



DETERMINATION BUSINESS PAPER

LOCAL PLANNING PANEL MEETING

**Wednesday 3 December 2025
at 4:00 PM**



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2 DA/1349/2021/B - SECTION 4.55(2) MODIFICATION TO AN APPROVED SELF-STORAGE FACILITY - 28 SALISBURY ROAD, ASQUITH

DA No: DA/1349/2021/B (PAN-577856 - Lodged on 10 October 2025)

Description: Section 4.55(2) modification for minor external and internal modifications to the approved self-storage facility

Property: Lot 101 DP 771987, No. 28 Salisbury Road, Asquith

Applicant: The Trust Company Limited

Owner: The Trust Company Limited

Estimated Value: Unchanged (\$9,339,328)

Ward: B Ward

Clause 4.6 Request: Clause 4.4 Floor Space Ratio - Clause 4.6 written request not required for S4.55 application

Submissions: Nil

LPP Criteria: Modified proposal contravenes a development standard by more than 10%

Author: George Papworth, Senior Town Planner

COI Declaration: No Council staff involved in the assessment of this application have declared a Conflict of Interest.

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*, amend Development Application No. DA/893/2021 for the demolition of the existing buildings, construction of a self-storage facility and signage at Lot 101 DP 771987, No. 28 Salisbury Road Asquith as detailed in Schedule 1 of LPP Report No. LPP28/25.

EXECUTIVE SUMMARY

- The Section 4.55(2) application proposes minor external and internal modifications to the approved four storey self-storage facility.
- The modified proposal seeks a reduction of the gross floor area. However, the floor space ratio would continue to contravene the development standard. A Clause 4.6 written request is not required for modifications to consents under Section 4.55 of the *Environmental Planning Assessment Act 1979*.
- The Section 4.55(2) application is required to be determined by the Hornsby Local Planning Panel as the development contravenes the Floor Space Ratio development standard under Clause 4.3 of the Hornsby Local Environmental Plan 2013 by more than 10%.
- No submissions were received in respect of the application.
- It is recommended that the application be approved.

BACKGROUND

On 28 July 2022, Council approved Development Application No. DA/1349/2021 for a four storey, self-storage facility.

On 26 October 2022, the Hornsby Local Planning Panel refused a Section 4.55(2) application which sought to increase the gross floor area (GFA) of the approved self-storage facility.

On 27 February 2023, the Hornsby Local Planning Panel approved a Section 8.2(1)(b) review of the Section 4.55(2) application for internal modifications to an approved self-storage facility including an increase in GFA.

THE SITE

The site is irregular in shape and has an area of 6,677.8 square metres. The site has a frontage of 87.435 metres to Salisbury Road, a northern boundary of 63.31 metres and a western boundary of 120.28 metres. The southern boundary is split into three portions with a length of 23.27 metre for the eastern end, a 48 metre central section, and a 17.5 metre western end.

Salisbury Road slopes down from north to south and the subject site is approximately level with the road level at the northern end of the site and gradually rises relative to the road level as the site progresses south. The site has been previously benched and has a relatively level upper platform, and the level change to the street is managed either via previously constructed retaining walls, or a natural embankment which is occupied by dense vegetation. The platform on the site rises to be approximately 6 to 7 metres above the street level.

The site is currently used as a self-storage facility as approved under DA/335/1996. The site is currently improved by a large 12 metre high warehouse which is aligned to the eastern boundary of the site which extends south across most of the site. A smaller three storey office and warehouse component is annexed to the western side of the main warehouse. The southern end of the site is occupied by a large hardstand car parking area which is accessed via a driveway through the warehouse. There is a small hardstand area located at the north-eastern corner of the site.

Access to the site is provided via a driveway at the northern end of the frontage of the site to Salisbury Road.

The site is burdened by a variable width right-of-way and easement for electricity purposes to the southern side of the frontage.

The site is not mapped as bushfire prone or flood prone land.

Vegetation on the site is predominantly contained on the embankment on the western side, with one other tree at the northern end of the eastern boundary.

The site adjoins industrial land to the immediate west, east and south. The site is located approximately 20 metres from land zoned low density residential to the north and 35 metres to the west.

