

# DRAFT CONDITIONS OF CONSENT

## GENERAL CONDITIONS

### Condition

#### 1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

##### Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
E02	Proposed Site Plan Rev 01	Maitland Butler Architects	24/04/2024	
E03	Sediment Control Plan Rev 01	Maitland Butler Architects	24/04/2024	
E05	Ground Floor Plan Rev 01	Maitland Butler Architects	24/04/2024	
E06	Cold House Prop Plans Rev 02	Maitland Butler Architects	24/04/2024	
E07	Cold House Prop Elevations Rev 02	Maitland Butler Architects	24/04/2024	
E07	Storage Shed Shelter Plan Rev 01	Maitland Butler Architects	24/04/2024	
E08	Stormwater Concept Plan Rev 01	Maitland Butler Architects	24/04/2024	
E10	Landscaping Plan Rev 01	Maitland Butler Architects	24/04/2024	
E11	Sections Rev 01	Maitland Butler Architects	24/04/2024	
E21	Elevations 1 Rev 01	Maitland Butler Architects	24/04/2024	
E22	Elevations 2 Rev 01	Maitland Butler Architects	24/04/2024	

##### Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Arborist Report	Abacus Tree Services	29/02/2024	D08840002
Bushfire Report	Bushfire Planning Services	31/01/2024	D08840005
Plan of Management (Draft) Rev C	RFS	20/05/2024	D08889027
Schedule of Finishes	RFS	01/05/2024	D08889026
Waste Management Plan	Matthew O'Donnell, RFS	29/02/2024	D08840023
Detail Survey 23019_DET_1A	Survey Plus	06/12/2023	D08840022

*Reason: To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.*

## 2. Construction Certificate

1. A Construction Certificate is required to be approved by Council or a Principal Certifier prior to the commencement of any construction works under this consent.
2. The Construction Certificate plans must be consistent with the Development Consent plans.

*Reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation.*

## 3. Section 7.12 Development Contributions

1. In accordance with Section 4.17(1) of the Environmental Planning and Assessment Act 1979 and the Hornsby Shire Council Section 7.12 Development Contributions Plan 2019-2029, \$2,764.50 must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$276,452**.
2. The value of this contribution is current as of 13 June 2024. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

**\\$C<sub>PY</sub>** is the amount of the contribution at the date of Payment

**\\$C<sub>DC</sub>** is the amount of the contribution as set out in this Development Consent

**CPI<sub>PY</sub>** is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

**CPI<sub>DC</sub>** is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Development Consent.

3. The monetary contributions shall be paid to Council:
  - a. Prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - b. Prior to the issue of the first Construction Certificate where the development is for building work; or
  - c. Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
  - d. Prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

*Note: Should the cost of works increase at Construction Certificate stage, a revised contribution amount will be calculated in accordance with the Hornsby Shire Council Section 7.12 Development Contributions Plan.*

*Note: It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.*

*Note: In accordance with Ministerial Directions, the payment of contribution fees for development with a cost of works of over \$10 million can be deferred to prior to Occupation Certificate.*

*Note: The Hornsby Shire Council Section 7.12 Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.*

*Note: To arrange a Payment Advice for the monetary contributions, please contact Council's Customer Service Team on 9847 6666.*

*Reason: To address the increased demand for community infrastructure resulting from the approved development.*

#### 4. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	Document Title/ Ref	Dated	Council Reference
Transport for NSW (Sydney Trains)	State Environmental Planning Policy (Transport And Infrastructure) 2021 Development Application – Da/245/2024 (CNR-66891)	11/04/2024	D08860791

*(NOTE: For a copy of the above referenced document/s, please see Application Enquiry System on Council's website [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au))*

*Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.*

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

#### 5. Building Code of Australia

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the National Construction Code - Building Code of Australia. All building work must be carried out in accordance with the requirements of the National Construction Code - Building Code of Australia.

*Reason: Prescribed condition - EP&A Regulation section 69(1).*

#### 6. Fire Safety Schedule

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the construction

certificate application. The schedule shall distinguish between existing and proposed fire safety measures.

