anticipated negative economic impacts and will result in positive economic impacts from the materials and labour needed for construction of the proposal. There would also be a slight positive economic impact on businesses in the area from the slight increase in density at the site.

S4.15(1)(c) - Suitability of the Site

The use is permissible. The type and scale of development is consistent with the changing character of the area. The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal, throughout this report. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

Appropriate conditions of consent are proposed to further manage and mitigate impacts on neighbouring properties and the environment, including relating to the proposed driveways and retaining a street tree. Subject to the recommended conditions, the proposal is suitable for the site.

S4.15(1)(d) - Public Submissions

Public Submissions

The development has been notified in accordance with the DCP, between 3 and 13 April 2025. One (1) submission was received, from the neighbouring property to the east at No. 20 Hambly Street, Botany.

The amended plans were not required to be renotified because environmental impacts on neighbours were not increased or changed to any significance to warrant renotification.

The issues raised in the submissions are discussed below:

Issue 1: Close to boundary of No. 20/Overshadowing of 5 side windows due to proximity and height

Comment: The side windows are understood not to be the primary windows to living/kitchen/dining areas (a secondary living window exists to the rear). A degree of overshadowing of ground floor side windows is to be expected in an area where 2+ storey development is facilitated by the controls. The setbacks of the proposal comply with DCP setback controls. The height of the proposal is compliant and not excessive, including proposed wall heights and a partially-gabled roof form. The proposal will not overshadow the rear-facing living room windows.

Issue 2: Privacy concerns with rear balconies into adjoining rear yard and pool

Comment: This has been addressed previously in response to DCP controls. As outlined, the

proposal incorporates an elevated first floor balcony to the rear of each proposed dwelling. This is off a rear master bedroom, with dimensions of 1.5 x 4.3m (around 6.5sqm) for each dwelling. The location of the first-floor rear balconies is recessed/setback from the rear alignment of the roof below (over the alfresco areas), while side privacy screening is indicated on elevations.

The proposed development has been designed and sited to reasonably minimise overlooking to and from adjoining properties. The privacy impacts are considered acceptable, subject to conditions requiring:

- The side screens to the first-floor balconies being fixed; and
- At first floor, highlight windows with a minimum sill height of 1.5 metres or translucent glazing to windows below 1.5m.

Issue 3: Construction of Pools – potential property damage

Comment: The location of the relatively-small proposed pools is not close to other properties and subject to appropriate excavation and construction, should not cause property damage. Conditions of consent are recommended including regulating potential impacts, and this includes a condition regarding a dilapidation report.

Issue 4: Refuse bins not shown on plans

Comment: Refuse bins are not structures. The design and layout allows bins to be directed to the street for collection, with any impacts being similar to the removal of bins from any property to the street.

In terms of internal referral comments, these have been outlined previously where relevant and in relation to flooding, engineering, tree and landscape issues. A summary of comments from other Departments within Council is below:

Council Departments/Experts

Development Engineer

Original concerns with driveway design, loss of street parking and stormwater design. These issues were addressed in a response and revisions to the plans, including plans by a hydraulic engineer, reduction in the driveway widths and further information, as addressed previously. A condition is recommended, consistent with the engineering referral, regarding separation of driveways.

Tree Management Officer

No objection, subject to conditions, which have been included as conditions of consent, including retaining the street tree.

Landscape Architect

No objection, subject to conditions, which have been included as conditions of consent.

S4.15(1)(e) - Public interest

The proposal has been assessed against the relevant planning instruments and controls applying to the site, also having regard to the applicable objectives of the controls. As demonstrated in this assessment of the development application, the proposal is suitable for the site and has acceptable environmental impacts, subject to recommended conditions. Impacts on adjoining properties have been considered and addressed. As such, granting approval to the proposed development will be in the public interest, subject to the recommended conditions which help manage and mitigate environmental or potential environmental impacts.

S7.11/7.12 - Development Contributions

The application was referred to Council's Development Contributions Planner who indicated if approved a contribution for the proposed additional dwelling would be required, of \$20,000. An appropriate and according condition is included in the recommendation.

The proposal is also subject to a Housing Productivity Contribution due to the additional dwelling. An appropriate condition is included.

Housing and Productivity Contribution (HPC)

Under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, the following HPC is warranted.

Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential Subdivision AND Construction of Low-Density Residential Development	\$12,591.73	New Dwelling lot

Conclusion and Reasons for Decision

The proposed development at 18 Hambly Street, BOTANY NSW 2019 has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* including relevant environmental planning instruments and Bayside Development Control Plan 2022.

The proposed development, being for demolition, tree removal and construction of two semi-detached dwellings, with associated Torrens Title subdivision, is a permissible land use within the zone, with development consent. In response to the public notification, one (1) submission was received. The matters raised in that submission do not warrant refusal of the application, which is highly compliant with applicable development and planning controls.

The proposal is supported for the following main reasons:

- The proposal is highly compliant with key applicable development standards and controls Bayside Local Environmental Plan 2021 ('the LEP') and Bayside Development Control Plan 2022 ('the DCP').
- The development, subject to conditions, is consistent with the objectives of the R2 – Low Density Residential zone and the relevant aims objectives of Bayside Local Environmental Plan 2021.
- The proposed massing, scale, style and materials is consistent with the evolving character of the surrounding area.
- The proposed subdivision is not inconsistent with the existing and evolving pattern in the area.
- The development, subject to conditions, is consistent with the objectives of Bayside Development Control Plan 2022

- The proposal is suited to the site and area and will provide appropriate additional housing for a growing population, on a well-connected site.
- The proposal will not result in any significant impact on the built environment or the amenity of nearby residents, with some impacts consistent with what could reasonably be expected given the applicable planning controls.
- The proposal will support additional housing, with significant impacts upon other land.
- The issues raised by objectors have been considered and where appropriate, addressed via amendments to plans or conditions or consent.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal, including relating to retaining a street tree and revision to the driveway location to maximise street tree parking and reducing potential street tree impacts.

Schedule 1 – Draft Conditions of Consent

Refer to draft conditions attached separately.

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989
	1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
2	Erection of signs
	1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a 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 certifier for the work, and

	b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to— a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.															
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.															
3	Shoring and adequacy of adjoining property															
	1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor. 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense— a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. 3. This section does not apply if— a. the person having the benefit of the development consent owns the adjoining land, or b. the owner of the adjoining land gives written consent to the condition not applying.															
	Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.															
4	Approved plans and supporting documentation															
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.															
	<table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>A005</td><td>G</td><td>Proposed Draft Subdivision Plan</td><td>Next Level Design Studio</td><td>8 August 2025</td></tr></table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	A005	G	Proposed Draft Subdivision Plan	Next Level Design Studio	8 August 2025
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A005	G	Proposed Draft Subdivision Plan	Next Level Design Studio	8 August 2025												

A006	G	Landscape Plan	Next Level Design Studio	8 August 2025
A0011	G	Soil and Water Management Plan	Next Level Design Studio	8 August 2025
A101	G	Ground Floor Proposed	Next Level Design Studio	8 August 2025
A102	G	First Floor Proposed	Next Level Design Studio	8 August 2025
A103	G	Roof Plan	Next Level Design Studio	8 August 2025
A201	G	Elevations	Next Level Design Studio	8 August 2025
A202	G	Elevations	Next Level Design Studio	8 August 2025
A301	G	Sections	Next Level Design Studio	8 August 2025
A401	G	Materials and Colour Schedule	Next Level Design Studio	8 August 2025
A402	G	BASIX Commitments	Next Level Design Studio	8 August 2025
A403	G	Door Schedules	Next Level Design Studio	8 August 2025
A404	G	Door and Window Schedules	Next Level Design Studio	8 August 2025
A405	G	Window Schedules	Next Level Design Studio	8 August 2025
GNO	A	Cover Page	Nitma Consulting	4 August 2025
OL2	A	Ground Floor Plan	Nitma Consulting	4 August 2025
1L1	A	First Floor Plan	Nitma Consulting	4 August 2025
RL1	A	Roof Plan	Nitma Consulting	4 August 2025
SD1	A	Standard Details	Nitma Consulting	4 August 2025

	SD2	A	Absorption Trench Detail	Nitma Consulting	4 August 2025
	SD3	A	Standard Details (Cont'd)	Nitma Consulting	4 August 2025
In the event of any inconsistency between the approved plans and documents, the approved Plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.					
5	Driveway Application				
An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) shall be made to Council's Customer Service Centre prior to the issue of the Construction Certificate. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. Note – see design change condition requiring amendment the driveway(s). Condition reason: To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards, and conditions of this consent.					
6	Roads Act / Public Domain Works - Minor Development				
Prior to the issue of any Occupation Certificate, the following works will be required to be undertaken in the road reserve at the applicant's expense: i. Construction of a new footpath and landscaping (grass verge/street tree planting as required). ii. Construction of a new fully constructed concrete vehicular entrance/s; iii. Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks and other damaged public domain improvements which will no longer be required; iv. Reconstruction of selected areas of the existing concrete footpath/vehicular entrances and/or kerb and gutter; v. Construction of new kerb and gutter along the frontage of the development site. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of Bayside Council at the applicant's expense. Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been appropriately satisfied prior to the issue of any Occupation Certificate.					

	Condition reason: To ensure that required public domain outcomes are achieved.
7	Section 73 Sydney Water Compliance Certificate A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au, then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifier prior to release of the Subdivision/Strata Certificate. Condition reason: To comply with Sydney Water requirements.
8	Services to be Covered by Easement All existing and proposed services on the property shall be shown on a plan, and shall be submitted to Council. This includes electricity, gas, water, sewer, stormwater and telephone services. Where any service crosses one lot but benefits another lot, it is to be covered by an easement. The service easement is to be covered by a Section 88 Instrument, which may only be varied or extinguished with the consent of Bayside Council. These provisions are to be put into effect prior to the release of the Subdivision / Strata Certificate. Condition reason: To ensure that services have legal rights to be located within the site or on adjoining land.
9	Subdivision Requirements Council will not issue the Subdivision Certificate unless the following has been provided to the satisfaction of Council: a. Works-As-Executed Plan for Stormwater Drainage System, and b. Engineer's Compliance certificate for Stormwater Drainage System and work-as-executed drawing, and c. Final Occupation Certificate (where necessary), and d. Utility Service Plan, and e. Original of Section 73 Compliance Certificate referring to Subdivision – (<i>Sydney Water Act 1994</i>), and f. Landscape certification (if Council not appointed as PCA), and

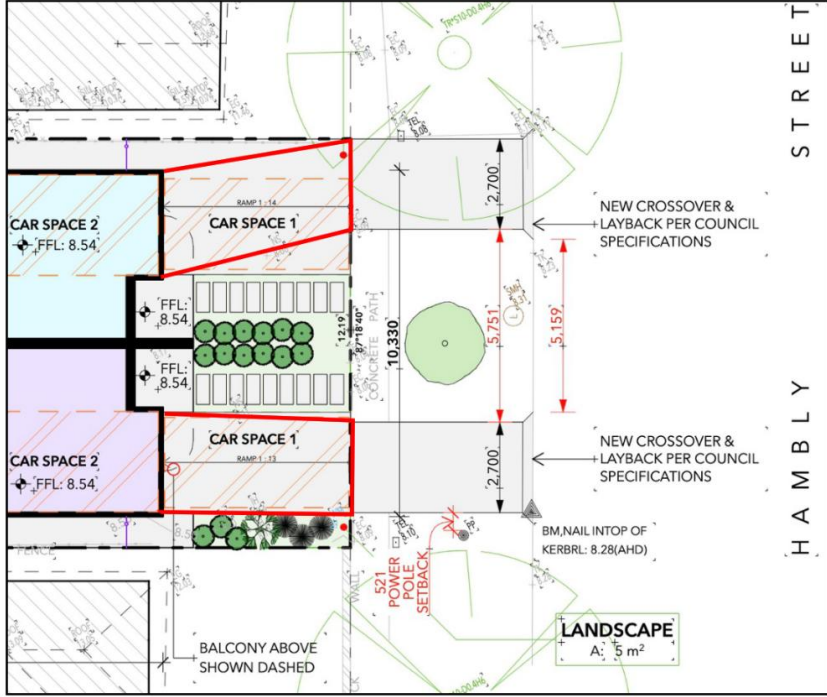
	g. Administration Sheet and Section 88B instruments prepared by a qualified Surveyor, and h. The subdivision document should include the following new addresses: Proposed eastern dwelling - 18 Hambly Street Botany; and Proposed western dwelling - 18A Hambly Street Botany.
	Condition reason: To ensure that all relevant requirements are provided to Council prior to issue of the Subdivision Certificate.
10	Tree Management Condition
	Prior the issue of the relevant Construction Certificate, detailed landscape plans must be submitted to, and approved by, the Director of City Futures (or delegate) of Bayside Council. The detailed landscape plans shall be generally in accordance with the Landscape Plans prepared by Next Level Design Studio, job number 1258, dated 08/08/2025, revision G and must comprise detailed landscape construction documentation (plans and specifications). The detailed plan shall include, but not be limited to, the following: i) A planting plan at 1:100 showing all plant locations, species and quantities. ii) Landscape plans must reflect Council's requested driveway outcome. Landscape areas shall not decrease with this revision. iii) The <i>Melaleuca quinquenervia</i> in the public domain shall be retained and detailed in landscape plans. Any issues with the retention of this tree shall be resolved with Council. iv) At least one (1) Australian native tree with a minimum pot size supplied at 100 litre is to be planted in the front garden of each new dwelling. v) Two (2) Australian native trees with a minimum pot size supplied at 100 litre is to be planted in the rear garden of each new dwelling. vi) Conflict between landscaped beds, existing/proposed trees or landscaped areas and underground utilities (including stormwater structures) are to be avoided. Where there is a conflict, this shall be resolved with Bayside Council. vii) All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system. To protect and retain trees in accordance with AS49702009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the dripline (except where affected by revised driveways). The fence panels must be securely mounted and braced to prevent movement. The area within the fencing must be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken. Protective fences at least 1.5 metres high erected, at the greater of the drip line or 1.5 metres from the trunk of each tree which is to be retained. The protective fences shall consist of parawebbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction. Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, wrap the trunk with hessian or carpet underlay to a height of 2.5m or to the trees first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not 2 of 3 nails).

1	The applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced tree protection zones. Council approval is required prior to commencement of any works All TPZ's as well as the entire Council nature strip are a 'NoGo' zone.	
	There shall be no storage of waste bins, materials and equipment, site residue, site sheds, vehicle access, concrete / chemical mixing/disposal, or washing down of tools and equipment permitted within the TPZ's at any time.	
	Condition reason: To ensure the protection and proper management of trees, maintaining ecological balance, and enhancing biodiversity	
1	Section 7.11 Contribution Fee	
1	A Section 7.11 contribution of \$20,000.00 shall be paid to Council. The contribution is calculated according to the provisions contained within Council's adopted Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012 (the \$20,000 cap). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan. The contribution is to be paid prior to the issue of any construction certificate The contributions are only used towards the provision or improvement of the amenities and services identified below. Copies of the Contribution Plan are available on Council's website.	
	Community Facilities	\$ 1,784.30 BBR1
	Recreation and Open Space	\$ 14,386.20 BBR2
	Transport Facilities	\$ 3,668.50 BBR3
	Administration	\$ 161.00 BBR4
	Total in 2024/25	\$ 20,000.00
	Condition reason: To fund local infrastructure and public facilities needed due to new developments.	

Building Work

Before issue of a Construction Certificate

12	Design Amendments
1.	Before the issue of a construction certificate and in addition to the Landscape conditions in this consent, the plans must be amended to revise the driveway crossing to be consistent with the plan below, marked up in red. This is to occur while retaining the existing street tree, following written recommended measures by a qualified arborist. The driveways must be separated by at least 5.75m. The driveway widths must be also be 2.7m wide and the locations redesigned to provide the required separation to comply. Also, a setback of minimum 0.5m is required between the driveway access and the power pole. This shall also be consistent within an application to Council under the Roads Act 1993, and include other appropriate upgrades to the public domain and appropriate bonds, required by other

	conditions of this consent.  2. The existing ground levels within 900mm of the eastern, western and northern boundaries shall be retained at their current level, and shall not be changed (other than to support new planting to the same or equivalent level). 3. The side privacy screens to the first-floor rear balconies shall be fixed and annotated as such on the Construction Certificate Plans, consistent with the approved DA plans, and installed as such to avoid lateral privacy impacts to neighbours. 4. At first floor to the side elevations, plans shall confirm highlight windows with a minimum sill height of 1.5 metres above finished floor level, or fixed translucent glazing to windows below 1.5m. 5. The approved Construction Certificate Plans shall include notes and details consistent with the recommendations of the "Aircraft Noise Intrusion Assessment" by Acoustic Logic, dated 28/5/2024, to the satisfaction of the Certifier. Condition reason: To appropriately balance street tree retention and street parking considerations and ensure existing site levels are retained adjoining fencing, to consider privacy impacts, inter-allotment ground water drainage and privacy afforded by existing fencing (and privacy generally).
13	Long Service Levy

	Before the issue of a Construction Certificate, the long service levy of \$3,437.50, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to Principal Certifier or Council. Condition reason: To ensure the long service levy is paid.
14	Sydney Water Tap-in Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Sydney Water's Tap inTM online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm Condition reason: To ensure compliance with Sydney Water requirements.
15	Erosion and sediment control plan Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Principal Certifier: • Council's relevant Development Control Plan, • the guidelines set out in the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and • the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
16	Detailed Design Stormwater Management Plan Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management. The detailed drainage design plans shall incorporate the provisions generally made in the stormwater plans prepared by Nitma Consulting, project number 7247H, dated 04/08/2025, Revision A along with the revisions/requirements detailed below:

	a) The stormwater ground floor plan is to be amended to show the downpipe invert levels. The rainwater tank overflow invert level to be shown on the plans. b) A maintenance schedule is to be provided for the stormwater drainage system including the roof gutters and the rainwater tank. c) A stormwater roof drainage plan is to be provided indicating the downpipe sizes. Typical details for the proposed roof gutters to be provided. The roof gutters to be designed as per AS3500.3. d) Typical details of the roof gutter to be provided. e) A minimum 3,000 litre rainwater tank shall be provided for the development, connected to all toilet flushing, the cold water tap that supplies each clothes washing machine and external taps/landscape irrigation for non-potable stormwater re-use. The rainwater tank overflow invert to be shown. f) The stormwater absorption system must show calculations prepared by a qualified Civil Engineer using the Council calculation sheet as per the Bayside Technical Specification Stormwater Management. The storage volume of the absorption system shall be increased by 20% as the absorption system is located on a property that falls away from the street, and no emergency overflow can be provided for. g) A stormwater catchment plan is required showing the impervious areas (roof and hardstand) and pervious area draining into the absorption system. Also show the bypass area. h) The surface level and invert level of the grated trench drain to shown on the stormwater ground floor plan. All setback to the absorption system to be shown as well. i) The stormwater absorption system must provide two 600x600 grated pits at each end, in order for inspection and maintenance. j) A sediment and erosion control plan to be provided showing all erosion measures including the surface pits. k) The strip drain, which is located near the swimming pool, shall be removed from the drawing. The associated pipe with the strip drain shall also be removed from the drawing. l) Drainage grates shall be provided internally on the driveway at the lowest point.		
	Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.		
17	Payment of fees and security deposits. Before the commencement of any works on the site or the issue of a Construction Certificate, the Applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier: <table border="1" data-bbox="352 1639 1182 1691"> <tr> <td data-bbox="352 1639 932 1691">Soil and Water Management Sign Fee</td><td data-bbox="932 1639 1182 1691">\$27.00</td></tr> </table>	Soil and Water Management Sign Fee	\$27.00
Soil and Water Management Sign Fee	\$27.00		

	Section 7.11 Contributions	\$20,000.00
	Housing Productivity	\$12,643.94
	Builders Damage Deposit (Security Deposit)	\$6,740.00
	Tree Preservation Bond (Security Deposit) – Street tree to be retained	\$2,000.00
	Note: The amount payable must be in accordance with Council's fees and charges at the payment date, including any required indexing.	
	Note: At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.	
	Note: A separate Housing Productivity Contribution is required prior to the issue of a Subdivision Certificate.	
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.	
18	Tree Bond	
	Prior to the commencement of any work the applicant is to submit payment for a Tree Bond of \$2,000.00 to ensure the protection of the Broadleaf Paperbark tree.	
	The duration of the Bond shall be limited to a period of 12 months after the occupation certificate is issued. At completion of the bond period of twelve months (12 months) the Bond shall be refunded pending an inspection of the tree by council. If a tree is found to be dead, pruned or dying and will not recover the applicant will forfeit all or part of the bond to replace or maintain the trees.	
	Breach of Conditions	
	The above listed requirements and tree protection measures must be complied with at all times until completion of all building and hard landscape construction.	
	Council may choose to issue an infringement notice or pursue legal action if the conditions of consent have been broken.	
	If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as required remedial work.	
	Council will invoice the Applicant for costs associated with remedial pruning work or tree replacement.	
	Condition reason: To ensure any damage to public infrastructure is secured and able to be rectified if needed.	