APPROVED DEVELOPMENT

On 28 July 2022, Council approved a four storey self-storage facility development comprising 568 self-storage units (Development Application No. DA/1349/2021) comprising the following works:

- Level 1 (Ground Floor)
 - The ground level of the development includes a glazed administration office presenting to the site entrance. The administration component includes a reception area, office and amenities for staff.
 - Internal vehicular circulation is provided with a one-directional driveway arrangement. The site would be capable of supporting Medium Rigid Vehicle (MRV) access.
 - Vehicles enter the site from the upgraded and relocated driveway at the northern end of the street frontage, which will be wholly on the subject site and provides access to four parking spaces outside the office and a circulation driveway around the outside of the building. There are eight vehicle storage spaces at the southern end of the site. There are three loading bays within the building which are each adjacent to a lift and fire stairs and which allow customers to unload goods from vehicles in the loading dock, transfer storage items into trolleys, and access the upper three floors via the lifts.
 - The ground floor is occupied by 112 storage units which are either accessed externally from the ring road, or internally via a corridor. Portions of the storage units include voids above to provide for elevated storage for the ground level storage units.
 - The ground floor contains bicycle parking, garbage room, and various plant rooms.
- Levels 2 to 4
 - Levels 2 to 4 include a variety of small storage units across the floor, separated by corridors used for accessing and loading the storage units. The roof contains photovoltaic panels.
 - Level 2 comprises 62 self-storage units, while Levels 3 and 4 each have 197 units.
- Façade Expression and Materials and Finishes
 - The northern portion of the building is comprised of fibre cement cladding in a panel arrangement with a glazed office element. The remainder of the building comprises a unifying skin of metal cladding which sits above a masonry base.
- Signage
 - The approved development includes two illuminated building identification signs, with one at the top northern end of the western façade, and the other at the top western

end of the northern facade. The approved development includes an illuminated pylon sign adjacent to the driveway entrance.

- Tree Removal
 - The removal of 5 trees have been approved to facilitate the construction of the internal ring-road.

- Hours of Operation

The approved hours of operation of the premise are listed below:

- Office Hours Monday to Sunday 7am to 6pm
- Self-Storage Unit Hours Monday to Sunday 5am to 10pm

- A CCTV system and PIN code access (with data logging) is to be implemented throughout the building.

On 27 February 2023, the Hornsby Local Planning Panel approved a Section 8.2(1)(b) review of a Section 4.55(2) application for internal modifications to an approved self-storage facility including an increase in GFA, resulting from the replacement of the high bay storage units on Level 1 with regular height storage units and the provision of regular height storage units on Level 2 at the location of the previous void. The approved modifications resulted in the provision of 125 additional self-storage units at Level 2 and increased the floor space ratio (FSR) to 1.28:1 (8,539m² GFA) from the approved FSR of 1.099:1.

THE MODIFICATION

The S4.55(2) modification application seeks to modify the approved development as follows:

- External modifications:
 - Amended windows, louvres and awning layout on the northern and eastern elevations of the building.
 - Updates to approved building identification signage to reflect National Storage branding, and addition of one above awning sign.
 - Revision of the approved car parking layout throughout the external area.
 - Relocation of the employee communal open space area.
 - Replacement of the lower at-grade hardstand area with landscaping in accordance with the amended plan condition (Condition No. 2).
 - Provision of one pump room area along the northern boundary and inclusion of a sliding gate replacement of the roof pitch with a single pitch roof arrangement.
 - Revision of the approved driveway ramp gradient.
- Internal modifications:
 - Revision of the internal storage unit arrangement to facilitate a wider range of unit sizes that align with market demand.
 - Consolidation of lift cores/ stairways from the three approved to two to align with the reduction of loading docks.

- Revision of the internal layout to provide two additional access points to the hardstand area.
- Revision of the services, waste circulation, office and administration area layout.
- Provision of a recessed loading dock arrangement, with an associated void over each area.
- Reduction of gross floor area from 8,539m² (1.28:1) to 8,415.1m² (1.26:1).

The below table lists the conditions to be amended:

Condition No.	Title	Proposed Changes
1	Approved Plans and Supporting Documentation	Update approved plan set to reflect the changes to the plans.
2	Amendment of Plans	Updated Landscape Plan provided in accordance with the requirement of the amended plan condition.
67 (11)	Car Parking	Deletion of the specific motorcycle parking space

ASSESSMENT

The development application has been assessed having regard to the Greater Sydney Region Plan - A Metropolis of Three Cities, the North District Plan and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. The Plan also identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The North District Plan includes priorities and actions for Northern District over the next 20 years.

Part 5 of the Metropolis of Three Cities relates to 'Productivity' and a key objective is to ensure industrial and urban services land is planned, retained and managed. It defines a light industry as a "wide range of business that service other business and populations. Include warehousing, freight and logistics, construction and building supplies, and domestic storage". The strategy notes that light industry should be located on mixed lot sizes depending on the sizes and needs of the business as well as being located close to surrounding residential and commercial community they directly serve.