*Reason: To ensure all fire safety measures are identified to protect life and property.*

#### **7. Sydney Water Building Plan Approval**

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

*Note: Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.*

*Reason: To ensure the development complies with the requirements of Sydney Water.*

#### **8. Identification of Survey Marks**

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 Preservation of Survey Infrastructure.

*Reason: To identify and protect the State's survey infrastructure.*

#### **9. Stormwater Drainage**

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained in accordance with the following requirements:

1. Connected directly to Council's street drainage system at Pacific Highway.

*Reason: To ensure appropriate provision for management and disposal of stormwater.*

### **BEFORE BUILDING WORK COMMENCES**

#### **Condition**

#### **10. Site Sign**

1. A sign must be erected in a prominent position on any site on which any approved work involving excavation, erection or demolition of a building is being carried out detailing:
  - a. The name, address, and telephone number of the Principal Certifier.
  - b. the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
  - c. Unauthorised entry to the work site is prohibited.
2. The sign must be maintained during excavation, demolition and building work is being carried out and must be removed when the work has been completed.

*Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).*

**11. Toilet Facilities**

1. To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
2. Each toilet must:
  - a. Be a standard flushing toilet connected to a public sewer; or
  - b. Be a temporary chemical closet approved under the *Local Government Act 1993*; or
  - c. Have an on-site effluent disposal system approved under the *Local Government Act 1993*.

*Reason: To ensure adequate toilet facilities are provided.*

**12. Erosion and Sediment Control Measures**

Install and maintain adequate sediment and erosion control measures for the duration of all works, until such a time that sediment, sediment laden water or any other material/substance can no longer migrate from the premises. The measures are to be installed and maintained in such a manner as to prevent sediment, sediment-laden water, or any other materials and substances migrating from the site onto neighbouring land, the roadway, waters and/or into the stormwater system, and in accordance with:

1. The publication *Managing Urban Stormwater: Soils and Construction 2004* (4th edition) - 'The Blue Book'.
2. *Protection of the Environment Operations Act 1997*; and
3. The approved plans

Controls are to be monitored and adjusted where required throughout the works to ensure compliance with the above

*Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning. If you are unsure in how to achieve compliance with this condition during works, you may need to engage the services of a suitably qualified environmental, soil or geotechnical consultant to assist.*

*Reason: To minimise impacts on the water quality of the downstream environment.*

**13. Garbage Receptacle**

A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.

1. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
2. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
3. Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

*Reason: To maintain the site in a clean condition and protect local amenity.*

## DURING BUILDING WORK

Condition	
<b>14. Hours of Work</b>	<p>All work on site (including demolition, construction, earth works and removal of vegetation), must only occur between 7am and 5pm Monday to Saturday.</p> <p>No work is to be undertaken on Sundays or public holidays.</p> <p><i>Reason: To protect the amenity of neighbouring properties.</i></p>
<b>15. Environmental Management (Air Pollution)</b>	<p>The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:</p> <ol style="list-style-type: none"><li>1. Exposed surfaces and stockpiles are suppressed by regular watering.</li><li>2. All trucks entering or leaving the site with loads have their loads covered.</li><li>3. Trucks associated with the development do not track dirt onto the public road network.</li><li>4. Public roads used by these trucks are kept clean; and</li><li>5. Land stabilisation works are carried out progressively on site to minimise exposed surfaces.</li></ol> <p><i>Reason: To minimise impacts to the natural environment and public health.</i></p>
<b>16. Council Property</b>	<p>To ensure that the public reserve is kept in a clean, tidy, and safe condition during demolition and construction works, no building materials, waste, machinery, or related matter is to be stored on the road or footpath.</p> <p><i>Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.</i></p> <p><i>Reason: To protect public land.</i></p>
<b>17. Soil Management (Excavation and Fill)</b>	<p>While site work is being carried out, the Principal Certifier or Council (where a principal certifier is not required) must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ol style="list-style-type: none"><li>1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the Principal Certifier or Council (where a principal certifier is not required).</li><li>2. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.</li></ol>

3. Prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming all fill material imported to the site must be:
  - a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
  - b. A material identified as being subject to a resource recovery exemption by the NSW EPA, or
  - c. A combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.
4. The required Waste Classification Certificate must be provided to the Principal Contractor prior to fill being imported to the site and made available to Council at its request.

*Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.*

**18. Disturbance of Existing Site**

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil, and watercourses must not be altered unless otherwise nominated on the approved plans.

*Reason: To protect the natural features of the site.*

**19. Building Materials and Site Waste**

The stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, wastewater or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent of any tree to be retained.

*Reason: To protect trees during construction.*

**20. Soil and Water Management (Stockpiles)**

1. Stockpiles of topsoil, sand, aggregate, soil or other material shall be protected with adequate sediment controls and must not be located on any drainage line or easement, natural watercourse, footpath or roadway.
2. The storage of stockpiled topsoil, sand, aggregate, soil or other materials must not result in the discharge of sediment or run-off onto the adjoining properties or public land.

*Reason: To minimise impacts on the water quality of the downstream environment.*

**21. Unexpected Finds**

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the Principal Certifier and Council (compliance@hornsby.nsw.gov.au).

*Reason: To ensure the appropriate removal and disposal of contaminated materials.*

**22. Erosion and Sediment Control**

1. Works are not to result in the discharge of sediment and or run-off onto the adjoining properties or public land.
2. The person having the benefit of this consent must ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.

*Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.*

*Reason: To minimise impacts on neighbouring properties and public land.*

**23. Storage and Removal of Waste**

1. All demolition and/or construction waste must be stored in a waste receptacle and be removed from the site at frequent intervals. Materials are to be wholly contained within the waste receptacle and not overflowing.
2. All garbage and recyclable materials generated during work must be stored in a waste receptacle and be removed from the site at frequent intervals. Materials are to be wholly contained within the waste receptacle and not overflowing.

*Reason: To ensure the site is maintained to an appropriate standard cleanliness and prevent any nuisance or danger to health, safety or the environment*

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

Condition	
<b>24. Damage to Council Assets</b>	To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications ( <a href="http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions">www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions</a> ). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.
	<i>Reason: To ensure public infrastructure and property is maintained.</i>
<b>25. Fire Safety Statement – Final</b>	In accordance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.
	<i>Reason: To ensure all fire safety measures are implemented to protect life and property.</i>
<b>26. Preservation of Survey Marks</b>	A certificate by a Registered Surveyor must be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment



of damaged, removed, or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 Preservation of Survey Infrastructure.

*Reason: To protect the State's survey infrastructure.*

## OCCUPATION AND ONGOING USE

Condition	
<b>27. Fire Safety Statement - Annual</b>	
<p>On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.</p>	
<p><i>Reason: To ensure fire safety measures are maintained to protect life and property.</i></p>	
<b>28. Landscape Establishment</b>	
<p>The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.</p>	
<p><i>Reason: To ensure the approved landscaping is established correctly for future viability.</i></p>	
<b>29. Use of Premises</b>	
<p>The development approved under this consent shall be used for an emergency services facility and not for any other purpose without Council's separate written consent.</p>	
<p><i>Reason: To ensure the use is undertaken with the terms of this consent.</i></p>	
<b>30. Hours of Operation</b>	
<p>The hours of operation of the premise are restricted to those times listed below:</p>	
Monday to Friday	8.30 am to 10 pm
Saturday, Sunday & Public Holidays	8.30 am to 5.30 pm
<p><i>Reason: To protect the amenity of the local area.</i></p>	
<b>31. Compliance with Plan of Management</b>	
<p>All control measures and procedures nominated in the Plan of Management prepared by the NSW Rural Fire Service, dated 20/05/2024, must be implemented.</p>	
<p><i>Reason: To ensure the operational measures implemented protect the amenity of the local area.</i></p>	