19	Detailed Landscape Plan Prior the issue of the relevant Construction Certificate, detailed landscape plans must be submitted to, and approved by, the Director of City Futures (or delegate) of Bayside Council. The detailed landscape plans shall be generally in accordance with the Landscape Plans prepared by Next Level Design Studio, job number 1258, dated 08/08/2025, revision G and must comprise detailed landscape construction documentation (plans and specifications). The detailed plan shall include, but not be limited to, the following: 1. A planting plan at 1:100 showing all plant locations, species and quantities. 2. Landscape plans must reflect Council's requested driveway outcome. Landscape areas shall not decrease with this revision. 3. The Melaleuca quinquenervia in the public domain shall be retained and detailed in landscape plans. 4. At least one (1) Australian native tree with a minimum pot size supplied at 100 litre is to be planted in the front garden of each new dwelling. 5. Two (2) Australian native trees with a minimum pot size supplied at 100 litre is to be planted in the rear garden of each new dwelling. 6. Conflict between landscaped beds, existing/proposed trees or landscaped areas and underground utilities (including stormwater structures) are to be avoided. Where there is a conflict, this shall be resolved with Bayside Council. 7. All trees shall be located within mulched landscaped beds except where this may interfere with the performance of an above ground stormwater system. 8. Existing site levels within 900mm of the side and rear boundary shall be retained. Condition reason: To ensure compliance with landscape requirements from relevant policies.
20	Building/Driveway within Proximity of On-Site Detention/Absorption System Prior to the issue of any Construction Certificate, any part of the proposed building within three (3) metres of the proposed detention tank, underground rainwater tank or absorption system shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base. Any driveway over the absorption system shall be either constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the trench base or constructed as a structural slab so that no load is transferred to the plastic trench. These requirements shall be reflected on the Construction Certificate plans and supporting documentation. Condition reason: To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.

21	Absorption/Infiltration Systems Inspection
	All absorption systems must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of Principal Certifier. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes, to ensure the effective performance of the system during construction, and the long term viability of the system.
	Condition reason: <i>To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</i>
22	Traffic and Parking Requirements Minor
	Prior to issue of the Construction Certificate: a) A longitudinal driveway profile prepared by a suitably qualified civil engineer shall be submitted to the Principal Certifier for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with AS/NZS 2890.1. The profile shall include all relevant levels, grades (%), headroom clearances and lengths. The existing boundary levels shall be clearly shown on the profile. Any change to the existing boundary levels requires approval from Bayside Council. b) The Construction Certificate plans shall show the width of the driveway at the boundary to be 2.7 metres and separated by minimum 5.7m along the kerb / boundary.
	Condition reason: <i>To ensure the development meets the relevant standards and to reduce impacts to on-street parking.</i>
23	Driveway Application
	An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) shall be made to Council's Customer Service Centre prior to the issue of the Construction Certificate. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges. All boundary frontage works, egress paths, driveways and fences shall comply with the approval.
	Condition reason: <i>To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.</i>
24	Roads Act / Public Domain Works - Minor Development
	Prior to the issue of any Occupation Certificate, the following works will be required to be undertaken in the road reserve at the applicant's expense: i. Construction of a new fully constructed concrete vehicular entrance.

	ii. Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks and other damaged public domain improvements which will no longer be required; All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of Bayside Council at the applicant's expense. Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been appropriately satisfied prior to the issue of any Occupation Certificate.
	Condition reason:. <i>To ensure that required public domain outcomes are achieved.</i>
25	Swimming Pools – New Pools (a) The design and construction of the swimming pool and associated fencing and equipment must comply with: (i) Swimming Pools Act 1992, and (ii) Swimming Pools Regulation 2008, and (iii) National Construction Code, and (iv) AS 1926.1 – Swimming Pool Safety – Safety Barriers for Swimming Pools, and (v) Protection of the Environmental Operations Act 1997. Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate and must be complied with prior to the issue of the Occupation Certificate. (b) The swimming pool shall be designed and constructed in a manner that does not allow water to be drained to the adjoining properties, and (c) Waste water from the pool or spa shall be discharged into the Sydney Water system, and (d) The swimming pool shall be registered in accordance with the requirements of the Swimming Pools Act 1992 prior to issue of any Occupation Certificate, and (e) The pool / spa shall not be filled until the safety fences have been completed in accordance with this consent and inspected by the Principal Certifier, and (f) The motor, filter, pump and sound producing equipment or fittings associated with or forming part of the pool filtering system shall be sound insulated and/or isolated so as not to create an offensive noise to neighbours. Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): (i) Before 8.00 am or after 8.00 pm on any Sunday or public holiday, or (ii) Before 7.00 am or after 8.00 pm on any other day.
	Condition reason:. <i>To minimise impacts and achieve compliance with relevant legislation.</i>
26	In-ground Swimming Pools – Design To ensure suitable materials and construction methods are used for in-ground pools to address subsurface pressures from soil and groundwater, and to ensure pools do not leak, all in-ground

	swimming pools in areas of shallow groundwater must be of rigid construction and meet the following where applicable: a) AS2783 - 1992 - Use of reinforced concrete for small swimming pools, and b) AS/NZS 1838 - 1994 - Swimming pools – pre-moulded fibre-reinforced plastics - Design and fabrication, and c) AS/NZS 1939 - 1994 - Swimming pools – pre-moulded fibre-reinforced plastics - Installation. Prior to the issue of the Construction Certificate, detailed drawings and documentation to address (a) to (c) above, where applicable, shall be provided to the Principal Certifier for approval. Condition reason: <i>To ensure that swimming pools comply with the relevant standards relating to groundwater impacts and to minimise impacts on human health.</i>								
27	Groundwater Discharge for Pool Construction If groundwater is encountered during construction of the pool, the pumped discharge from temporary dewatering shall be re-injected by either of the following methods: a) Discharge to the approved absorption system for the development site, or b) Discharge to a temporary absorption system designed and certified by a qualified engineer. The absorption system must comply with Councils Technical Specification Stormwater Management and be designed for rainfall over the excavated area and the expected pump rate for the dewatering operation. Condition reason: <i>To ensure any ground water encountered during works is appropriately treated and disposed of.</i>								
28	Housing and Productivity Contribution Before the issue of the Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made. <table border="1"> <thead> <tr> <th>Housing and Productivity Contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and Productivity Contribution (base component)</td><td>\$12,643.94</td></tr> <tr> <td>Transport Project Component</td><td>\$0</td></tr> <tr> <td>Total Housing and Productivity Contribution</td><td>\$12,643.94</td></tr> </tbody> </table> The HPC must be paid using the NSW Planning Portal. At the time of payment, the amount of the HPC is to be adjusted in accordance with the <i>Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024</i> (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.	Housing and Productivity Contribution	Amount	Housing and Productivity Contribution (base component)	\$12,643.94	Transport Project Component	\$0	Total Housing and Productivity Contribution	\$12,643.94
Housing and Productivity Contribution	Amount								
Housing and Productivity Contribution (base component)	\$12,643.94								
Transport Project Component	\$0								
Total Housing and Productivity Contribution	\$12,643.94								

	The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the HPC Order exempts the development from the contribution. The amount of the contribution may also be reduced under the HPC Order, including if payment is made before 1 July 2025. Condition reason: To require contributions towards the provision of regional infrastructure.
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Before building work commences (Including Demolition and Excavation)

29	Erosion and sediment controls in place Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the <i>NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate'</i> (the Blue Book) (as amended from time to time). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
30	Dilapidation Report – Public Domain and adjoining - Pre-Construction - Minor At the proposed point of construction site entry, a full photographic survey showing the existing conditions of Bayside Council's infrastructure shall be submitted to Bayside Council and the Principal Certifier. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Bayside Council's infrastructure during the course of this development shall be restored at the applicant's cost. Additionally, a full dilapidation report with supporting photographs shall be undertaken for the immediately adjoining-dwellings to the north, east and east of the site. This shall occur after reasonable efforts (to be documented, including by formal letter in the neighbour's letterbox), to access the adjoining dwellings for internal photos. If such access is denied within a reasonable timeframe, the dilapidation report may be finalised based on external photos from areas able to be accessed. A copy of the dilapidation report is to be provided to the Certifier and the 3 neighbours (note – any alleged damage of private properties is a civil matter). Condition reason: To advise Council of, and provide Council with, the required dilapidation report.

31	Absorption/Infiltration Systems Inspection
	All absorption systems must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of Principal Certifier. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes, to ensure the effective performance of the system during construction, and the long term viability of the system.
	Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.
32	Before You Dig Australia
	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 <i>Before You Dig Australia</i> at www.byda.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW).
	If alterations are required to the configuration, size, form or design of the development upon contacting the <i>Before You Dig Australia</i> service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.
	It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the <i>Before You Dig Australia</i> service in advance of any construction or planning activities.
	Condition reason: To protect the amenity of the neighbourhood and ensure public safety.

During building work

33	Implementation of the Site Management Plans
	While site work is being carried out: a. the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and b. a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.

34	Site Management - Principal Certifier Inspections
	Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval: a. Sediment control measures, and b. Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and c. Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
	Condition reason: To protect public safety and water quality around building sites.
35	Responsibility for changes to public infrastructure
	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service providers pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Condition reason: To ensure payment of approved changes to public infrastructure.
36	Construction Activities – Minimise Pollution
	The following conditions are necessary to ensure minimal impacts during construction: a. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council's stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and b. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and c. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and d. Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and e. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil,

	sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and f. Wind-blown dust from stockpile and construction activities shall be minimised by one or more of the following methods: i. spraying water in dry windy weather, and ii. cover stockpiles, and iii. fabric fences g. All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and h. The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and i. During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and j. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately. Condition reason: To protect neighbourhood amenity and the quality of the waterways.
37	Protection of Council's Property During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter, and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council. Condition reason: To ensure public safety at all times and to protect the function and integrity of public infrastructure.

38	Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land
	During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following: • Road, Footpath and Road Related Area Closure – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic. • Stand and Operate Registered Vehicle or Plant – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles. • Occupy Road with Unregistered Item – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the applicant to place unregistered items within the roadway including waste containers and skip bins. • Erection of a Works Zone – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone. • Placement of Scaffolding, Hoarding and Fencing – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A & B hoarding, type A & B hoarding with scaffolding and type B hoarding plus site sheds. • Temporary Shoring/Support using Ground Anchors in Council Land – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring. • Tower Crane – To swing or hoist over and across council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or hoist over Council property or asset. • Public Land Access – To access through or occupy Council land. This permit is required by applicants in order to access over or occupy Council land.

	• <u>Temporary Dewatering</u> – To pump out groundwater from the site and discharge into council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application. • <u>Road Opening Application</u> - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the Roads Act. A valid permit/approval to occupy Bayside Council land or road reserve to carry out any works or activities within the public domain must be obtained, and permit conditions complied with, during all stages of demolition and construction. Fines apply if an activity commences without a valid permit being issued. It shall be noted that any works/activities shown within Bayside Council land or road on the DA consent plans are indicative only and no approval of this is given until this condition is satisfied. Condition reason: To ensure appropriate permits are applied for and comply with the Roads Act 1993.
39	Approved Plans kept on Site A copy of the Construction Certificate, the Development Consent and the approved and current stamped Construction Certificate plans and specifications must be kept on the site at all times and be available to Council officers upon request. Condition reason: To ensure relevant information is available on site.
40	Demolition Requirements During Works Demolition is to be carried out in the accordance with the following: (a) The approved Safe Work Method Statement required by this consent, and (b) Demolition is to be carried out in accordance with Australian Standard 2601:2001: Demolition of structures, <i>Work Health & Safety Act 2011 (NSW)</i>, <i>Work Health & Safety Regulation 2011 (NSW)</i> and the requirements of the NSW WorkCover Authority, and (c) Vibration monitors must be placed at the footings of the nearest residential and/or commercial property(s) boundaries prior to any demolition commencing; and (d) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority, and (e) Dust control - dust emission must be minimised for the full height of the building. Compressed air must not be used to blow dust from the building site, and

	(f) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal, and (g) During demolition, public property (footpaths, roads, reserves etc.) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition, and (h) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc.) and the footpaths must be suitably protected against damage when plant and vehicles access the site, and (i) The burning of any demolished material on site is not permitted and offenders will be prosecuted. The demolition by induced collapse and the use of explosives is not permitted, and (j) Care must be taken during demolition, excavation or erection of structures to ensure that existing services on the site (i.e., sewer, electricity, gas, phone) are not damaged. Please contact Before You Dig (Website: www.byda.com.au) or phone 1100 before commencement of works. Any damage caused to existing services must be repaired by the relevant authority at the Applicant's expense, and (k) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times, and (l) Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with WorkCover NSW requirements. <i>Protection of the Environment Operations Act 1997</i>, <i>Protection of the Environment Operation (Waste) Regulation</i> and 'Waste Classification Guidelines 2014' prepared by the NSW Office of Environment and Heritage. Condition reason: To protect the amenity of the neighbourhood and ensure public safety.
41	Noise during Construction The following shall be complied with during construction and demolition: (a) Construction Noise Noise from construction activities associated with the development shall comply with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the <i>Protection of the Environment Operations Act 1997</i>. (b) Level Restrictions

	Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out. (c) Out of hours work For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken. (d) Silencing All possible steps should be taken to silence construction site equipment. Condition reason: To protect the amenity of the neighbourhood.
42	Toilet Facilities (a) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site, and (b) 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 <i>Local Government Act 1993</i>, or iii. Be a temporary chemical closet approved under the <i>Local Government Act 1993</i>. Condition reason: To ensure compliance with the Local Government Act 1993.
43	Vibration During Demolition Works Demolition and construction works shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration. Condition reason: To protect the amenity of the neighbourhood and the structural integrity of nearby developments.

Before issue of an Occupation Certificate

44	Repair of Infrastructure
	Before the issue of an Occupation Certificate: a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or b. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition reason: To ensure any damage to public infrastructure is rectified.
45	Release of Securities
	When Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with councils' fees and charges for development.
	Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.
46	Certification of New Stormwater System
	Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.
	Condition reason: To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.
47	Positive Covenant Application
	Prior to the issue of the Occupation Certificate (and as part of the Subdivision Certificate), a Restriction on Use of Land and Positive Covenant pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present: a. Stormwater Absorption System

	The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate. Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Council requires proof of lodgement of the signed documents with the NSW Land Registry Services prior to the issue of the Occupation Certificate. Condition reason: To ensure that the approved stormwater system is maintained in good working condition.
48	Rainwater Tank - Plumbing Certification Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all toilet flushing, the cold water tap that supplies the clothes washing machine and all external taps/landscape irrigations for non-potable stormwater re-use. Balconies are not allowed to drain into the rainwater tanks. Condition reason: To ensure that the rainwater will be reused within the site in accordance with this approval.
49	Certification of Roof Drainage System Prior to the issue of any Occupation Certificate, a qualified Civil Engineer must certify that the roof drainage system has been constructed in accordance with the approved plans and in accordance relevant Australian Standard and Codes. The constructed roof drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. Condition reason: To ensure that the roof drainage system is constructed as approved and in accordance with Australian Standards relevant standards.
50	Occupation Certificate (Including Acoustic Measures) The Occupation Certificate must be obtained prior to any use or occupation of the building / development or part thereof. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions. This includes ensuring the proposal includes the recommendations of the "Aircraft Noise Intrusion Assessment" by Acoustic Logic, dated 28/5/2024, relating to acoustic mitigation works. Condition reason: To ensure that an Occupation Certificate is obtained and acoustic measures are implemented.
51	General landscape completion

	Prior to the issue of the whole of building Occupation Certificate, the following must be complied with to the satisfaction of the Principal Certifier: a) All landscape works are to be carried out in accordance with the construction certificate landscape plans approved by Bayside Council. A copy of the approved landscape maintenance schedule shall be provided on site or with the building manager. b) A Landscape Architect shall provide a report to the principal certifier (with a copy provided to Council, if Council is not the principal certifier) certifying that the landscape works have been carried out in accordance with the approved plans and requirements of this consent.
	Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).
52	Subdivision Certificate Application
	A Subdivision Certificate must be obtained from Council prior to registration of the subdivision with the NSW Land Registry Service.
	An application form and associated fee are required to be submitted to Council's Customer Service Centre with lodgement of the Subdivision Certificate.
	Condition reason: To ensure that subdivision can be registered with NSW Land Registry Services.