The internal modifications to an approved self-storage unit facility including a decrease in the floor space ratio is consistent with A Metropolis of Three Cities and the North District Plan, by enabling further development of land that would serve a wide range of uses to support a growing population.

2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider “any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations”.

2.1 Section 4.55 Modification of consent

The proposal constitutes a modification under Section 4.55(2) of the Act. Council pursuant to Section 4.55(2), may consider an application to amend development consent provided that, *inter alia*:

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

Subsections (1) and (1A) do not apply to such a modification.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

With respect to (a), it is considered that the proposal as amended is substantially the same as the development originally approved.

The proposal would result in a minor reduction of gross floor area from 8,539m² (1.28:1) to 8,415.1m² (1.26:1).

The proposed amendments would not change the description of the approved development, which remains for the demolition of the existing buildings and construction of a four storey self-storage facility.

The proposed decrease in the FSR would not result in any significant external alterations to the approved building, with the bulk and scale of the development remaining substantially the same as the development originally approved.

There was no aspect of the approved development, which was important, material, or essential to the development when it was approved which is proposed to be removed or substantially altered.

Accordingly, the proposed amendments to the approved development do not affect an aspect of the development that was considered an essential or critically important component of the overall development as originally approved.

In conclusion, the proposed Section 4.55(2) modification application to the approved Development Consent DA/1349/2021 has demonstrated to satisfy the "*substantially the same development test*" pursuant to Section 4.55(2)(a).

Section 4.55(2)(b) is not applicable as the development is not an integrated development or a State significant development.

With respect to (c) and (d), the amended application was notified, and no submissions have been received.

In accordance with Section 4.55(3), the reasons given by the consent authority for the grant of the consent that is sought to be modified, the reasons provided in granting consent to DA/1349/2021/A are as follows:

- *The proposed development complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.*
- *The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, acoustics, parking, traffic, vegetation preservation, overshadowing, solar access, amenity or privacy.*
- *The Clause 4.6 variation seeking to contravene Clause 4.4 of the HLEP is considered well founded and is supported.*

The proposal seeks to decrease the contravention of the FSR development standard. As addressed in Sections 2.2.3 and 2.8 of this report, the proposal has been supported by sufficient information to determine that the proposed decrease in GFA would continue to not create unreasonable environmental impacts to adjoining development with regard to visual bulk, acoustics, parking, traffic, vegetation preservation, overshadowing, solar access, amenity or privacy.

With respect to the third bullet point, a Clause 4.6 written request is not required to support the application, as discussed in Section 2.2.4.1 of this report.

As outlined in the body of this report, the proposed modification would continue to meet the desired outcomes of Council's planning controls and the matters for consideration under Section 4.15 of the Act.

2.2 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the Hornsby Local Environmental Plan 2013 (HLEP).

2.2.1 Zoning of Land and Permissibility

The subject land is zoned IN1 General Industrial under the HLEP. The objectives of the IN1 zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To permit other land uses that provide facilities or services to meet the day-to-day needs of workers in the area.*

The proposed development is defined as 'Self storage units' The HLEP defines the uses as follows:

Self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

The development is permissible in the zone with Council's consent. The modified development is consistent with the objectives of the zone as it would allow a wide range of industrial land uses, encourage employment opportunities and maintain land for industrial uses.

2.2.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 14.5m. The subject application does not seek to alter the approved 14.5m building height and complies with this provision.

2.2.3 Floor Space Ratio

Clause 4.4(2) of the HLEP provides that the floor space ratio (FSR) on any land is not to exceed the maximum shown for the land on the Floor Space Ratio Map. The maximum permissible FSR for the precinct is 1:1.

The original development had an FSR of 1.099:1, representing a 9.99% contravention to the development standard. A Clause 4.6 written request prepared by Sutherland & Associates Planning in support of the contravention accompanied the original development application that was approved.

On 27 February 2023, the Hornsby Local Planning Panel approved a Section 8.2(1)(b) review of the Section 4.55(2) application for internal modifications to an approved self-storage facility including an increase in GFA. The approved Section 4.55(2) application resulted in a 1,204.6m² increase in gross floor area (GFA), an increase in the floor space ratio (FSR) to 1.28:1 (8,539m² GFA) from the approved FSR of 1.099.

The proposed modification seeks a reduction of gross floor area from 8,539m² (1.28:1) to 8,415.1m² (1.26:1). Section 2.2.4 of this report discusses the contravention of the FSR development standard.