Occupation and ongoing use

53	Maintenance of Stormwater Drainage System
	The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.
	Condition reason: To protect waterways and minimise adverse impacts to the environment.
54	Release of securities
	After Council receives an Occupation Certificate, an application may be lodged to release the

	securities held in accordance with Council's fees and charges.
	Condition reason: To allow release of securities where the terms and conditions for the securities have been met to Council's satisfaction.
55	Maintenance of Landscaped Areas
	The landscaped areas on the property / site shall be maintained in accordance with any approved landscape plans and Council's Development Control Plan. The landscaped areas shall be maintained in a clean and tidy state and with a dense, even coverage of plants to Council's satisfaction at all times.
	An automatic drip irrigation system shall be installed and maintained in working order for all landscaped areas.
	Condition reason: To ensure ongoing maintenance of approved landscaping.

Land Subdivision

Before issue of a Subdivision Certificate

49	Subdivision Certificate Application
	A Subdivision Certificate must be obtained from Council prior to registration of the subdivision with the NSW Land Registry Service.
	An application form and associated fee are required to be submitted to Council's Customer Service Centre with lodgement of the Subdivision Certificate.
	Condition reason: To ensure that subdivision can be registered with NSW Land Registry Service.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means BAYSIDE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Bayside Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

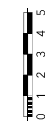
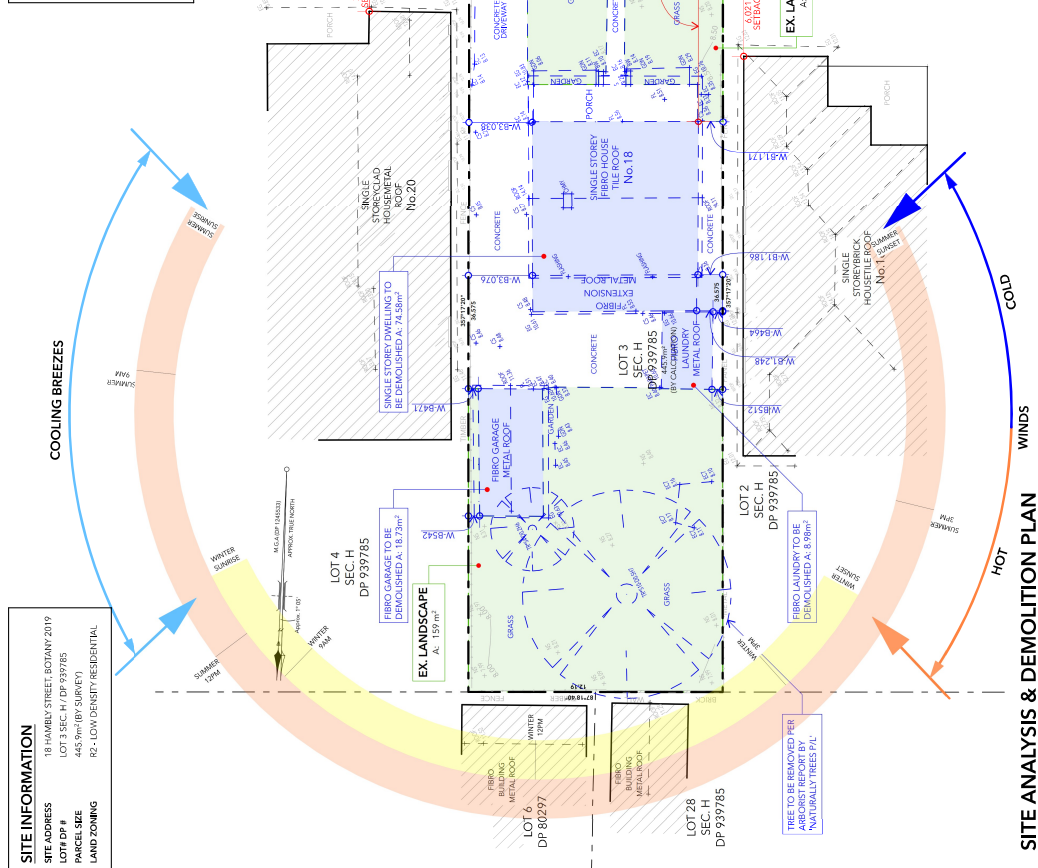
Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

COMPLIANCE TABLE BAYSIDE DCP 2022			
CONTROL	EXISTING	PROPOSED	REQUIREMENTS
SITE AREA	445.9m ²	UNALTERED	
HEIGHT OF BUILDING	5.79m	7.8m	8.5m max.
LOT WIDTH DUAL OCC.	12.19m	12.19m	15m min.
TORRENS SUBDIVISION FRONTAGE	12.19m	6.09m	6m min.
FLOOR SPACE RATIO (FSR)	0.17 / 1.75m ²	0.59 / 1.264m ²	0.6 / 1.26m ² max.
LANDSCAPED AREA	50% (224m ²)	27% (118m ²)	25% (112m ²) min.
LANDSCAPED AREA (FRONT)	38% (65m ²)	43% (29m ²)	20% min. (14m ²)
PRIVATE OPEN SPACE (min. 5m width)	175m ²	50m ² EACH	50m ² min.
FRONT SETBACK	9.17m	5.6m	4.92m min.
REAR SETBACK	8.44m	13.34m	5m min.
SIDE SETBACK (GROUND FLOOR)	0.64m	0.54m	0.9m min.
SIDE SETBACK (FIRST STOREY)	NA	1.50m	1.5m min.
POOL SIDE & REAR SETBACK	NA	1.01m / 1.03m	1m min.
CAR SPACES	2	4 / 2 EACH	2 PER DWELLING

LEGEND	
	EXISTING BUILDING
	PROPOSED POOL
	NEIGHBOURING DWELLING
	TO BE DEMOLISHED/ REMOVED
	PROPOSED DWELLINGS
	PROPOSED CONCRETE
	NEW FENCE GATE
	PROPOSED SOFT LANDSCAPING
	PRIVATE OPEN SPACE (POS)
	CAR SPACES



SCALE: 1:200

DATE: 08/08/25

PROJECT: 1258

REV: G

DRAWN: A003

CLIENT & SITE ADDRESS

MR ROD WHITLEY
18 HAMBY STREET, BOTANY 2019

LOT 3 SEC. H / DP 939785

COUNCIL: BAYSIDE COUNCIL

PROJECT DESCRIPTION

PROPOSED DEMOLITION OF DWELLING, NEW
DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION

DRAWING NAME

SITE ANALYSIS PLAN & COMPLIANCE
TABLE

ABSAR
Design Studio

P: 1300 11 NLBD | E: admin@nlbd.com.au | W: www.nlbd.com.au

ABSAR
Building Designers
ASSOCIATION OF AUSTRALIA

TRUE NORTH

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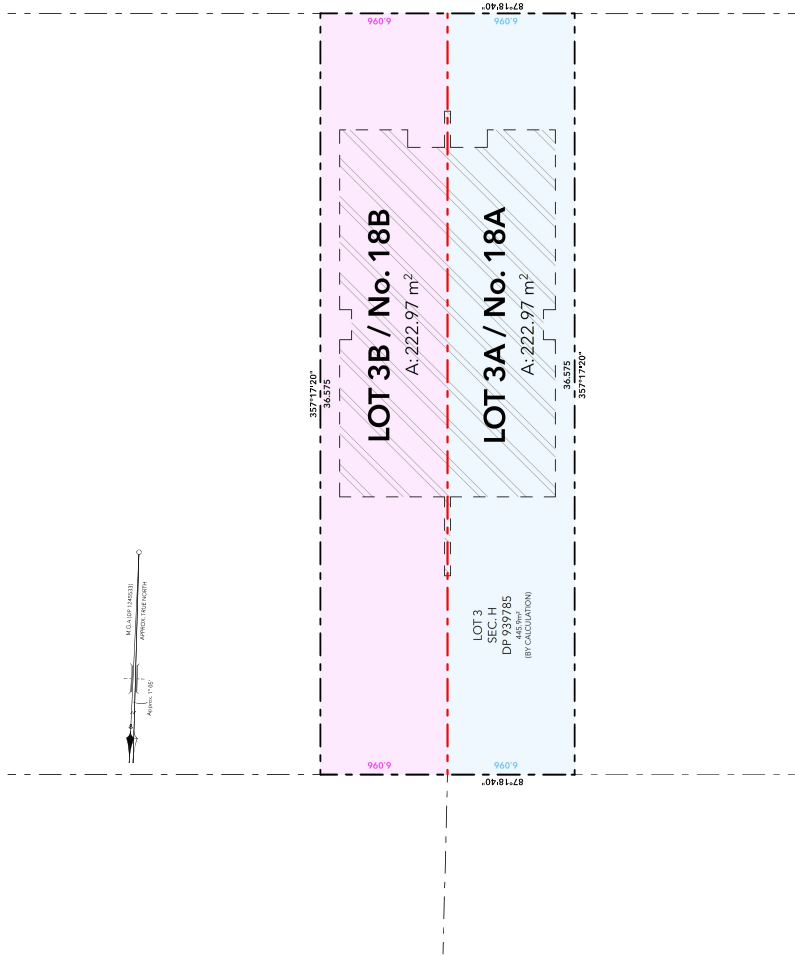
NOTE

- ALL LOT BOUNDARY MEASUREMENTS ARE AN APPROXIMATION ONLY AND ARE TO BE USED ONLY FOR DEVELOPMENT APPLICATION ASSESSMENT.

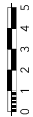
REFER TO DETAIL SURVEY BY "C & A SURVEYORS NSW PTY LTD" FOR ALL BEARINGS AND RL'S

DRAFT ONLY

EXISTING SITE INFORMATION	
SITE ADDRESS	18 HAMBLY STREET, BOTANY 2019
LOT # DP #	LOT 3 SEC. H / DP 939785
PARCEL SIZE	445.9m ² (BY CALC.)
LAND ZONING	R2 - LOW DENSITY RESIDENTIAL
PROPOSED LOT 3A INFORMATION	
No.	No. 18A
LOT # DP #	TBC
PARCEL SIZE	222.97m ² (APPROXIMATE)
LOT WIDTH	6.096m
PROPOSED LOT 3B INFORMATION	
No.	No. 18B
LOT # DP #	TBC
PARCEL SIZE	222.97m ² (APPROXIMATE)
LOT WIDTH	6.096m



PROPOSED DRAFT PLAN OF TORRENS TITLE SUBDIVISION
SCALE: 1:200



REV		DATE		ISSUANCE	
G	DA SUBMISSION (PREFEASE)	08/08/25			
F	DA SUBMISSION (FINAL ISSUE)	11/12/24			
E	DA SUBMISSION (PREFEASE)	24/05/24			
D	CONSULTANT (PREFEASE)	11/05/24			
REV					

DRAWING NAME		CLIENT & SITE ADDRESS	
PROPOSED DRAFT SUBDIVISION PLAN		MR ROD WHITLEY 18 HAMBLY STREET, BOTANY 2019 LOT 3 SEC. H / DP 939785	
PROJECT DESCRIPTION		COUNCIL BAYSIDE COUNCIL	
PROPOSED DEMOLITION OF DWELLING, NEW DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION		SCALE A3 1:200 DRAWN PA DATE 08/08/25 JOB No. 1258 REV No. G DWG No. A005	



ABS
Australian Building Sustainability Association

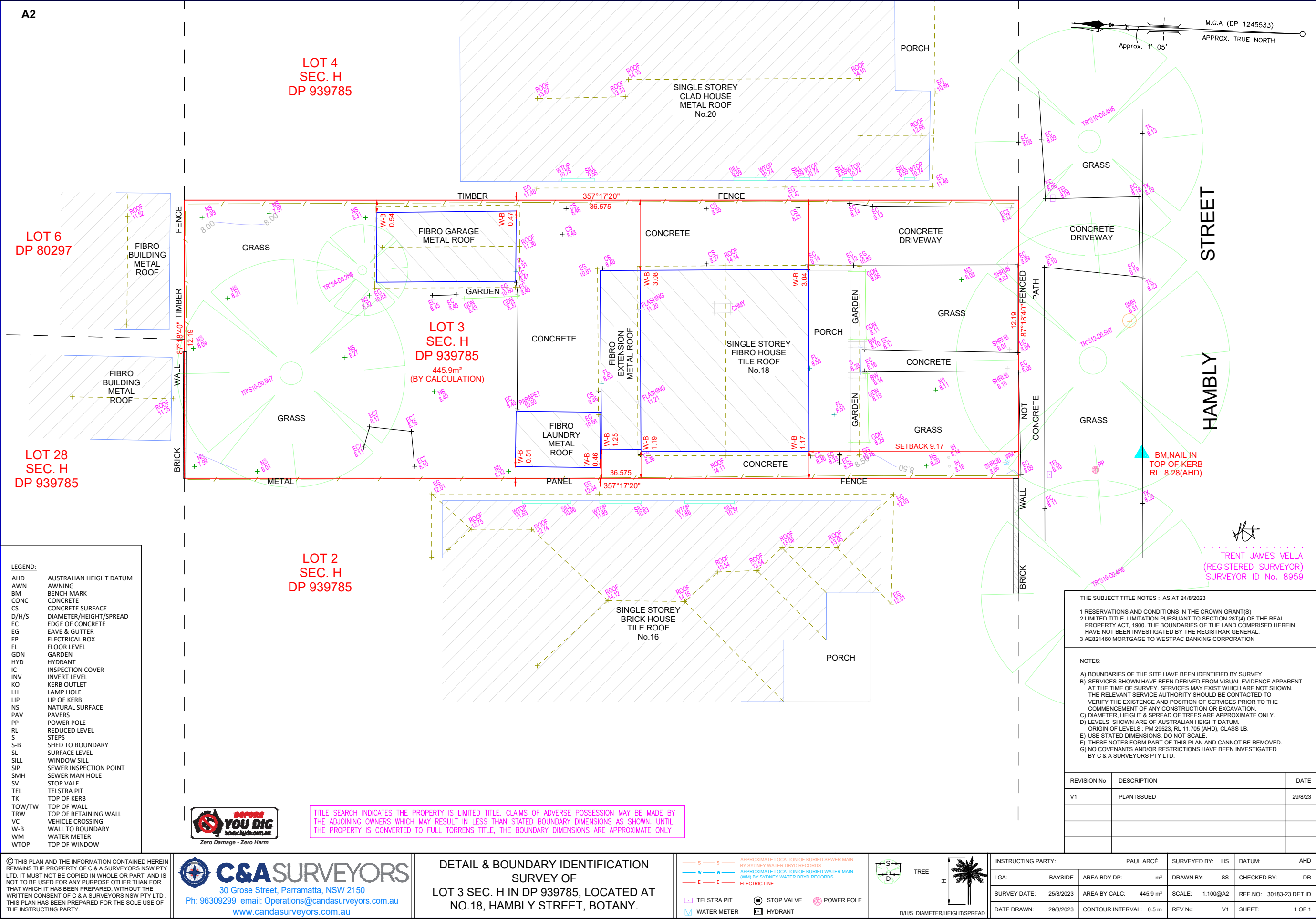


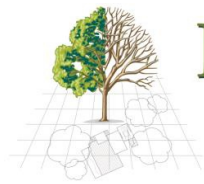
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Arboricultural Impact Appraisal and Method Statement

**18 Hambly Street
Botany, NSW**

**Prepared for
Rod Whitley**

12 December 2024

by Andrew Scales

Dip. Horticulture / Dip. Arboriculture AQF5

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Summary

The proposed development is to demolish the existing residence and replace it with a new duplex development. I have inspected all the trees that could be affected and list their details in Appendix 2. Based on this information, I provided guidance to project architect on the constraints these trees impose on the use of the site.

One high category tree and two low category trees will require removal to facilitate the proposed development. However, a comprehensive landscaping scheme to mitigate these losses is proposed that will include the planting of new trees. The proposed changes may adversely affect a further two high category trees if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal is expected to have a low to moderate impact on the contribution of trees to local amenity or character.



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1. INTRODUCTION

- 1.1 **Instruction:** I am instructed by Next Level Design Studio to inspect the tree population at 18 Hambly Street, Botany and to provide an arboricultural report to accompany a development application. This report investigates the impact of the proposed development on trees and provides the following guidelines for appropriate tree management and protective measures:
- a schedule of the relevant trees to include basic data and a condition assessment;
 - an appraisal of the impact of the proposal on trees and any resulting impact that has on local character and amenity;
 - a preliminary arboricultural method statement setting out appropriate protective measures and management for trees to be retained
- 1.2 **Purpose of this report:** This report provides an analysis of the impact of the development proposal on trees with additional guidance on appropriate management and protective measures. Its primary purpose is for the council to review the tree information in support of the planning submission and use as the basis for issuing a planning consent or engaging in further discussions towards that end. Within this planning process, it will be available for inspection by people other than tree experts, so the information is presented to be helpful to those without a detailed knowledge of the subject.
- 1.3 **Qualifications and experience:** I have based this report on my site observations and the provided information, and I have come to conclusions in the light of my experience. I have experience and qualifications in arboriculture and include a summary in Appendix 1.
- 1.4 **Documents and information provided:** Next Level Design Studio provided me with copies of the following documents:
- Survey Plan, Dwg No. 30183-23 DET ID, by C&A Surveyors dated 29 August 2023; and
 - Site Plan, Dwg No. A001 to A405 (Revision F), by Next Level Design Studio dated 11 December 2024.
- 1.5 **Scope of this report:** This report is only concerned with five trees, two located within the subject site and three adjacent to it, on public property. It takes no account of other trees, shrubs or groundcovers within the site unless stated otherwise. It includes a preliminary assessment based on the site visit and the documents provided, listed in 1.4 above.



2. THE LAYOUT DESIGN

- 2.1 **Tree AZ method of tree assessment:** The TreeAZ assessment method determines the worthiness of trees in the planning process. TreeAZ is based on a systematic method of assessing whether individual trees are important and how much weight they should be given in management considerations. Simplistically, trees assessed as potentially important are categorised as 'A' and those assessed as less important are categorised as 'Z'. Further explanation of TreeAZ can be found in Appendix 3.

In the context of new development, all the Z trees are discounted as a material constraint in layout design. All the A trees are potentially important and they dictate the design constraints. This relatively simple constraints information is suitable for use by the architect to optimise the retention of the best trees in the context of other material considerations.

2.2 Site visit and collection of data

- 2.2.1 **Site visit:** I carried out an unaccompanied site visit on 24 October 2023. All my observations were from ground level and I estimated all dimensions unless otherwise indicated. Aerial inspections, root or soil analysis, exploratory root trenching and internal diagnostic testing was not undertaken as part of this assessment. The weather at the time of inspection was clear and dry with good visibility.
- 2.2.2 **Brief site description:** 18 Hambly Street is located in the residential suburb of Botany (refer figure 1). The site is on the northern side of the road and surrounded by similar residential development. The property consists of a single storey house that is currently occupied and centrally set within the property. A variety of ornamental and indigenous trees are scattered throughout the site and around the site boundaries.



Figure 1: The location of the subject site (www.googlemaps.com).



- 2.2.3 **Collection of basic data:** I inspected each tree and have collected information on species, height, diameter, maturity and potential for contribution to amenity in a development context. I have recorded this information in the tree schedule included, with explanatory notes, in Appendix 2. Each tree was then allocated to one of four categories (**AA**, **A**, **Z** or **ZZ**), which reflected its suitability as a material constraint on development.
- 2.2.4 **Identification and location of the trees:** I have illustrated the locations of the significant trees on the Tree Management Plan (Plan TMP01) included as Appendix 9. This plan is for illustrative purposes only and it should not be used for directly scaling measurements.
- 2.2.5 **Advanced interpretation of data:** Australian Standard *Protection of trees on development sites* (AS4970-2009), recommends that the trunk diameter measurement for each tree is used to calculate the tree protection zone (TPZ), which can then be interpreted to identify the design constraints and, once a layout has been consented, the exclusion zone is to be protected by barriers.
- 2.3 **The use of the tree information in layout design:** Following my inspection of the trees, the information listed in Appendix 2 was used to provide constraints guidance based on the locations of all the A trees. All the Z trees were discounted because they were not considered worthy of being a material constraint. This guidance identified two zones of constraint based on the following considerations:
- **The tree protection zone (TPZ)** is an area where ground disturbance must be carefully controlled. The TPZ was established according to the recommendations set out in AS4970-2009 and is the radial offset distance of twelve (x12) times the trunk diameter. In principle, a maximum encroachment of 10% is acceptable within the TPZ and a high level of care is needed during any activities that are authorised within it if important trees are to be successfully retained.
 - **The structural root zone (SRZ)** is a radial distance from the centre of a tree's trunk, where it is likely that structural, woody roots would be encountered. The distance is calculated on trunk flare diameter at ground level. The SRZ may also be influenced by natural or built structures, such as rocks and footings. The SRZ only needs to be calculated when major encroachment (>10%) into a TPZ is proposed.



3. ARBORICULTURAL IMPACT APPRAISAL

- 3.1 **Summary of the impact on trees:** I have assessed the impact of the proposal on trees by the extent of disturbance in TPZs and the encroachment of structures into the SRZ (as set out briefly in 2.3 above and more extensively in Appendix 2). All the trees that may be affected by the development proposal are listed in Table 1

Table 1: Summary of existing trees and trees that may be affected by development

Impact	Reason	Important trees		Unimportant trees	
		AA	A	Z	ZZ
Retained trees that may be affected through disturbance to TPZs	Removal of existing surfacing/structures/landscaping and/or installation of new surfacing/structures/landscaping		3, 5		
Trees to be removed	Building and driveway construction and/or level variations within TPZ		4	1, 2	

3.2 Detailed impact appraisal

- 3.2.1 **Category A tree to be lost:** The proposed development will necessitate the removal of one high category tree (Tree 4). The proposed driveways will impede within the SRZ and will occupy 35% of its TPZ. This tree is considered moderate significance and displays fair health and condition. In order to compensate for loss of amenity, consideration should be given to replacement planting within the site.
- 3.2.2 **Category A trees that could potentially be adversely affected through TPZ disturbance:** Two category A trees (Trees 3 and 5) could potentially be adversely affected through disturbance to their TPZs as follows:
- Trees 3 and 5: These are important trees with a high potential to contribute to amenity so any adverse impacts on them should be minimised. The proposed driveways will occupy <5% of their TPZ's and is not expected to have any impacts. I have reviewed the situation carefully and my experience is that these trees could be successfully retained without any adverse effects if appropriate protective measures are properly specified and controlled through a detailed arboricultural method statement.
- 3.2.3 **Low category trees to be removed:** The proposed development will necessitate the removal of two trees low retention value. These include Trees 1 and 2. None of these trees are considered significant or worthy of special

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measures to ensure their preservation. Tree 1 consists of an old cut stump with multiple epicormic re-growth shoots. Tree 2 is small and not largely visible from outside the property.

3.3 Proposals to mitigate any impact

- 3.3.1 **Protection of retained trees:** The successful retention of trees within the site will depend on the quality of the protection and the administrative procedures to ensure protective measures remain in place throughout the development. An effective way of doing this is through an arboricultural method statement that can be specifically referred to in the planning condition. An arboricultural method statement for this site is set out in detail in Section 4.
- 3.3.2 **New planting:** In the context of the loss of trees, a comprehensive new landscaping scheme is proposed including semi-mature trees to be planted within available areas in prominent locations. The new trees should have the potential to reach a significant height without excessive inconvenience and be sustainable into the long term, significantly improving the potential of the site to contribute to local amenity and character.
- 3.3.3 **Summary of the impact on local amenity:** One high category tree and two low category trees will require removal to facilitate the proposed development. However, a comprehensive landscaping scheme to mitigate these losses is proposed that will include the planting of new trees. The proposed changes may adversely affect a further two high category trees if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal is expected to have a low to moderate impact on the contribution of trees to local amenity or character.



4. ARBORICULTURAL METHOD STATEMENT

4.1 Introduction

4.1.1 **Terms of reference:** The impact appraisal in Section 3 identified the potential impacts on trees caused by proposed development. Section 4 is an arboricultural method statement setting out management and protection details that must be implemented to secure successful tree retention. It has evolved from Australian Standard AS4970-2009 *Protection of trees on development sites*.

4.1.2 **Plan TMP01:** Plan TMP01 in Appendix 9 is illustrative and based entirely on provided information. This plan should only be used for dealing with the tree issues and all scaled measurements must be checked against the original submission documents. The precise location of all protective measures must be confirmed at the pre-commencement meeting before any demolition or construction activity starts. Its base is the existing land survey, which has the proposed layout superimposed so the two can be easily compared. It shows the existing trees numbered, with high categories (A) highlighted in green triangles and low categories (Z) highlighted in blue rectangles. It also shows the locations of the proposed protective measures.

4.2 Tree protection with fencing and ground protection

4.2.1 **Protection fencing:** Tree protection fencing must comply with AS4970 (section 4.3) recommendations. An illustrative guide is included as Appendix 4. The approximate location of the barriers and the TPZs is illustrated on plan TMP01. The precise location of the fencing must be agreed with the project Arborist before any development activity starts.

4.2.2 **Ground protection:** Any TPZs outside the protective fencing must be covered in ground protection based on AS4970 recommendations until there is no risk of damage from the demolition and construction activity. An illustrative specification for this ground protection is included as Appendix 5. On this site, it must be installed near any tree where access is required within a TPZ.

4.3 **Precautions when working in TPZs:** Any work in TPZs must be done with care as set out in Appendix 7. On this site, special precautions must be taken near Trees 3 and 5 as illustrated on plan TMP01 and summarised below:

- **Removal of existing surfacing/structures and replacement with new surfacing/structures:** Trees 3 and 5 may be adversely affected by the demolition and construction works or the installation of a small area of new surfacing. Any adverse impact must be minimised by following the guidance set out in Appendix 7.
- **Installation of new services or upgrading of existing services:** It is often difficult to clearly establish the detail of services until the

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construction is in progress. Where possible, it is proposed to use the existing services into the site and keep all new services outside TPZs. However, where existing services within TPZs require upgrading or new services have to be installed in TPZs, great care must be taken to minimise any disturbance. Trenchless installation should be the preferred option but if that is not feasible, any excavation must be carried out by hand according to the guidelines set out in Section 6 of Appendix 7. If services do need to be installed within TPZs, consultation must be obtained from the project Arborist and/or council before any works are carried out.

- **Damage to street trees:** Any damage to street trees as a result of erection of hoardings, scaffolding or due to the loading/unloading of vehicles adjacent the site must be immediately reported to the Council's Street Tree Contract Coordinator, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

4.4 Other tree related works

4.4.1 **Site storage, cement mixing and washing points:** All site storage areas, cement mixing and washing points for equipment and vehicles must be outside TPZs unless otherwise agreed with the project Arborist and/or council. Where there is a risk of polluted water run off into TPZs, heavy-duty plastic sheeting and sandbags must be used to contain spillages and prevent contamination.

4.4.2 **Pruning:** Any pruning that is required to accommodate hoardings, scaffolding or to accommodate the unloading/loading of vehicles and has been approved by Council shall be carried out by a qualified Arborist (AQF3) and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

4.5 Programme of tree protection and supervision

4.5.1 **Site management:** It is the developer's responsibility to ensure that the details of this arboricultural method statement and any agreed amendments are known and understood by all site personnel. Copies of the agreed documents must be kept on site at all times and the site manager must brief all personnel who could have an impact on trees on the specific tree protection requirements. This must be a part of the site induction procedures and written into appropriate site management documents.



5. HOW TO USE THIS REPORT

5.1 **Limitations:** It is common that the detail of logistical issues such as site storage and the build programme are not finalised until after consent is issued. As this report has been prepared in advance of consent, some of its content may need to be updated as more detailed information becomes available once the post-consent project management starts. Although this document will remain the primary reference in the event of any disputes, some of its content may be superseded by authorised post-consent amendments.

5.2 **Suggestions for the effective use of this report:** Section 4 of this report, including the relevant appendices, is designed as an enforcement reference. It is constructed so the council can directly reference the detail in a planning condition. Referencing the report by name and relating conditions to specific subsections is an effective means of reducing confusion and facilitating enforcement in the event of problems during implementation. More specifically, the following issues should be directly referenced in the conditions for this site:

1. Pre-commencement meeting	4.5
2. Protection fence	4.2.1 and Appendix 4
3. Ground protection	4.2.2 and Appendix 5
4. Removal of surfacing/structures	4.3 and Appendix 7 (Section 4)
5. Installation of surfacing/structures	4.3 and Appendices 6 (Section 5)
6. Services	4.3 and Appendix 7 (Section 6)
7. Landscaping	4.3 and Appendix 7 (Section 7)
8. Programming of tree protection	4.5 and Appendix 8
9. Arboricultural supervision	4.5 and Appendix 8

Each of the above matters shall be supervised by the project arborist and the relevant conditions can only be discharged once that supervision has been confirmed in writing to the relevant parties. The last column of the table in Appendix 8 is to be used so that the various supervision issues can be recorded as they are confirmed by supervision letters. It is intended to act as a summary quick reference to help keep track of the progress of the supervision.



6. OTHER CONSIDERATIONS

- 6.1 **Trees subject to statutory controls:** The subject trees are legally protected under Bayside Council's Tree Preservation Order, it will be necessary to consult the council before any pruning or removal works other than certain exemptions can be carried out. The works specified above are necessary for reasonable management and should be acceptable to the council. However, tree owners should appreciate that the council may take an alternative point of view and have the option to refuse consent.

7. BIBLIOGRAPHY

7.1 List of references:

Australian Standard AS4373-2007 *Pruning of Amenity Trees*.
Standards Australia.

Australian Standard AS4970-2009 *Protection of trees on development sites*.
Standards Australia.

Barrell, J (2009) Draft for Practical Tree AZ version 9.02 A+NZ
Barrel Tree Consultancy, Bridge House, Ringwood BH24 1EX

Matheny, N.P. & Clark, J.R. (1998) Trees & Development: A Technical Guide to Preservation of Trees During Land Development
International Society of Arboriculture, Savoy, Illinois.

Mattheck, Dr. Claus R., Breloer, Helge (1995) The Body Language of Trees - A Handbook for Failure Analysis;
The Stationery Office, London. England.

Robinson, L (1994) Field Guide to the Native Plants of Sydney
Kangaroo Press, Kenthurst NSW



8. DISCLAIMER

8.1 Limitations on use of this report:

This report is to be utilized in its entirety only. Any written or verbal submission, report or presentation that includes statements taken from the findings, discussions, conclusions or recommendations made in this report, may only be used where the whole of the original report (or a copy) is referenced in, and directly attached to that submission, report or presentation.

ASSUMPTIONS

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible: however, Naturally Trees can neither guarantee nor be responsible for the accuracy of information provided by others.

Unless stated otherwise:

- Information contained in this report covers only those trees that were examined and reflects the condition of those trees at time of inspection: and*
- The inspection was limited to visual examination of the subject trees without dissection, excavation, probing or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the subject trees may not arise in the future.*

Yours sincerely

Andrew Scales
Dip. Horticulture
Dip. Arboriculture AQF5



APPENDIX 1

Brief qualifications and experience of Andrew Scales

1. Qualifications:

Associate Diploma Horticulture	Northern Sydney Institute of TAFE	1998
Certificate in Tree Surgery	Northern Sydney Institute of TAFE	1998
Diploma of Horticulture (Arboriculture)	Northern Sydney Institute of TAFE	2006
Diploma of Arboriculture AQF5	Northern Sydney Institute of TAFE	2019

2. Practical experience:

Being involved in the arboricultural/horticultural industry for in excess of 20 years, I have developed skills and expertise recognized in the industry. Involvement in the construction industry and tertiary studies has provided me with a good knowledge of tree requirements within construction sites.

As director of Naturally Trees, in this year alone I have undertaken hundreds of arboricultural consultancy projects and have been engaged by a range of clients to undertake tree assessments. I have gained a wide range of practical tree knowledge through tree removal and pruning works.

3. Continuing professional development:

Visual Tree Assessment (Prof. Dr. Claus Mattheck)	Northern Sydney Institute of TAFE	2001
Wood Decay in Trees (F.W.M.R.Schwarze)	Northern Sydney Institute of TAFE	2004
Visual Tree Assessment (Prof. Dr. Claus Mattheck)	Carlton Hotel, Parramatta NSW	2004
Tree A-Z / Report Writing (Jeremy Barrell)	Northern Sydney Institute of TAFE	2006
Up by Roots – Healthy Soils and Trees in the Built Environment (James Urban)	The Sebel Parramatta NSW	2008
Tree Injection for Insect Control (Statement of Attainment)	Northern Sydney Institute of TAFE	2008
Quantified Tree Risk Assessment (QTRA) Registered Licensee #1655	South Western Sydney Institute	TAFE 2011
Practitioners Guide to Visual Tree Assessment	South Western Sydney Institute	TAFE 2011
Quantified Tree Risk Assessment (QTRA) Registered Licensee #1655	Richmond College NSW	TAFE 2014
VALID Approach to Likelihood of Failure (David Evans)	Centennial Park NSW	2017



APPENDIX 2

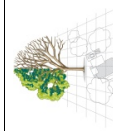
Tree schedule

NOTE: Colour annotation is AA & A trees with green background; Z & ZZ trees with blue background; trees to be removed in red text.

No.	Genus species	Height	Spread	DBH	TPZ	Foliage %	Age class	Defects/Comments	Location	Services	Significance	Tree AZ
1	<i>Jacaranda mimosifolia</i>	9	9	300 _M	3.6	70%	M	Lopped, Epicormic growth only	Grass	Nil	M	Z9
2	<i>Plumeria rubra</i>	3	3	200	2.4	70%	M	Leaning trunk, Poor form	Grass	Shed	L	Z12
3	<i>Sapium sebiferum</i>	7	7	400	4.8	70%	M	Pruned under wires	Grass	LV wires	M	A2
4	<i>Melaleuca quinquenervia</i>	10	9	450	5.4	70%	M	Pruned under wires	Grass	LV wires	M	A2
5	<i>Hibiscus tiliaceus</i>	7	9	450	5.4	70%	M	Pruned under wires	Grass	LV wires	M	A2

Explanatory Notes

- **Measurements/estimates:** All dimensions are estimates unless otherwise indicated. Measurements taken with a tape or clinometer are indicated with a '(*)'. Less reliable estimated dimensions are indicated with a '?'.
 - **Species:** The species identification is based on visual observations and the botanical name. In some instances, it may be difficult to quickly and accurately identify a particular tree without further detailed investigations. Where there is some doubt of the precise species of tree, it is indicated with a '?' after the name in order to avoid delay in the production of the report. The botanical name is followed by the abbreviation sp if only the genus is known. The species listed for groups and hedges represent the main component and there may be other minor species not listed.
 - **Tree number:** relates to the reference number used on site diagram/report.
 - **Height:** Height is estimated to the nearest metre.
 - **Spread:** The average crown spread is visually estimated to the nearest metre from the outermost tips of the live lateral branches.
 - **DBH:** These figures relate to 1.4m above ground level and are recorded in millimetres. If appropriate, diameter is measured with a diameter tape. 'M' indicates trees or shrubs with multiple stems.
 - **Foliage Cover:** Percent of estimated live foliage cover for particular species range.
 - **Age class:**
 - Y Young = recently planted
 - S Semi-mature (<20% of life expectancy)
 - M Mature (20-80% of life expectancy)
 - O Over-mature (>80% of life expectancy)
 - **TPZ:** The Tree Protection Zone (TPZ) is the radial offset distance of twelve times the trunk diameter in meters.
 - **Tree AZ:** See reference for Tree AZ categories in Appendix 3.
 - **Significance:** A tree's significance/value in the landscape takes into account its prominence from a wide range of perspectives. This includes, but is not limited to neighbour hood perspective, local perspective and site perspective. The significance of the subject trees has been categorized into three groups, such as: High, Moderate or Low significance.



Report on trees at 18 Hambly Street, Botany for Rod Whitley
Ref: Next Level Design Studio BOTANY_AIA and MS – 12/12/2024
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APPENDIX 3

TreeAZ Categories (Version 10.04-ANZ)

Z Category Z: Unimportant trees not worthy of being a material constraint

Local policy exemptions: Trees that are unsuitable for legal protection for local policy reasons including size, proximity and species

Z1	Young or insignificant small trees, i.e. below the local size threshold for legal protection, etc
Z2	Too close to a building, i.e. exempt from legal protection because of proximity, etc
Z3	Species that cannot be protected for other reasons, i.e. scheduled noxious weeds, out of character in a setting of acknowledged importance, etc

High risk of death or failure: Trees that are likely to be removed within 10 years because of acute health issues or severe structural failure

Z4	Dead, dying, diseased or declining
Z5	Severe damage and/or structural defects where a high risk of failure cannot be satisfactorily reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, overgrown and vulnerable to adverse weather conditions, etc
Z6	Instability, i.e. poor anchorage, increased exposure, etc

Excessive nuisance: Trees that are likely to be removed within 10 years because of unacceptable impact on people

Z7	Excessive, severe and intolerable inconvenience to the extent that a locally recognised court or tribunal would be likely to authorise removal, i.e. dominance, debris, interference, etc
Z8	Excessive, severe and intolerable damage to property to the extent that a locally recognised court or tribunal would be likely to authorise removal, i.e. severe structural damage to surfacing and buildings, etc

Good management: Trees that are likely to be removed within 10 years through responsible management of the tree population

Z9	Severe damage and/or structural defects where a high risk of failure can be temporarily reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, vulnerable to adverse weather conditions, etc
Z10	Poor condition or location with a low potential for recovery or improvement, i.e. dominated by adjacent trees or buildings, poor architectural framework, etc
Z11	Removal would benefit better adjacent trees, i.e. relieve physical interference, suppression, etc
Z12	Unacceptably expensive to retain, i.e. severe defects requiring excessive levels of maintenance, etc

NOTE: Z trees with a high risk of death/failure (Z4, Z5 & Z6) or causing severe inconvenience (Z7 & Z8) at the time of assessment and need an urgent risk assessment can be designated as ZZ. ZZ trees are likely to be unsuitable for retention and at the bottom of the categorisation hierarchy. In contrast, although Z trees are not worthy of influencing new designs, urgent removal is not essential and they could be retained in the short term, if appropriate.