2.2.4 Exceptions to Development Standards

2.2.4.1 Application of Clause 4.6 to Section 4.55 Modifications

A Section 4.55 modification application can be approved by a consent authority without a Clause 4.6 written request even though it would contravene a development standard. The relevant judgments (originating with *North Sydney Council v Michael Standley & Associates Pty Ltd [1998] NSWSC 163*) states that section 96 (now S4.55) is a 'free-standing provision', meaning that "a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application". What this means is

that it is Section 4.55 itself which authorises the development to be approved notwithstanding any contravention of a development standard. Section 4.55 is a broad power to approve, subject to its own stand-alone tests (such as the “*substantially the same*” test, and a requirement to consider all relevant S4.15 matters). Section 4.55 does not rely upon having any Clause 4.6 contravention to enliven that power to approve.

In *Gann & Anor v Sutherland Shire Council (2008)* NSWLEC 157 Council argued that it would be illogical if a developer could obtain a development consent for a compliant development and then avoid the need for any a Clause 4.6 contravention by lodging a S4.55 modification to increase the building’s bulk to breach the applicable development standard. The Court however cautioned that:

“This does not mean that development standards count for nothing. Section 96(3) still requires the consent authority to take into consideration the matters referred to in s79C [now s4.15], which in turn include the provision of any environmental planning instrument. That is, any development standard in an environmental planning instrument must be taken into consideration by the consent authority, but the absolute prohibition against the carrying out of development otherwise than in accordance with the instrument in s76A(1) does not apply.”

Section 96 (now S4.55) itself has not been amended since these decisions were given. It still authorises modification approval to be given even where there is a breach of development standards. As such, Clause 4.6 is not applicable to a Section 4.55 modification as it arises only at DA stage. Indeed, the Courts have stated that Clause 4.6 cannot ever be used at Section 4.55 stage as it only applies ‘*where a development application is made*’, not when a modification application is made.

While a formal Clause 4.6 written request is not required for the subject Section 4.55 application, the consent authority is still required to take into consideration those matters referred to in Section 4.15 and assess the merit of any proposed contravention of a development standard, namely:

- Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- Whether there are sufficient environmental planning grounds to justify contravening the development standard.

The approved development as modified (DA/1349/2021/A) has a gross floor area (GFA) of 8,539m² which equates to a FSR of 1.28:1 and a 28% contravention to the 1:1 FSR development standard under Clause 4.4 of the HLEP.

The proposed modification seeks consent for minor alterations that would decrease the GFA to 8,415.1m² which equates to a FSR of 1.26:1 and a reduced contravention of 26% to the 1:1 FSR development standard.

The objective of Clause 4.4 Floor space ratio of the HLEP is as follows:

To permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

It is noted that the previous modification that sought to increase the FSR contravention was supported by a Section 8.2 Review Planning Statement prepared by Sutherland & Associates Planning in support of the contravention to the development standard.

The applicant has not submitted an updated written justification as the proposed minor alterations would decrease the FSR development standard contravention from 28% to 26%.

2.2.4.2 Unreasonable or Unnecessary

There are five common methods by which an applicant can demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the development. Initially proposed for objections under clause 6 of SEPP 1 in the decision of *Wehbe v Pittwater Council [2007] NSWLEC 827* Pearson C summarised and applied these methods to written requests made under Clause 4.6 in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009* [61-62]. These five methods are generally as follows:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose is not relevant to the development.
- That the objective would be defeated or thwarted if compliance was required.
- That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard.
- The zoning of the land is unreasonable or inappropriate.

It is not required to demonstrate that a development meets multiple methods as listed above, and the satisfaction of one can be adequate to demonstrate that the development standard is unreasonable or unnecessary.

The Section 8.2 Review Planning Statement prepared by Sutherland & Associates Planning provided justification for the contravention of the FSR development standard by seeking to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the development, provided as follows:

“The proposed amendment to the approved development provides for additional self-storage units within the established environmental capacity of the site, without any external visual change or impact to the approved development, and without any meaningful adverse traffic or noise impact.”

With reference to the reasoning provided by the applicant, Council agreed with the conclusion that the proposed increase in floor area meets the objectives of Clause 4.4 of the HLEP.

The minor alterations subject to this modification application would decrease the FSR development standard contravention from 28% to 26%. Council's conclusions would remain that the proposed development continues to meet the objectives of Clause 4.4 of the HLEP.

In reaching this conclusion the following points are noted:

- The proposal has adequately demonstrated that the proposed intensity of the use is appropriate for the site constraints, development potential and infrastructure capacity of the locality.
- It has been demonstrated that the amended proposal retains an identical bulk and scale as the approved development, which is as anticipated by the planning controls.