A Category A: Important trees suitable for retention for more than 10 years and worthy of being a material constraint

A1	No significant defects and could be retained with minimal remedial care
A2	Minor defects that could be addressed by remedial care and/or work to adjacent trees
A3	Special significance for historical, cultural, commemorative or rarity reasons that would warrant extraordinary efforts to retain for more than 10 years
A4	Trees that may be worthy of legal protection for ecological reasons (Advisory requiring specialist assessment)

NOTE: Category A1 trees that are already large and exceptional, or have the potential to become so with minimal maintenance, can be designated as AA at the discretion of the assessor. Although all A and AA trees are sufficiently important to be material constraints, AA trees are at the top of the categorisation hierarchy and should be given the most weight in any selection process.

TreeAZ is designed by Barrell Tree Consultancy (www.treeaz.com/tree_az/)

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APPENDIX 4

Tree protection fencing and signs - Illustrative specification

Protective fencing: Protective 1.8m high fencing should be installed at the location illustrated on the Tree Management Plan before any site works start. All uprights should be fixed in position for the duration of the development activity. The fixings must be able to withstand the pressures of everyday site work.

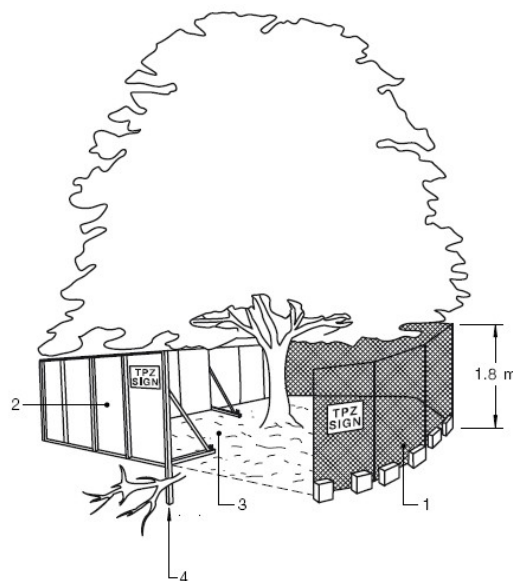
Inside the protective fencing, the following rules must be strictly observed:

- No vehicular access
- No storage of excavated debris, building materials or fuels
- No excessive cultivation for landscape planting
- No fires
- No mixing of cement
- No service installation or excavation

Once erected, protective fencing must not be removed or altered without consulting first with the project Arborist.

Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area and signage must be attached to outside of fencing.

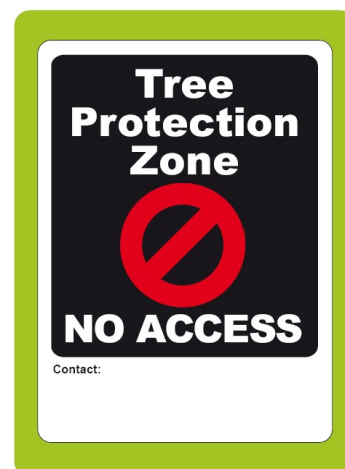
Signage: All signs are to provide clear and readily accessible information to indicate that a TPZ has been established. Signage identifying the TPZ must be attached to outside of fencing and be visible from within the development site.



Legend

1. Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
2. Alternative plywood or wooden paling fence panels. This fencing material also prevents building materials or soil entering the TPZ.
3. Mulch installation across surface of TPZ (at the discretion of the project arborist). No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.
4. Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.

Signage example:



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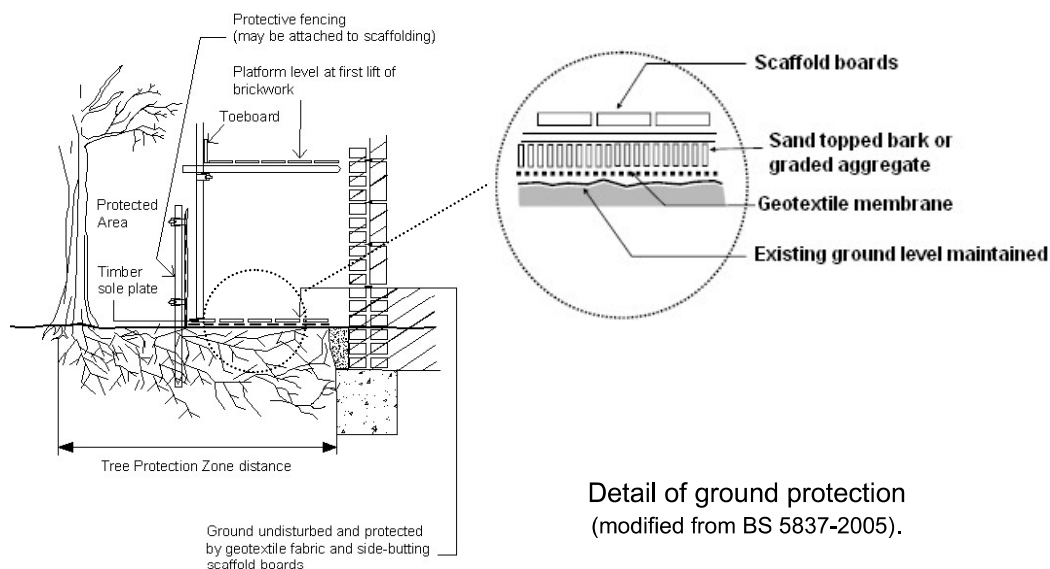
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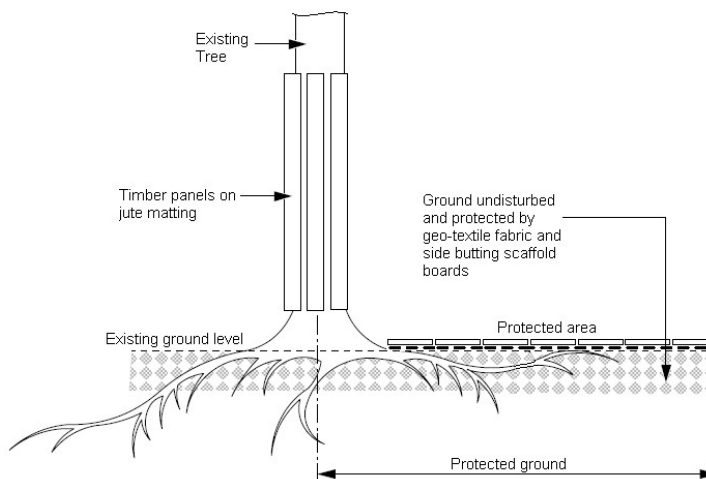
APPENDIX 5

Root zone and trunk protection - Illustrative specification

Root zone protection: Where necessary, access through the TPZ can be achieved by laying aggregate and timber boards (or similar) over the root zone to protect roots. The ground beneath the boarding should be left undisturbed and should be protected with a porous geo-textile fabric covered with sand or mulch.



Trunk protection: Where fencing cannot be installed, the vertical trunk of exposed trees shall be protected by the placement of 3.6m lengths of 50 x 100mm hardwood timbers, spaced vertically, at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material e.g. Jute Matting. The trunk protection shall be maintained intact until the completion of all work on site.



Detail of trunk protection.



APPENDIX 6

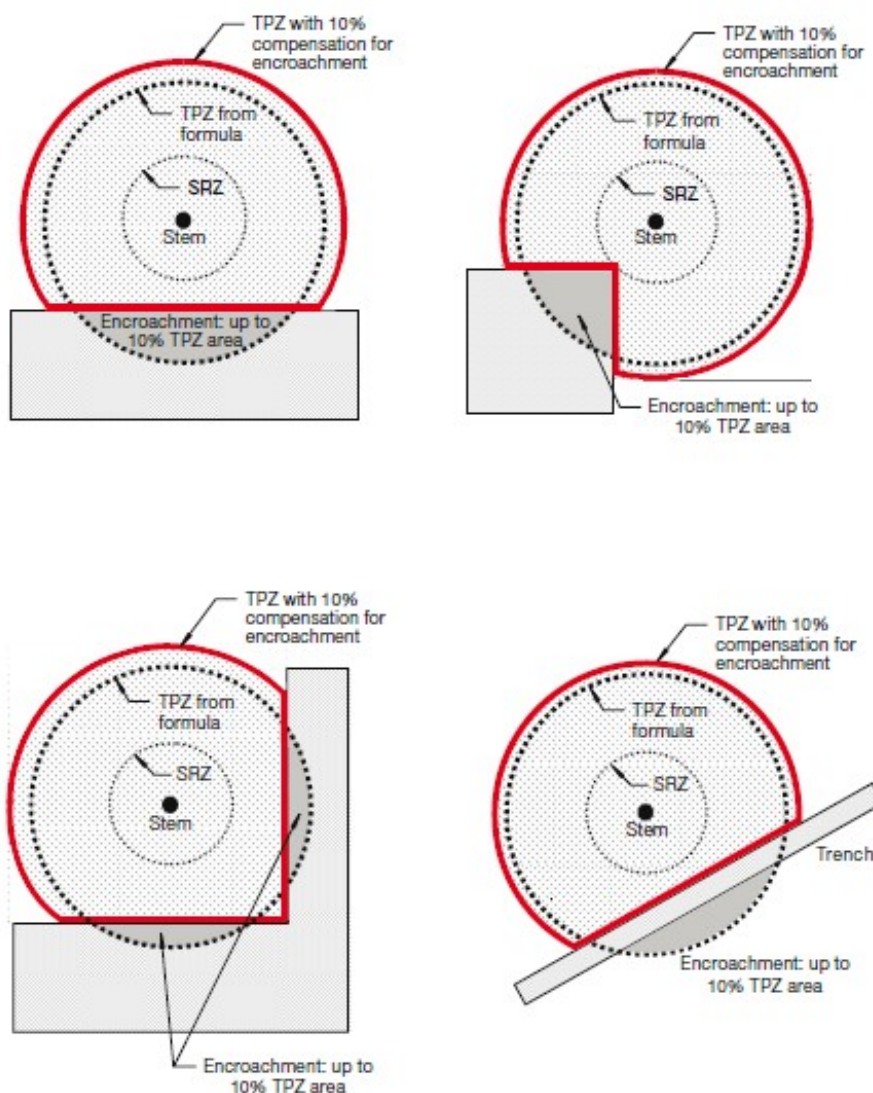
Tree Protection Zone Encroachments AS4970-2009

Minor Encroachments

The proposed encroachment is less than 10% of the TPZ and outside the SRZ. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.

Major Encroachments

The proposed encroachment exceeds 10% of the TPZ or inside the SRZ. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This may require root investigation by non-destructive methods.



APPENDIX 7

General guidance for working in TPZ

1 PURPOSE OF THIS GUIDANCE

This guidance sets out the general principles that must be followed when working within a TPZ. Where more detail is required, it will be supplemented by illustrative specifications in other appendices in this document (refer Appendix 4 and 5).

This guidance is based on the Australian Standards (2009) AS4970: *Protection of Trees on Construction Sites*.

Once the site works start, this guidance is specifically for the site personnel to help them understand what has been agreed and explain what is required to fully meet their obligations to protect trees. All personnel working in TPZs must be properly briefed about their responsibilities towards important trees based on this guidance.

This guidance should always be read in conjunction with the Tree Management Plan (TMP01) illustrating the areas where specific precautions are necessary. Each area where precautions are required is explained on the plan as identified on the legend. All protective measures should be installed according to the prevailing site conditions and agreed as satisfactory by the Project Arborist before any demolition or construction work starts.

2 TREE PROTECTION

2.1 Tree Protection Zone (TPZ)

The TPZ is a radial setback, extending outwards from the centre of the trunk, where disturbance must be minimised if important trees are to be successfully retained. The TPZ area is illustrated on the Tree Management Plan (TMP01) accompanying this guidance.

- The TPZ is a radial setback extending outwards from the centre of the trunk equal to the DBH x 12.
- This area shall be protected by tree protective fencing (refer Appendix 4).
- Any part of the TPZ outside of the tree protective fencing area must be isolated from the work operations by protective barriers and/or root zone protection for the duration of the work (refer Appendix 5).
- The Project Arborist shall approve the extent of the TPZ prior to commencement of works.
- The TPZ shall be mulched to a depth of 90mm with approved organic mulch e.g. leaf and wood chip where possible.
- Supplementary watering shall be provided in dry periods to reduce water or construction stress, particularly to those trees which may incur minor root disturbance.

The following activities shall be excluded within the TPZ:

- Excavation, compaction or disturbance of the existing soil.
- The movement or storage of materials, waste or fill.
- Soil level changes
- Disposal/runoff of waste materials and chemicals including paint, solvents, cement slurry, fuel, oil and other toxic liquids
- Movement or storage of plant, machinery, equipment or vehicles.
- Any activity likely to damage the trunk, crown or root system.

2.2 Arboricultural supervision

Any work within TPZs requires a high level of care. Qualified arboricultural supervision is essential to minimise the risk of misunderstanding and misinterpretation. Site personnel must be properly briefed before any work starts. Ongoing work must be inspected regularly and, on completion, the work must be signed off by the Project Arborist to confirm compliance by the contractor.



2.3 Tree protection fencing, root zone and trunk protection

Prior to site establishment, tree protection fencing and root zone and trunk protection shall be installed to establish the TPZ for trees to be retained in accordance with site conditions. These protective barriers shall be maintained entire for the duration of the construction program (refer Appendix 4 and 5).

Tree protection fencing and trunk and root zone protection shall be removed following completion of construction. The mulch layer in the TPZ shall be retained and replenished where required to maintain a 75mm thickness

2.4 Pruning

All pruning work required (including root pruning) should be in accordance with Australian Standard No 4373-1996 - Pruning of Amenity Trees.

2.5 Tree Damage

In the event of damage to a tree or the TPZ, the Project Arborist shall be engaged to inspect and provide advice on remedial action. This should be implemented as soon as practicable and certified by the Project Arborist.

2.6 Post construction maintenance

In the event of any tree deteriorating in health after the construction period, the Project Arborist shall be engaged to provide advice on any remedial action. Remedial action shall be implemented as soon as practicable and certified by the Project Arborist.

3 EXCAVATION AND FILL IN TPZ

3.1 Excavation within TPZ

If excavation within the TPZ is required the following shall be applied to preserve tree root systems:

- Excavation within TPZ must be carried out under the instruction and supervision of the Project Arborist.
- A root mapping exercise is to be undertaken and certified by the Project Arborist. Root mapping shall be undertaken by either ground penetrating radar, air spade, water laser or by hand excavation using hand tools, taking care not to damage the bark and wood of any roots.
- The purpose of the root mapping shall be to locate woody structural roots greater than 40mm in diameter. Where possible, flexible clumps of smaller roots, including fibrous roots, should be retained if they can be displaced temporarily or permanently beyond the excavation without damage.
- If digging by hand, a fork shall be used to loosen the soil and help locate any substantial roots.
- Once roots have been located, the trowel shall be used to clear the soil away from them without damaging the bark.
- Exposed roots to be removed shall be cut cleanly with a sharp saw or secateurs.
- Roots temporarily exposed shall be protected from direct sunlight, drying out and extremes of temperature by appropriate covering.

3.2 Fill within TPZ

Placement of fill material within the Tree Protection Zone of trees to be retained should be avoided where possible. However, where fill cannot be avoided:

- All fill material to be placed within the TPZ should be approved by Project Arborist and consist of a course, gap-graded material to provide aeration and percolation to the root zone. Materials containing a high percentage of 'fines' is unacceptable for this purpose.
- The fill material should be consolidated with a non-vibrating roller to minimise compaction of the underlying soil.
- No fill material should be placed in direct contact with the trunk.



4 DEMOLITION OF SURFACING/STRUCTURES IN TPZ

4.1 Definitions of surfacing and structures

For the purposes of this guidance, the following broad definitions apply:

- **Surfacing:** Any hard surfacing used as a vehicular road, parking or pedestrian path including tarmac, solid stone, crushed stone, compacted aggregate, concrete and timber decking.
- **Structures:** Any man-made structure above or below ground including service pipes, walls, gate piers, buildings and foundations. Typically, this would include drainage structures, services, car-ports, bin stores and concrete slabs that support buildings.

4.2 Demolition and access

Roots frequently grow adjacent to and beneath existing surfacing/structures so great care is needed during access and demolition. Damage can occur through physical disturbance of roots and/or the compaction of soil around them from the weight of machinery or repeated pedestrian passage. This is not generally a problem whilst surfacing/structures are in place because they spread the load on the soil beneath and further protective measures are not normally necessary. However, once they are removed and the soil below is newly exposed, damage to roots becomes an issue and the following guidance must be implemented:

- No vehicular or repeated pedestrian access into TPZ permitted unless on existing hard surfacing or root zone protection.
- Regular vehicular and pedestrian access routes must be protected from compaction with temporary root zone protection as set out in Appendix 5.
- Where a TPZ is exposed by the work, it must be protected as set out in AS4970 until there is no risk of damage from the development activity.

4.3 Removal of surfacing/structures

Removing existing surfacing/structures is a high-risk activity for any adjacent roots and the following guidance must be observed:

- Appropriate tools for manually removing debris may include a pneumatic breaker, crow bar, sledgehammer, pick, mattock, shovel, spade, trowel, fork and wheelbarrow.
- Machines with a long reach may be used if they can work from outside the TPZ or from protected areas within the TPZ.
- Debris to be removed from the TPZ manually must be moved across existing hard surfacing or temporary root zone protection in a way that prevents compaction of soil. Alternatively, it can be lifted out by machines provided this does not disturb the TPZ.
- Great care must be taken throughout these operations not to damage roots.

5 INSTALLATION OF SURFACING/STRUCTURES IN TPZ

5.1 Basic principles: New surfacing/structures in a TPZ are potentially damaging to trees because they may disturb the soil and disrupt the existing exchange of water and gases in and out of it. Adverse impact on trees can be reduced by minimising the extent of these changes within the TPZ.

- **Surfacing:** Suitable surfacing should be relatively permeable to allow water and gas movement, load spreading to avoid localised compaction and require little or no excavation to limit direct damage. The actual specification of the surfacing is an engineering issue that needs to be considered in the context of the bearing capacity of the soil, the intended loading and the frequency of loading. The detail of product and specification are beyond the scope of this guidance and must be provided separately by the appropriate specialist.
- **Structures:** Where possible structures are to be constructed above ground level on piled supports and redirecting water to where it is needed. The detailed design and specification of such structures is an engineering issue that should be informed and guided by the Project Arborist. Conventional strip foundations in the TPZ for any significant structure may cause excessive root loss and are unlikely to be acceptable. However, disturbance can be significantly reduced by supporting the above ground part of the structures on small diameter piles/piers or



cast floor slabs set above ground level. The design should be sufficiently flexible to allow the piles to be moved if significant roots are encountered in the preferred locations.

5.2 Establishing the depth of roots

The precise location and depth of roots within the soil is unpredictable and will only be known when careful digging starts on site. Ideally, all new surfacing within a TPZ should be no-dig, i.e. requiring no excavation whatsoever, but this is rarely possible on undulating surfaces.

New surfacing normally requires an evenly graded sub-base layer, which can be made up to any high points with granular, permeable fills such as crushed stone or sharp sand. This sub-base must not be compacted as would happen in conventional surface installation. Some limited excavation is usually necessary to achieve this and need not be damaging to trees if carried out carefully and large roots are not cut.

Tree roots and grass roots rarely occupy the same soil volume at the top of the soil profile, so the removal of a turf layer up to 50mm is unlikely to be damaging to trees. It may be possible to dig to a greater depth depending on local conditions but this would need to be assessed by the Project Arborist.

6 SERVICES IN TPZ

For the purposes of this guidance, services are considered as structures. Excavation to upgrade existing services or to install new services within a TPZ may damage retained trees and should only be chosen as a last resort. In the event that excavation emerges as the preferred option, the decision should be reviewed by the Project Arborist before any work is carried out. If excavation is agreed, all digging should be done carefully and follow the guidance set out in 3.1 above.

7 SOFT LANDSCAPING IN TPZ

For the purposes of this guidance, soft landscaping includes the re-profiling of existing soil levels and covering the soil surface with new plants or an organic covering (mulch). It does not include the installation of solid structures or compacted surfacing.

Soft landscaping activity after construction can be extremely damaging to trees.

No significant excavation or cultivation shall occur within the TPZ (e.g. planting holes). Where new designs require levels to be increased to tie in with new structures or surrounding ground level, good quality and relatively permeable top soil should be used for the fill. It should be firmed into place but not over compacted in preparation for turfing or careful shrub planting.

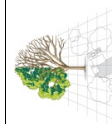
All areas close to tree trunks should be kept at the original ground level and have a mulched finish rather than grass to reduce the risk of mowing damage.



APPENDIX 8
Schedule of works and responsibilities

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavations works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to the issue of Occupation Certificate

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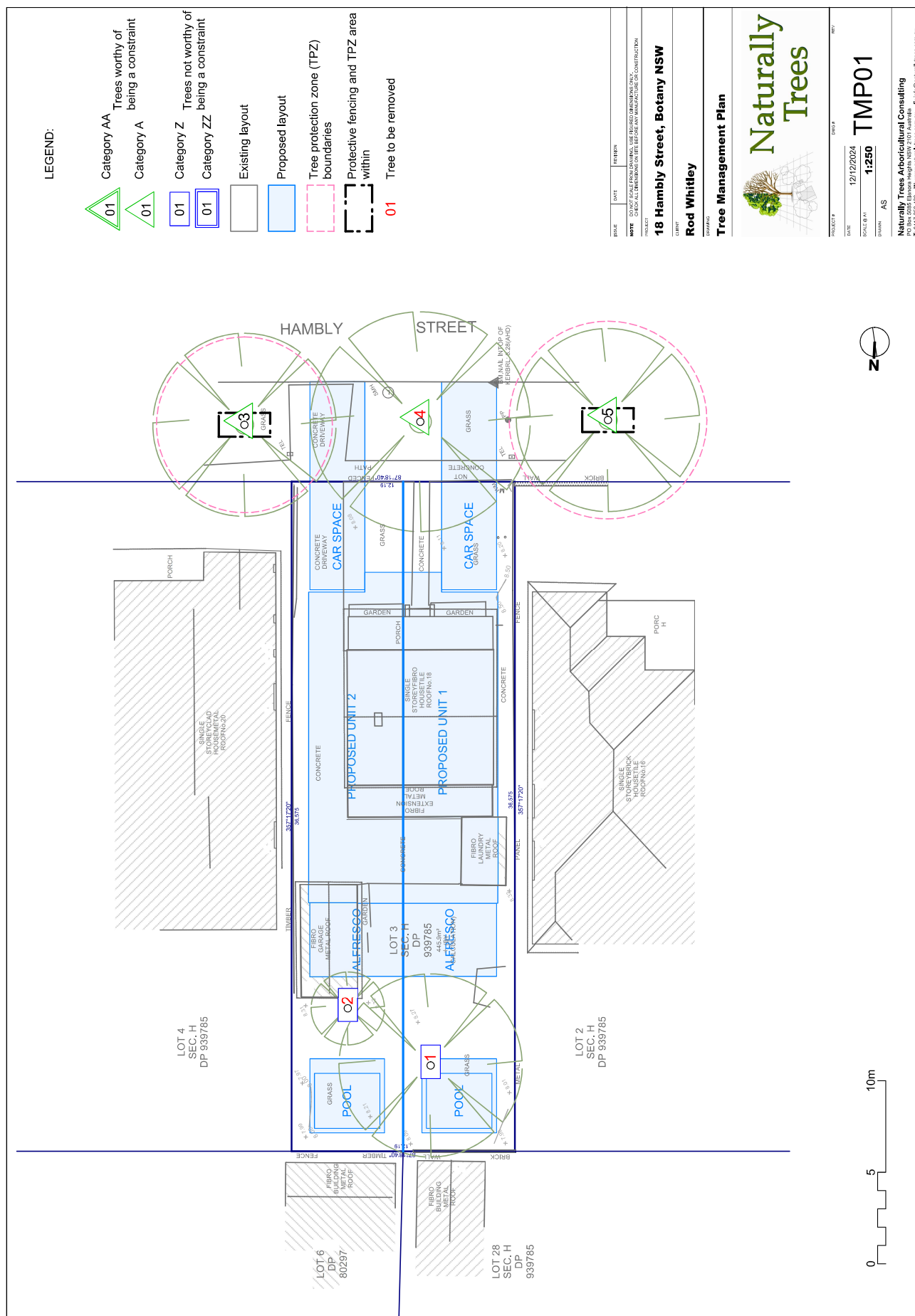
Report on trees at 18 Hambly Street, Botany for Rod Whitley
Ref: Next Level Design Studio_BOTANY_AIA and MS – 12/12/2024
Naturally Trees Arboricultural Consulting © www.naturallytrees.com.au

APPENDIX 9

Tree management plan

-refer attached Tree Management Plan, Dwg No. TMP01,
by Naturally Trees dated 12 December 2024





BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 1777081M

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Wednesday, 11 December 2024

To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.



Project summary		
Project name	18 HAMBLY STREET, BOTANY, 2019	
Street address	18 HAMBLY STREET BOTANY 2019	
Local Government Area	BAYSIDE	
Plan type and plan number	Deposited Plan 939785	
Lot No.	3	
Section no.	H	
No. of residential flat buildings	0	
Residential flat buildings: no. of dwellings	0	
Multi-dwelling housing: no. of dwellings	0	
No. of single dwelling houses	2	
Project score		
Water	 40	Target 40
Thermal Performance	 Pass	Target Pass
Energy	 82	Target 72
Materials	 24	Target n/a

Certificate Prepared by
Name / Company Name: NEXT LEVEL BUILDING DESIGNS PTY LTD
ABN (if applicable): 61638952815

Description of project

Project address	
Project name	18 HAMBLY STREET, BOTANY, 2019
Street address	18 HAMBLY STREET BOTANY 2019
Local Government Area	BAYSIDE
Plan type and plan number	Deposited Plan 939785
Lot No.	3
Section no.	H
Project type	
No. of residential flat buildings	0
Residential flat buildings: no. of dwellings	0
Multi-dwelling housing: no. of dwellings	0
No. of single dwelling houses	2
Site details	
Site area (m²)	445.9
Roof area (m²)	228.7
Non-residential floor area (m²)	0
Residential car spaces	2
Non-residential car spaces	0

Common area landscape		
Common area lawn (m²)	0	
Common area garden (m²)	0	
Area of indigenous or low water use species (m²)	0	
Assessor details and thermal loads		
Assessor number	101528	
Certificate number	HR-TY4NIY-01	
Climate zone	56	
Project score		
Water	✓ 40	Target 40
Thermal Performance	✓ Pass	Target Pass
Energy	✓ 82	Target 72
Materials	✓ 24	Target n/a

Description of project

The tables below describe the dwellings and common areas within the project

Single dwelling houses

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
1	4+	117.2	12.9	59	0

Dwelling no.	No. of bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
2	4+	117.2	12.9	59	0

No common areas specified.

Schedule of BASIX commitments

1. Commitments for multi-dwelling housing

- (a) Dwellings
 - (i) Water
 - (ii) Energy
 - (iii) Thermal Performance and Materials

2. Commitments for single dwelling houses

- (a) Dwellings
 - (i) Water
 - (ii) Energy
 - (iii) Thermal Performance and Materials

3. Commitments for common areas and central systems/facilities for the development (non-building specific)

- (b) Common areas and central systems/facilities
 - (i) Water
 - (ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for multi-dwelling housing

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓ ✓	✓ ✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓	✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓
(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✓ ✓	
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✓ ✓ ✓	✓
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✓	
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✓	✓	✓

(iii) Thermal Performance and Materials	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✓		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✓	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✓	✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✓	✓	✓
(i) The applicant must show on The plans accompanying The development application for The proposed development, The locations of ceiling fans set out in The Assessor Certificate.	✓		
(j) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.		✓	

2. Commitments for single dwelling houses

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓ ✓	✓ ✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓	✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

	Fixtures					Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 4.5 but <= 6 L/min)	4 star	6 star	6 star	-	-	-	16.1	yes	outdoors	no	0	-	-

Dwelling no.	Alternative water source							
	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
All dwellings	Individual water tank (No. 1)	Tank size (min) 1500 liters	To collect run-off from at least: 121.00 square metres of roof area; 0 square metres of impervious area; 59 square metres of garden and lawn area; and 0 square metres of planter box area.	yes	no	no	no	no

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✓ ✓	

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✓ ✓ ✓	✓
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✓	
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✓	✓	✓

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous - 6 star	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling		Heating		Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bathrooms or toilets	Main kitchen
All dwellings	no individual system	no individual system	no individual system	no individual system	3	yes

	Individual pool			Individual spa		Appliances other efficiency measures				
Dwelling no.	Pool heating system	Pool Pump	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Dishwasher	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	no heating	multi-speed-4 stars	yes	-	-	gas cooktop & electric oven	-	-	no	yes

Dwelling no.	Alternative energy		
	Photovoltaic system (min rated electrical output in peak kW)	Photovoltaic collector installation	Orientation inputs
1	between >10° to <=25° degree to the horizontal	2	E
All other dwellings	between >10° to <=25° degree to the horizontal	2	W

(iii) Thermal Performance and Materials	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✓		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✓	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✓	✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✓	✓	✓
(i) The applicant must show on The plans accompanying The development application for The proposed development, The locations of ceiling fans set out in The Assessor Certificate.	✓		
(j) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.		✓	

	Thermal loads		
Dwelling no.	Area adjusted heating load (in MJ/m²/yr)	Area adjusted cooling load (in MJ/m²/yr)	Area adjusted total load (in MJ/m²/yr)
1	22.9	7.1	30.000
All other dwellings	18.4	8.2	26.600

	Construction of floors and walls				
Dwelling no.	Concrete slab on ground (m²)	Suspended floor with open subfloor (m²)	Suspended floor with enclosed subfloor (m²)	Suspended floor above garage (m²)	Primarily rammed earth or mudbrick walls
All dwellings	61.1	1.8	56.3	12.5	no

	Floor types									
	Concrete slab on ground				Suspended floor above enclosed subfloor			Suspended floor above open subfloor		
Dwelling no.	Area (m²)	Insulation	Low emissions option	Dematerialisation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation
All dwellings	61.1	polystyrene	-	conventional slab	treated softwood, frame: timber - H2 treated softwood	56.3	-	treated softwood, frame: timber - H2 treated softwood	1.8	fibreglass batts or roll

	Floor types										
	First floor above habitable rooms or mezzanine			Suspended floor above garage			Garage floor				
Dwelling no.	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Low emissions option	Dematerialisation
All dwellings	-	-	-	treated softwood, frame: timber - H2 treated softwood	12.5	fibreglass batts or roll	concrete slab on ground	16.42	polystyrene	none	conventional slab

External walls								
External wall type 1					External wall type 2			
Dwelling no.	Wall type	Area (m²)	Insulation	Low emissions option	Wall type	Area (m²)	Insulation	Low emissions option
All dwellings	brick veneer, frame : timber - H2 treated softwood	29.35	fibreglass batts or roll	none	framed (fibre cement sheet or boards), frame : timber - H2 treated softwood	41.85	fibreglass batts or roll	none

External walls								
External wall type 3					External wall type 4			
Dwelling no.	Wall type	Area (m²)	Insulation	Low emissions option	Wall type	Area (m²)	Insulation	Low emissions option
All dwellings	-	-	-	-	-	-	-	-

Internal walls									
Internal walls shared with garage				Internal wall type 1			Internal wall type 2		
Dwelling no.	Wall type	Area (m²)	Insulation	Wall type	Area (m²)	Insulation	Wall type	Area (m²)	Insulation
All dwellings	plasterboard, frame: timber - H2 treated softwood	18.4	fibreglass batts or roll	plasterboard, frame: timber - H2 treated softwood	84.9	-	-	-	-

Ceiling and roof									
Flat ceiling / pitched roof				Raked ceiling / pitched or skillion roof			Flat ceiling / flat roof		
Dwelling no.	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation
All dwellings	-	-	Ceiling:,Roof:	-	-	Ceiling:,Roof:	framed - metal roof, frame: timber - H2 treated softwood	114.35	Ceiling:fibreglass batts or roll,Roof: foil backed blanket

	Glazing type			Frame types				
Dwelling no.	Single glazing (m²)	Double glazing (m²)	Triple glazing (m²)	Aluminium frames (m²)	Timber frames (m²)	uPVC frames (m²)	Steel frames (m²)	Composite frames (m²)
All dwellings	8.8	30.4	-	-	-	39.2	-	-

3. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

Central energy systems	Type	Specification
Other	-	-

Notes

1. In these commitments, "applicant" means the person carrying out the development.
2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
5. If a star or other rating is specified in a commitment, this is a minimum rating.
6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

Legend

1. Commitments identified with a "✔" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
2. Commitments identified with a "✔" in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
3. Commitments identified with a "✔" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).



MATTHEW PALAVIDIS
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Aircraft Noise Intrusion Assessment

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1

Project ID	20240552.1
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1 INTRODUCTION

Acoustic Logic (AL) have been engaged to conduct an acoustic assessment of aircraft noise intrusion associated with the proposed residential alterations and additions at the dwelling located at 18 Hambly Street, Botany.

This document addresses noise impacts associated with aircraft noise impacts from Sydney Kingsford International and Domestic Airport.

AL have utilised the Australian Standard AS2021:2015 *Acoustics–Aircraft Noise Intrusion–Building Siting and Construction* in the assessment of the above noise impacts.

This assessment has been conducted using the architectural drawings provided by Next Level Design Studios, dated 17th May 2024.

2 SITE DESCRIPTION / PROPOSED REDEVELOPMENT

2.1 SITE EVALUATION

The acceptability of Aircraft Noise exposure is assessed using Australian Standard AS2021:2015 *Acoustics–Aircraft Noise Intrusion–Building Siting and Construction*.

The standard sets criteria for allowable levels of aircraft noise exposure depending on the proposed land use for the site being assessed.

The acceptability of a site in terms of aircraft noise exposure is assessed using the Australian Noise Exposure Forecast System (ANEF). Three basic parameters influence perception of aircraft noise: the frequency of aircraft movements overhead, the noise level and duration of individual aircraft movements, and the time of the day in which they occur. ANEF was developed to provide a rating system that reflects actual human response to these factors so that the noise exposure of a particular location can be readily assessed.

The project site is located between the ANEF 20 and 25 contours, based on the Sydney Airport 2039 ANEF contour map. This can be seen in Figure 1 below. Therefore, the proposed site must be assessed to ensure that internal noise levels are limited to those recommended in AS2021.

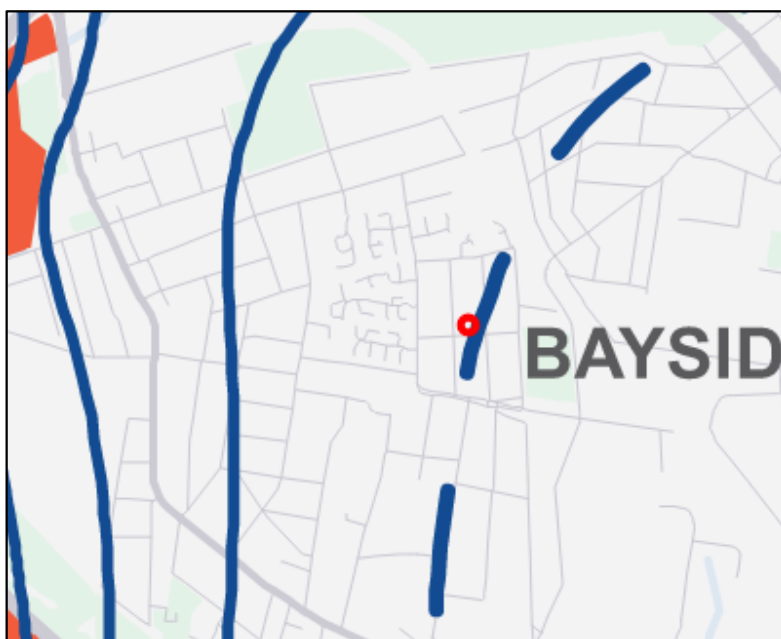


Figure 1 – Approximate Site location

2.1.1 Australian Standard AS/NZS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and Construction

As the proposed site is located between the ANEF 20 and 25 contours, AS2021:2015 states that a full evaluation of internal noise levels is carried out. This evaluation requires an examination of the likely levels of internal noise from aircraft flyovers.

AS2021:2015 stipulates the internal noise levels listed in the table below for residential buildings. These levels will be used to assess aircraft noise intrusion into the development.