For the reasons outlined above, it is considered that the application has adequately demonstrated that the objectives of the FSR development standard contained within Clause 4.4 of the HLEP are achieved.

Council is therefore satisfied that Clause 4.6(3)(a) of the HLEP is adequately addressed.

2.2.4.3 Environmental Planning Grounds

In addition to demonstrating that compliance is unreasonable or unnecessary, Clause 4.6(3)(b) of the HLEP requires that there are sufficient environmental planning grounds to justify contravening the development standard. In demonstrating that sufficient environmental planning grounds exist, it must be demonstrated that the planning grounds are particular to the circumstances of the development on the subject site (summarised from *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009* [60]).

In demonstrating the environmental planning grounds the Section 8.2 Review Planning Statement stated:

"The increase in the FSR does not result in any change whatsoever to the overall approved building envelope or bulk and scale of the development, and will not result in any external change to the building. Therefore, there is no material impact associated with the proposed amendment which would warrant refusal of the proposed modification."

Council concluded that the applicant had demonstrated that there were sufficient environmental planning grounds to justify contravening the development standard and that the planning grounds are particular to the circumstances of the development. The Section 8.2 Review application had been supported by sufficient information to determine that the proposed increase in GFA would not create unreasonable environmental impacts to adjoining development with regard to visual bulk, acoustics, parking, traffic, vegetation preservation, overshadowing, solar access, amenity or privacy.

The minor alterations subject to this modification application would decrease the approved FSR development standard contravention from 28% to 26%. Council is satisfied that sufficient information has been provided to demonstrate that the proposed minor decrease in GFA would not create unreasonable environmental impacts to adjoining development with regard to visual bulk, acoustics, parking, traffic, vegetation preservation, overshadowing, solar access, amenity or privacy.

Council is therefore satisfied that Clause 4.6(3)(b) of the HLEP is adequately addressed.

Local Planning Panels constituted under the *Environmental Planning and Assessment Act 1979* exercise consent authority functions on behalf of a Council and are not delegates of Council. Therefore, Local Planning Panels may determine a development application notwithstanding, a numerical non-compliance in excess of 10%.

Accordingly, it is considered that the proposed development responds to the relevant matters required to be addressed under Clause 4.6(3) and that the Panel, as the consent authority, may grant consent to the proposed modification.

2.2.5 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. The site does not include a heritage item, is not located in the vicinity of a heritage item and is not located in a heritage conservation area. Accordingly, no further assessment regarding heritage is necessary.

2.2.6 Earthworks

Clause 6.2 of the HLEP states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

The Section 4.55(2) does not seek any alterations to the approved earthworks.

The proposal complies with Clause 6.2 of the HLEP.

2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of Chapters 2 and 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

2.3.1 Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of this policy aims to protect the biodiversity and amenity values of trees within non-rural areas of the state. Part 2.3 of the policy states that a development control plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Part 1.2.6.1 of the HDCP prescribes works that can be undertaken with or without consent to trees and objectives for tree preservation.

The proposed modification does not seek any further tree removal and includes updated landscaping plans in accordance with the amended plan condition on the original consent.

Accordingly, further assessment under Chapter 2 of the Biodiversity and Conservation SEPP is not required.

2.3.2 Chapter 6 Water Catchments

The site is located within the catchment of the Hawkesbury-Nepean River. The aim of this chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of development are considered in the regional context. This chapter contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, significant vegetation habitats, extraction, environmental heritage and scenic quality, recreation and tourism, and agriculture.

The plan addresses matters related to biodiversity, ecology and environment protection; public access to, and use of, foreshores and waterways; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the modified proposal would not impact on the water quality of the catchment and would comply with the requirements of Chapter 6 of the Biodiversity and Conservation SEPP.

2.4 State Environmental Planning Policy (Industry and Employment) 2021

The application has been assessed against the requirements of Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021.

2.4.1 Advertising and Signage

The proposed signage has been assessed against the requirements of Chapter 3 of the Industry and Employment SEPP. This Policy provides State-wide planning controls for advertising signs and prevails over other environmental planning instruments including the HLEP and the Hornsby Development Control Plan 2024. The aims of the Policy are to ensure that advertising and signage is compatible with the desired amenity and visual character of an area, to provide effective communication in suitable locations and to ensure signage is of high-quality design and finish.

The proposed modifications seek to replace the previously approved 'Storage King' business identification signage with 'National Storage' branded signage. One new above awning sign with fabricated aluminium letters is proposed to be located above the box shop titled 'BOX SHOP', which is intended to direct customers to the office/ administration section of the building.