Table 2-1 – Indoor Design Sound Levels for Aircraft Noise Reduction Assessment

Activity	Indoor Design Sound Level from Aircraft Flyover dB(A)
Bedrooms	50dB(A) _(Slow, Lmax)
Living Spaces	55dB(A) _(Slow, Lmax)
Bathrooms, toilets, laundries	60dB(A) _(Slow, Lmax)

2.2 EXTERNAL AIRCRAFT NOISE LEVELS

Aircraft noise levels at the site were determined using AS2021. The Standard gives aircraft noise levels for aircraft landing and taking off for locations near airports. The location of the runways was obtained from the Sydney Airport ANEF 2039.

Based on the distance from the site to the runways, the flight path and the site elevation, AS2021 predicts that the loudest typical aircraft movement will be from an Airbus A330 aircraft departing from the east-west runway. The noise level at the site as indicated by the standard is 70 dB(A). This noise level will be used to predict the resultant internal noise levels.

3 INTERNAL NOISE LEVELS

3.1 METHODOLOGY

Internal noise levels will primarily be as a result of noise transfer through the roof, windows and doors as these are relatively light building elements that offer less resistance to the transmission of sound.

The predicted noise levels through the roof, walls, windows and doors are discussed below. The predicted noise levels have been based on the expected level and spectral characteristics of the external noise, the area of building elements exposed to aircraft noise, the absorption characteristics of the rooms and the noise reduction performance of the building elements.

Please note that the assessment was conducted on Unit 1. As these units are mirror images of one another, the construction and materials stated in this report apply to both Unit 1 and Unit 2.

3.2 COMPLYING CONSTRUCTIONS

The following constructions are recommended to comply with the noise objectives stated in Table 2-1 above.

3.2.1 Glazed Windows and Doors

The window glazing proposed for this project is listed below. The windows will be acoustically satisfactory provided they meet the specification in Table 3-1.

The proposed glazing thickness will satisfy all applicable acoustic requirements of AS2021. Thicker glazing may be required for structural, thermal, safety or other purposes. If glazing thicker than recommended is required, this will also be acoustically acceptable.

Table 3-1– Complying Glazing Thicknesses

Level	Space	Element	Glazing Construction	Acoustic Seals
Ground	Guest / Study	All Glazed Windows / Glass Doors	4mm Float	Yes
	Bathroom / Laundry			
	Living Room / Kitchen			
1	Bed 3		6mm Float	
	Bathroom		4mm Float	
	Bed 2			
	Ensuite			
	Master Bedroom			

In addition to complying with the scheduled glazing thickness, the R_w rating of the glazing fitted into openable frames and fixed into the building opening should not be lower than the values listed in Table 3-2 for all rooms. Where nominated, this will require the use of acoustic seals around the full perimeter of openable frames and the frame will need to be sealed into the building opening using a flexible sealant.

Table 3-2 – Minimum R_w of Glazing (with Acoustic Seals)

Glazing Assembly	Minimum R_w of Installed Window/Door
4mm	27
6mm	29

3.2.2 External Roof/Ceiling Construction

Penetrations in all ceilings (such as for light fittings etc.) must be acoustically treated and sealed gap free with a flexible sealant. The ceiling sheet requirements are presented in the below table.

Our analyses assume an unventilated roof cavity, so a roof top ventilator (whirlybird, solar fan) is not permitted.

Table 3-3 – Minimum Complying Roof/Ceiling Construction

Level	Space	Internal Lining	Truss System	External Lining
Ground	Guest / Study	1x10 mm Plasterboard	Min 250mm Stud with 75mm thick 11kg/m ³ glass wool insulation	0.48mm steel sheet metal
	Living Room / Kitchen			
1	Bed 3	2x10mm Plasterboard		
	Bathroom	1x10mm Plasterboard		
	Bed 2	2x10mm Plasterboard		
	Ensuite	1x10mm Plasterboard		
	Master Bedroom	2x10mm Plasterboard		

3.2.3 External Wall Construction

Any masonry external wall constructions will be considered acoustically acceptable without further attenuation treatments. Any required penetrations are to be sealed using a 100% PSA sealant to ensure acoustic performance is maintained.

As a lightweight wall construction has been proposed for the development, construction requirements will apply to all external walls. The requirements are listed below in Table 3-4.

Table 3-4 - Minimum Complying Light Weight Constructions

Level	Space	Internal Lining	Stud System	External Lining
Ground	Guest / Study	1x10mm Plasterboard	90mm stud separation with 75mm thick 11kg/m ³ density glass wool insulation	6mm Fibre Cement
	Bath / Laundry			
	Living Room / Kitchen			
1	Bed 3	2x10mm Plasterboard		
	Bathroom	1x10mm Plasterboard		
	Bed 2			
	Ensuite			
	Master Bedroom	2x10mm Plasterboard		

3.2.4 Mechanical Ventilation

AS2021:2015 requires the installation of ventilation or air conditioning system where aircraft noise exposure exceeds ANEF 20. As internal noise levels cannot be achieved with windows open it is required that an in **all areas** to have alternative outside air supply system or air conditioning be installed. These should be in accordance with AS1668.2 requirements.

Any mechanical ventilation system that is installed should be acoustically designed such that the acoustic performance of the recommended constructions is not reduced by any duct or pipe penetrating the wall/ceiling/roof. Noise emitted to the property boundaries by any ventilation system shall comply with Council requirements.

3.2.5 Plasterboard Corner Details

The recommended plasterboard ceiling/wall corner construction options over the rooms are shown in Figure 2 below.

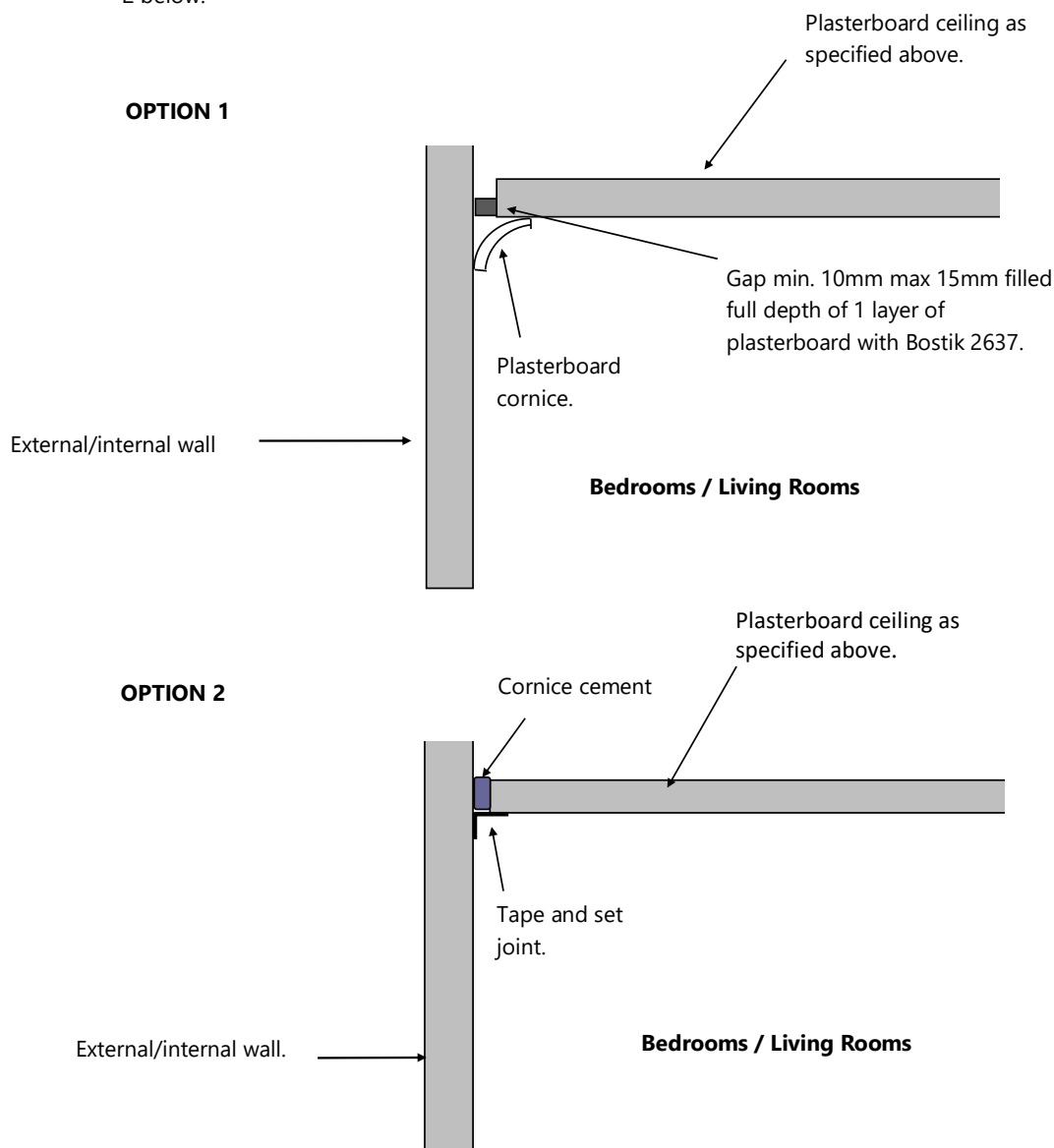


Figure 2 – Plasterboard Corner Options

4 CONCLUSION

This report presents an acoustic assessment of potential aircraft noise intrusion associated with the proposed alterations and additions at 18 Hambly Street, Botany. Based on the information provided above we conclude the following.

Provided that the complying constructions set out in Section 3.2 of this report are employed, internal noise levels shall comply with the Australian Standard AS2021:2015 *Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*.

We trust this information is satisfactory. Please contact us should you have any further queries.

Yours faithfully,

Acoustic Logic Pty Ltd
Michael Back

The WMP Template covers all three (3) stages of the development:

- ▶ Demolition;
- ▶ Construction; and,
- ▶ On-Going Use.

BAYSIDE COUNCIL - WASTE MANAGEMENT PLAN TEMPLATE	
Applicant and Project Details	
<i>Applicant Details</i>	
Application Number	
Name	CHRISTINA CURRY
Address	18A COWPER STREET, PAGEWOOD 2035
Telephone	0417242506
E-Mail	christinacurry8@gmail.com
<i>Project details</i>	
Address of Development	18 HAMBLY STREET, BOTANY NSW 2019
Existing buildings and other structures currently on-site	SINGLE STORY FIBRO HOUSE DWELLING
Description of proposed development	PROPOSED DEMOLITION OF SINGLE STOREY DWELLING, NEW ATTACHED DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION
This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as the local council, the NSW EPA or WorkSafe NSW.	
Name:	PAUL ARCE - BUILDING DESIGNER
Signature:	
Date:	26-01-25

13.2.1 Stage 1 - Demolition (Refer to Section 2 of this document)

Type of Waste Material Generated	Estimate of quantity by volume (m³) or weight (t) or Area (m²)			Specify method of on-site reuse or recycling, specify off-site recycling facility and the contractor for waste disposal specify the contractor and landfill site to be used
	Reuse	Recycling	Disposal	
Excavation material				
Timber (specify)			2	PART OF DA CONSENT
Soil				
Concrete				
Bricks and pavers			2	PART OF DA CONSENT
Tiles				
Metals (specify)			2	PART OF DA CONSENT
Glass				
Furniture				
Fixtures and fittings				
Floor coverings				
Non-standard pallets				
Plastic film				
Garden organics				
Containers - cans, plastic, glass				
Paper and cardboard				
Residual non-recyclable waste				
Asbestos			TBC	PART OF DA CONSENT
Hazardous or special waste (specify)				
Other (specify)				

The following checklist is designed to help ensure the WMP is accompanied by sufficient information to allow the application to be assessed.

Drawings are to be submitted to scale, clearly indicating the location of, and provisions for, the storage and collection of waste and recycling during demolition.

Do the WMP and drawings show:	Tick 'YES'	Drawing Reference
Size and location(s) of waste storage area(s)	✓	A011
Access for waste collection vehicles	✓	
Areas to be excavated	✓	
Types and numbers of storage bins likely to be required	✓	
Signage required to facilitate correct use of storage facilities	✓	A011

13.2.2 Stage 2 - Construction
(Refer to Section 3 of this document)

Type of Waste Generated	Estimate of quantity by volume (m³) or weight (t)			Specify method of on-site reuse, contractor and recycling outlet and/or waste depot to be used
	Reuse	Recycling	Disposal	
Excavation material	10		30	RE-USE FOR GARDEN BEDS & BACKFILL
Timber (specify)	1			RE-USE FOR BLOCKING/ FRAMEWORK
Soil				
Concrete	1			RE-USE FOR ANY AC, RWT SLABS
Bricks and pavers	1			RE-USE FOR GARDEN BEDS & EDGING
Tiles				
Metals (specify)				
Glass				
Plasterboard	1			PART OF DA CONSENT
Fixtures and fittings				
Floor coverings				
Non-standard pallets				
Plastic film				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual non-recyclable waste				
Asbestos			TBC	PART OF DA CONSENT
Hazardous/special waste (specify)				
Other (specify)				

Construction Design (All Types of Developments)
Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development.
ALL MATERIALS FOR THIS PROJECT HAVE BEEN USED IN OVER 100 SIMILAR PROJECTS AND THE REQUIRED QUANTITIES ARE VERY ACCURATE DUE TO THE CONSISTENCY OF EACH BUILD, THEREFORE REDUCING WASTAGE.

The following checklist is designed to help ensure the CWMP is accompanied by sufficient information to allow the application to be assessed.

Drawings are to be submitted to scale, clearly indicating the location of, and provisions for, the storage and collection of waste and recycling during construction.

Do the WMP and drawings show:	Tick 'YES'	Drawing Reference
Size and location(s) of waste storage area(s)	✓	A011
Access for waste collection vehicles	✓	
Areas to be excavated	✓	
Types and numbers of storage bins likely to be required	✓	
Signage required to facilitate correct use of storage facilities	✓	A011

13.2.3 Stage 3 - On-Going Use (Operational)

Refer to all relevant sections of this document for objectives regarding operational waste. The OWMP applies to all residential developments including mixed-use development and commercial and industrial developments.

Show the weekly amounts of waste expected to be generated by the development and the associated waste storage requirements.

	Cardboard and paper	Recyclable bottles, cans and other containers	General Waste	Organics Food only or combined food and garden organics)	Bulky Waste
Total amount generated (litres or m ³ per unit per week)		120L	240L	120L	
Any reduction due to compaction					
Frequency of collections per week		0.5	1	0.5	
Number and capacity of bins required (e.g. 8 x 240 L)		240L EACH DWELLING	240L EACH DWELLING	240L EACH DWELLING	
Floor area required for storage and space for manoeuvrability (m ²)					



Friday, 1 August 2025

RFI STATEMENT

ATT: Christopher Mackey (Assessment Officer)

RE: DA-595/2025 - PAN-546697

SITE: 18 Hambly Street, BOTANY NSW 2019 - Lot 3 / Sec. H / DP 939785

PROPOSED AMENDMENTS:

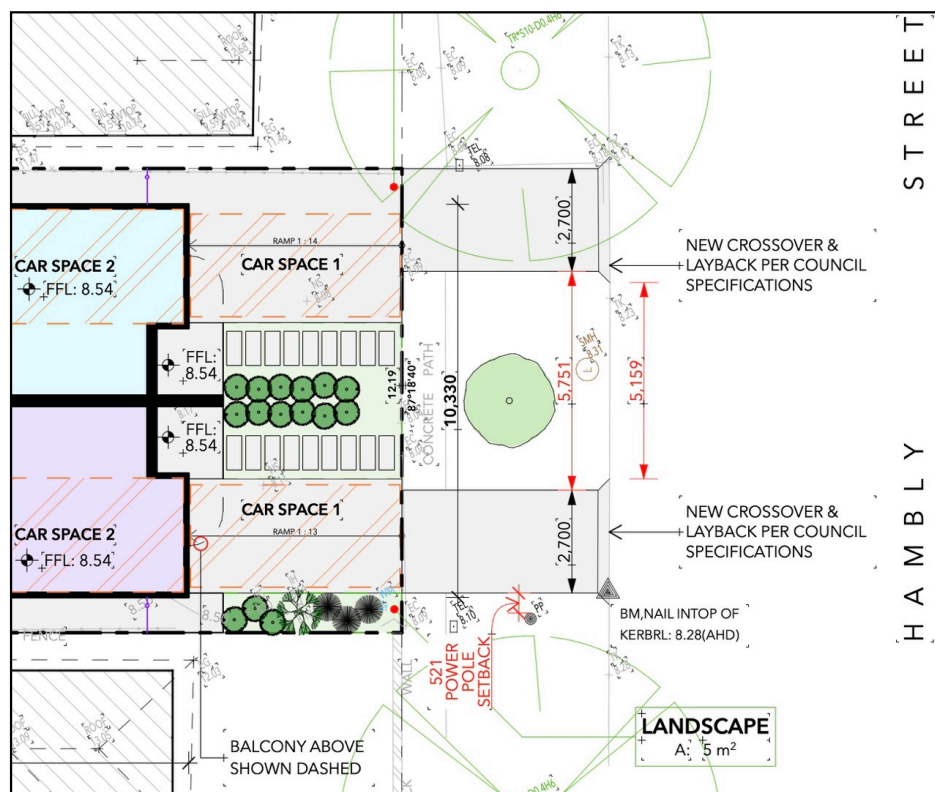
Please find attached amended drawing set (Revision G) which is to be read in conjunction with this statement.

The additional information below is in direct response to your RFI dated 25/07/25.

1. Floor Space Ratio - **Complies**. Refer to **DWG No. A013 - FSR CALCULATIONS**
2. Certificate of Title - Uploaded
3. Subdivision Pattern - Refer to Town Planner statement
4. Overshadowing Plans - **Largely Compliant**.
The rear yards of the subject property and neighbouring dwellings predominantly face true north, thereby ensuring that private open spaces and north walls and windows of adjacent dwellings will remain unaffected. However, the proposed two-storey development will cast extended shadows on the east and west walls of neighbouring dwellings, it is important to note that the windows impacted by this development are primarily bedrooms rather than living areas.
Refer to **DWG No. A014, A015, A016 - HOURLY SHADOWS**
5. Trees and Landscaping - **Complies**
The quantity of exotic plants has been reduced and additional native species have been specified. All other points addressed. Refer to **DWG No. A006 - LANDSCAPE PLAN**

Engineering - Reducing the width of the driveways to 2.7m will not provide a 5.9m parking space between driveways.

If we propose the eastern driveway to have a zero setback with boundary, this will only provide 5,159mm between the layback wings, as the current setback from the power pole is 521mm and consequently we cannot amend the western driveway's position any closer to the boundary. Furthermore, this amendment will decrease landscaped areas and detract from the residential amenity and local character. Refer to drawing below.