The modified development includes the installation of the following signs:

- Illuminated Building Sign (S1) 12.4 metres wide and 1.8 metres high
- Illuminated Pylon Sign (S2) 2.35 metres wide and 6 metres high
- Shop Entry Sign 'Box Shop' (S3) 2.2 metres wide and 0.27 metres high
- Illuminated Building Sign (S4) 4.5 metres wide and 4.5 metres high

The proposed signs are 'business identification signs' as defined under the Standard Instrument - Principle Local Environmental Plan 2006.

Council's assessment of the proposal with respect to the criteria in Schedule 5 of the Industry and Employment SEPP is provided below.

Industry and Employment SEPP - Advertising and Signage		
Control	Requirement	Comment
Schedule 5 - Assessment Criteria (to be considered for all advertising structures including "business identification signs")		
Character of the area	<p><i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i></p> <p><i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i></p>	<p>Yes - The signage is limited in scale and appropriate for the industrial area in close proximity to a residential locality.</p> <p>Yes - The signage is consistent with the general theme of outdoor advertising the locality, which generally comprises of limited business identification signage adjacent to Salisbury Road.</p>
Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No - The proposed signage is limited in scale and appropriate with respect to its industrial setting.
Views and vistas	<p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>No important views would be impacted.</p> <p>The proposal does not dominate the skyline or impact on vistas. All signage is below the maximum permissible building height and limited in size.</p> <p>The signage would not impact on the viewing rights of existing nearby signage.</p>

Streetscape, setting or landscape	<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>Yes - The scale, proportion and form is appropriate for the streetscape and landscape.</p> <p>Yes - The proposed signs contribute to the visual interest of the streetscape.</p> <p>The proposed signage would replace existing signage as part of the demolition of existing structures and construction of the new facility.</p> <p>No.</p> <p>No - all signage would be below the ridge level of the proposed buildings.</p> <p>No vegetation management is required with respect to the proposed signage.</p>
Site and building	<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both</p>	<p>Yes - The scale of the signage is considered appropriate having regard to the scale of the proposed buildings on the site.</p> <p>The proposed signage is compatible with the architectural design of the proposed buildings.</p> <p>The signage is appropriate for the site and consistent with the proposed architectural theme.</p>
Associated devices and logos	<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>There are no devices, platforms, overhangs or protrusions as part of this proposal.</p>
Illumination	<p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p>	<p>The proposed signage will be internally backlit, which is minor in nature and will not result in any unacceptable glare. The back-lit signage will be commensurate with the surrounding area and will not incorporate any flashing elements.</p> <p>The illumination of the upper level business identification signage zones</p>

	<p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>will comply with the AS/NZS4282 requirements, and it is considered that there will be little to no impact on the safety for pedestrians, vehicles and aircraft</p> <p>The back-lit illuminating nature of the proposed signage will not detract from the amenity of surrounding residential areas. The location of the business identification signage on the southern and western elevations of the proposed development is setback appropriately from surrounding existing residential development located approximately 20m to the north of the site boundary.</p> <p>Appropriate conditions have been recommended to ensure that the signage must not flash, move or display electronic images.</p> <p>Appropriate conditions have been recommended to ensure that all signs are fitted with an automatic timing device to extinguish the illumination outside of the approved hours of operation.</p>
Safety	<p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>No, appropriate conditions have been recommended to ensure that the signage must not flash, move or display electronic images to ensure they would not reduce the safety of any public road.</p> <p>No, appropriate conditions have been recommended to ensure that the signage must not flash, move or display electronic images to ensure they would not reduce the safety for pedestrians or cyclists.</p> <p>No, the signage would not obscure sightlines from public areas.</p>

As outlined in the table above, the proposal satisfies the assessment criteria under Schedule 5 and is consistent with the objectives of the Industry and Employment SEPP.

2.5 State Environmental Planning Policy (Resilience and Hazards) 2021

The application has been assessed against the requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.5.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose. An examination of Council's records and aerial photography has determined that the site has been historically used for warehousing/industrial purposes.

A Detailed Site Investigation prepared by Epic Environmental was submitted with the original Development Application and Council raised no objections with regard to land contamination on the site. Accordingly, no further assessment is necessary under Chapter 4 of the Resilience and Hazards SEPP.

2.6 Draft Environmental Planning Instrument

There are no current draft environmental planning instruments.

2.7 Section 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

Section 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

2.8 Hornsby Development Control Plan 2024

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2024 (HDCP). The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

HDCP - Part 5 Industrial				
Control	Approved	Proposed	Requirement	Compliance
Site Area	6,677.8m ²	6,677.8m ²	N/A	N/A
Gross Floor Area	8,539m ²	8,415.1m ²	N/A	N/A
Floor Space Ratio	1.28:1	1.26:1	1:1	No
Ancillary office space	0.83%	1.1%	Max 30%	Yes
Height	14.5m	14.5m	14.5m	Yes - Unchanged
No. storeys	4 storeys	4 storeys	3 storeys	No - Unchanged
Setbacks				
<i>Front (Salisbury Road)</i>	21.9m	21.9m	5m	Yes - Unchanged
<i>Side (north) (pump room-main building)</i>	8.44m	0.6m - 8.44	0m	Yes
<i>Side (south)</i>	7m	7m	0m	Yes - Unchanged
<i>Rear (east)</i>	7m	7m	0m	Yes - Unchanged
Driveway Setback	1.2m-5.5m	1.2m-5.5m	2m	No - Unchanged
- west	1.2m-5.5m	1.2m-5.5m	2m	No - Unchanged
- north	0m	0m	2m	No - Unchanged
- east	1.2m-7.5m	1.2m-7.5m	2m	No - Unchanged
Car Parking				
- <i>Staff and visitor</i>	12 spaces	13 spaces	11 spaces	Yes
- <i>Motorcycle</i>	1 space	0 spaces	1 space	No
- <i>Bicycle</i>	7 spaces	7 spaces	7 spaces	Yes - Unchanged
Employee Outdoor Area	16m ²	16m ²	8m ²	Yes - Unchanged

As detailed in the above table, the proposed development generally complies with the prescriptive measures within the HDCP with the exception of the FSR, side setbacks and motorcycle parking. A

brief discussion on compliance with relevant performance requirements is provided below and Part 1.3 General Controls are addressed in Section 3 of the report.

2.8.1 Floor space ratio

The proposal would result in a minor reduction of the approved gross floor area from 8,539m² to 8,415.1m², reducing the FSR from 1.28:1 to 1.26:1.

The HLEP and HDCP requires a maximum FSR of 1:1 and the proposal does not comply in this respect.

Section 2.2.3 of this report addresses the floor space ratio non-compliance. It is considered that the application demonstrates that the non-compliance with the FSR development standard is reasonable and necessary in this instance, noting that the proposed modification seeks to reduce the non-compliance whilst maintaining the bulk and scale of the original approved development.

2.8.2 Transport and Parking

The application has been accompanied by an amended Traffic Impact Assessment dated 12 September prepared by Traffix Group. It is noted that the original development application was supported by a Traffic Impact Assessment prepared by Traffix dated 9 September 2021.

2.8.2.1 Parking

Vehicle access to the site is consistent with the existing approval, with the following key changes from a traffic engineering perspective:

- Changed direction of vehicle flow around the building to one-way anticlockwise.
- Reduction in the number of internal loading bays from three to two.
- Minor changes to the arrangement of car parking and bicycle parking near the box shop.
- Increase in the number of external vehicle storage spaces and changes to the design of spaces to accommodate larger vehicles.
- Removal of the motorcycle parking space.

Neither the HDCP nor the RMS's *"Guide to Traffic Generating Developments"* (October 2002) incorporate a parking requirement specifically for self-storage developments. The originally submitted Traffic Report determined that a total of 11 car parking spaces were required to service the approved development given that the Gross Floor Area was within the 6,000m² - 9,000m² Maximum Leasable Area (MLA) category. The approved development included 12 parking spaces and Council's traffic branch concurred that these spaces are adequate to service the premises.

Given that the proposed gross floor area would continue to be within the 6,000m²-9,000m² MLA category, Council's traffic assessment has determined that the increase of 1 space to a total of 13 on-site car parking spaces would be adequate for the proposal.

Regarding motorcycle parking, it is noted that the proposed modification seeks to remove the single motorcycle parking space due to the nature of self-storage facilities requiring the transfer of larger items, it was determined that a motorcycle space was not suitable for the development. In support of this non-compliance, it is noted that the modified consent has increased the number car parking spaces by one space, which could be used to provide motorcycling parking if required while maintaining a compliant number of car parking spaces.

2.8.2.2 Traffic Generation

Neither the HDCP nor the RMS's "Guide to Traffic Generating Developments" (October 2002) incorporate a land use traffic generation rate for self-storage developments. The Traffic Report submitted with the original development application states that the traffic generation of proposed developments can be estimated based on the Facility Traffic & Parking Study (SSFTPS) prepared by Aurecon in 2009 that was undertaken to identify the typical vehicle parking demands and trip generations of self-storage units to be applied throughout Australia. In accordance with the SSFTPS, the approved development falls within the 6,000m² - 9,500m² MLA range, which identify the following anticipated traffic generation during a typical weekday:

- Average of 11 vehicles per hour and 95th percentile of 21 vehicles per hour during the morning peak period.
- Average of 13 vehicles per hour and 95th percentile of 22 vehicles per hour during the evening peak period.