All other engineering matters refer to drawings by Nitma Consulting P/L

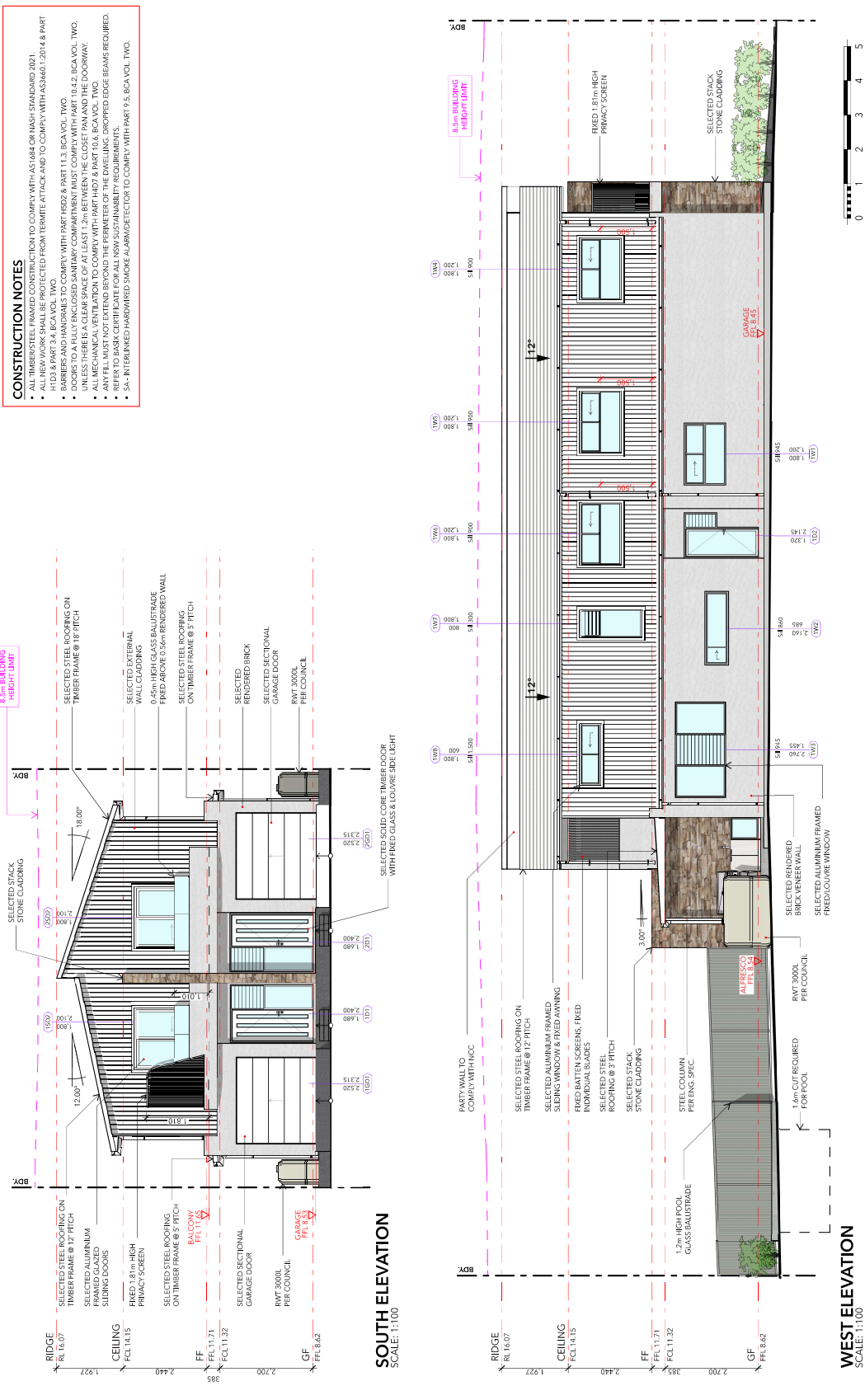
6. Plans/Details/General - **Complies**. Refer to **DWG No. A004 - LANDSCAPE PLAN, DWG No. A101 - GROUND FLOOR PLAN, DWG No. A102 - FIRST FLOOR PLAN, DWG No. A201, A202 - ELEVATIONS**
7. BASIX - A revised BASIX certificate will not be required as amendments made are not considered material - Accredited BASIX/NatHERS Assessor No. 101528

We trust the revised plans, engineering drawings & RFI statement are sufficient to satisfy Council requirements for DA2025/54 - PAN-516699

Sincerely,

Paul Arcé
Registered Building Designer - Accreditation No. 6333

Next Level Design Studio | 814/1 Hutchinson Walk, ZETLAND NSW 2017 | **P:** 1300 11 6523
E: admin@nlbd.com.au | **W:** www.nlbd.com.au | **ABN:** 61 638 952 815

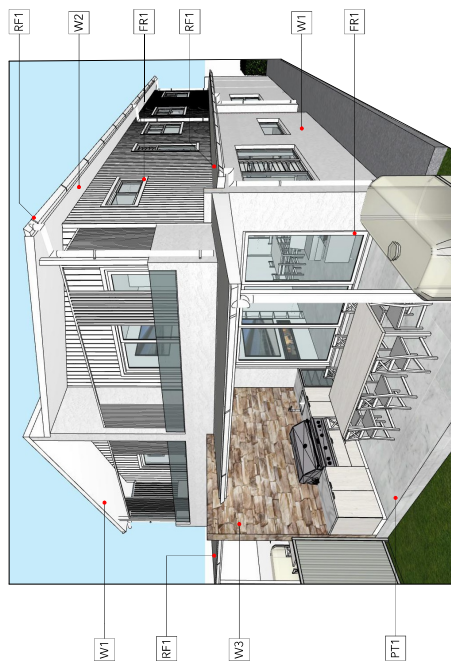




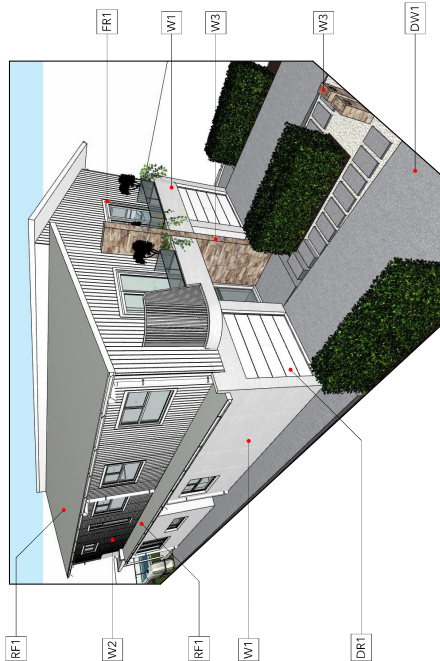
INTERNAL FINISHES & COLOURS TO BE SELECTED BY CLIENT

MATERIALS & COLOUR SCHEDULE

CODE / ITEM	LOCATION	SUPPLIER	COLOUR	SAMPLE
W1 EXTERNAL WALLS	GROUND FLOOR & PARAPETS	ROCKCOTE www.rockcote.com.au	WHITE RENDER	
W2 EXTERNAL WALLS	FIRST FLOOR	WEATHERTEX www.weathertex.com.au	WHITE	
W3 EXTERNAL BLADE WALLS	FRONT & REAR	ARMSTONE www.armstone.com.au	AS SHOWN	
FR1 WINDOW/DOOR FRAMES	ALL	AMS AUSTRALIA www.amsaustralia.com.au	WHITE	
DR1 ENTRY DOOR & GABAGE DOOR	ALL	VARIOUS	WHITE	
DW1 DRIVEWAY	ALL	VARIOUS	BASALT OR PLAIN WHITE FINISH	
PT1 REAR PATIO	ALL	VARIOUS	NON SLIP EXTERNAL LIGHT COLOURED TILES	
RF1 ROOF FASCIA, GUTTERS & DOWNPIPES	ALL	COLORBOND www.colorbond.com	SHALE GREY OR DOVER WHITE	



REAR 3D PERSPECTIVE



FRONT 3D PERSPECTIVE

REV	ISSUANCE	DATE
G	DA SUBMISSION (PREPARE)	08/08/25
F	DA SUBMISSION (FINAL ISSUE)	11/12/24
E	DA SUBMISSION (ISSUE)	26/06/24
D	CONSULTANT ISSUE	17/05/24
C	WINDOW/DOOR FINISH SET	30/04/24

The drawings have been prepared by the company of Next Level Design Studio and it is not to be used for any other purpose without prior written permission. All drawings and reports are to be submitted to the relevant authorities for their approval. All works and materials are to comply with the relevant codes, specifications & local government regulations.



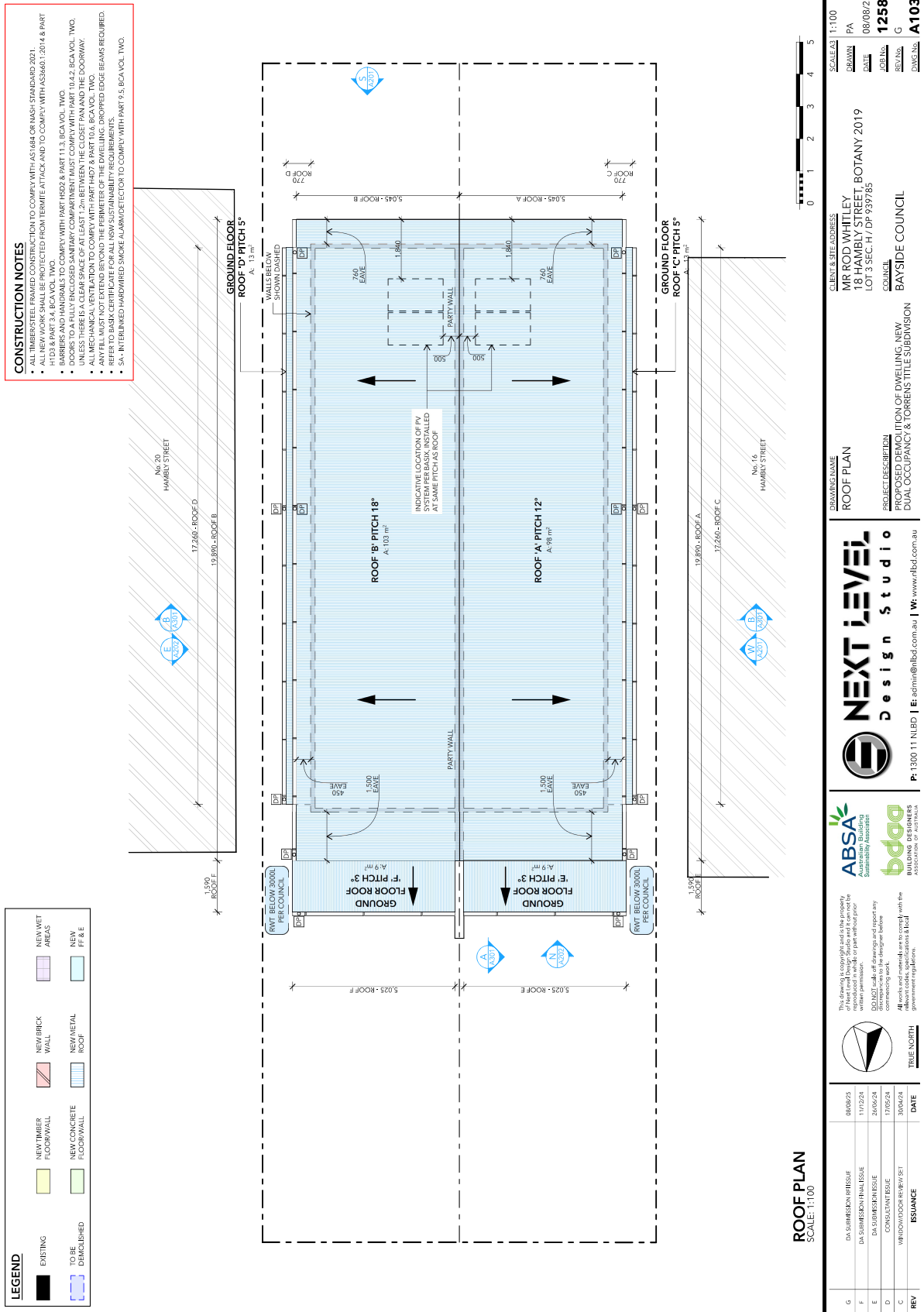
DRAWING NAME
MATERIALS & COLOUR SCHEDULE

CLIENT & SITE ADDRESS
MR ROD WHITLEY
18 HAMBY STREET, BOTANY 2019
LOT 3 SEC. H / DP 939785

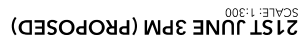
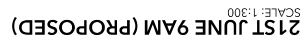
PROJECT DESCRIPTION
PROPOSED DEMOLITION OF DWELLING, NEW DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION

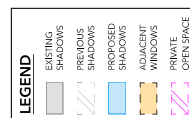
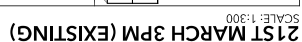
COUNCIL
BAYSIDE COUNCIL

SCALE A3	PA	08/08/25
DRAWN	PA	08/08/25
DATE	PA	08/08/25
REV No	1258	G
DATE	1258	G
DATE	1258	G



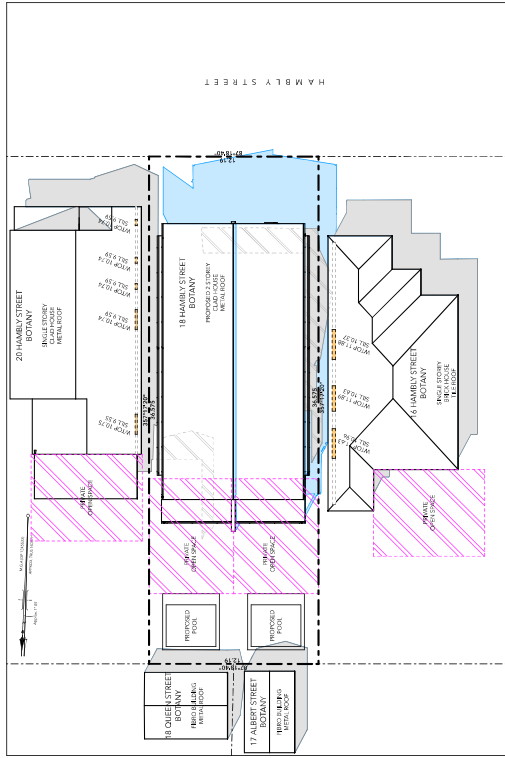
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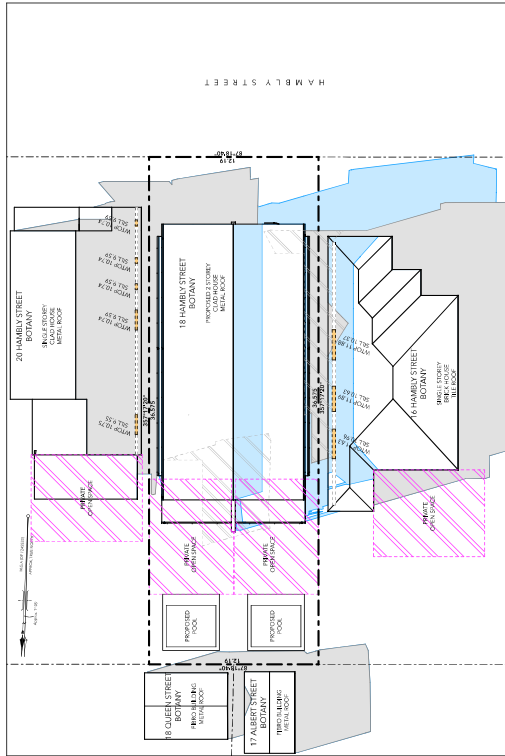


NOTE:
I, PAUL ARCE OF NEXT LEVEL DESIGN STUDIO, CERTIFY THE SHADOW DIAGRAMS PREPARED FOR THE EQUINOX ARE TRUE AND ACCURATE FOR THE PURPOSES OF DEVELOPMENT APPLICATION ASSESSMENT.

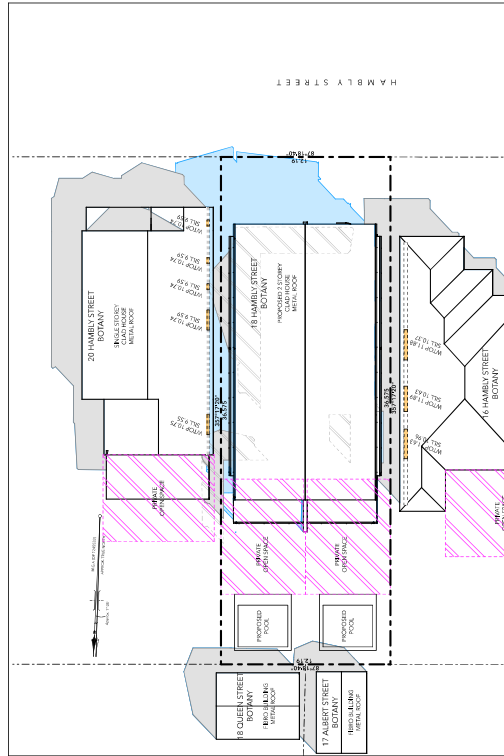
[illegible]



21ST MARCH 9AM (PROPOSED)



21ST MARCH 12PM (PROPOSED)



21ST MARCH 3PM (PROPOSED)

LEGEND	
	EXISTING SHADOWS
	PREVIOUS SHADOWS
	PROPOSED SHADOWS
	ADJACENT SHADOWS
	PRIVATE WINDOWS
	OPEN SPACE

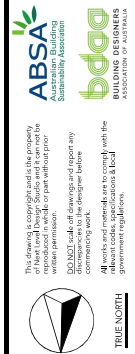
NOTE:
1. FAILURE OF NEXT LEVEL DESIGN STUDIO TO CERTIFY THE SHADOW STUDY FOR THE PURPOSES OF DEVELOPMENT APPLICATION ASSESSMENT.

SCALE A3	1:300
DRAWN	PA
DATE	08/08/25
JOB No.	1258
REV No.	G
DWG No.	A010

CLIENT & SITE ADDRESS
MR ROD WHITLEY
18 HAMBLEY STREET, BOTANY 2019
LOT 3 SEC. H / DP 939785
COUNCIL
BAYSIDE COUNCIL

DRAWING NAME
SHADOW DIAGRAMS - EQUINOX
(PROPOSED)

PROJECT DESCRIPTION
PROPOSED DEMOLITION OF DWELLING, NEW
DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION



REV	ISSUANCE	DATE
G	DA SUBMISSION RESPONSE	08/08/25
F	DA SUBMISSION FINAL ISSUE	11/07/24
E	DA SUBMISSION ISSUE	26/06/24
D	CONSULTANT ISSUE	17/05/24
C	WORKBOOK REVIEW SET	30/04/24