The estimation is in line with Council's observation for similar businesses in the Hornsby Shire.

Council's traffic assessment supports this estimation of traffic generation and raises no concerns with the proposed minor decrease in gross floor area having regard to traffic generation.

2.9 Section 7.12 Contributions Plans

Hornsby Shire Council Section 7.12 Contributions Plan 2019-2029 applies to the development as the estimated costs of works is greater than \$100,000. Should the application be approved, an appropriate condition of consent is recommended requiring the payment of a contribution in accordance with the Plan.

2.10 Planning Agreements

Section 4.15 (1) (a)(ii) of the Act requires Council to consider the provisions of any planning agreement. The development does not include a Planning Agreement.

2.11 Environmental Planning and Assessment Regulation 2021

Section 61 of the Environmental Planning and Assessment Regulation 2021 (the Regs) contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS2601

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the Regs are relevant to the proposal.

Section 63 (considerations for erection of temporary structures) of the Regs are relevant to the proposal.

These provisions of the Regs have been considered and are addressed in the recommended draft conditions (where necessary).

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider "*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*".

3.1 Natural Environment

3.1.1 Tree and Vegetation Preservation

The proposed development would necessitate the removal of no additional trees from the site.

An amended Landscape Plan has been provided that meets the conditions set out in the amended plan condition (Condition No. 2) of the original approval. The replacement of the existing lower hardstand area with landscaping will provide a significantly improved screening outcome along Salisbury Road.

3.2 Built Environment

3.2.1 Built Form

The proposed development includes minor changes which would increase articulation and break up the bulk and scale of the approved facility.

3.2.2 Traffic

Given that the proposed gross floor area would continue to be within the 6,000m²-9,000m² MLA category, Council's traffic assessment has determined that the increase of one space to a total of 13 on-site car parking spaces would be adequate for the proposal.

3.3 Social Impacts

The social impacts of the development on the local and broader community have been considered with specific reference to potential employment generation within the facility during operation and construction. This is consistent with the State Government's Greater Sydney Region Plan - A Metropolis of Three Cities which identifies the need to provide an additional 689,000 new jobs by 2031.

3.4 Economic Impacts

The proposal would have a minor positive impact on the local economy in conjunction with other industrial development in the locality by generating an increase in demand for local services.

4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider "*the suitability of the site for the development*".

The subject site has not been identified as bushfire prone or flood prone land.

The site directly adjoins land zoned for residential use and it is considered that the intensity of development is suitable for the locality having regard to acoustics, vehicle and pedestrian movements and residential amenity. The intensity of the proposed development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION

Section 4.15(1)(d) of the Act requires Council to consider "*any submissions made in accordance with this Act*".

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 15 October 2025 and 3 November 2025 in accordance with the Hornsby Community Engagement Plan. During this period, Council received nil submissions. The map below illustrates the location of those nearby landowners who were notified.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED		PROPERTY SUBJECT OF DEVELOPMENT	
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5.2 Public Agencies

The development application was not referred to any Public Agencies for comment.

6. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council’s criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application proposes a Section 4.55(2) modification for minor external and internal works to the self-storage facility.

The modification generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Having regard to the circumstances of the case, approval of the modification is recommended.

The reasons for this decision are:

- The development is substantially the same development as the development for which consent was originally granted. The proposed modification is assessed as satisfactory with respect to the reasons for approval for DA/1349/2021.
- The proposed modification generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024.
- The proposed modification does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy.

Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

CASSANDRA WILLIAMS
Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.  Architectural Plans
2.  Landscape Plans

File Reference: DA/1349/2021/B
Document Number: D09249778

SCHEDULE 1

Date of 1st modification:	27 February 2023
Details of 1st modification:	Section 8.2(1)(b) review of the Section 4.55(2) application for internal modifications to an approved self-storage unit facility including an increase in the floor space ratio
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	1

Date of this modification:

Details of this modification:	Section 4.55(2) modification for minor external and internal works to the self-storage facility
Conditions Added:	Nil
Conditions Deleted:	2, 67(11.)
Conditions Modified:	1, 3, 10(3), 11(2), 22(1)(2), 33(2), 49

ITEM 2

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation (Mod A and Mod B)

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
A101-A, Rev A	Site Plan	Mijollo International	7.12.21	D08458502
A105-A, Rev A	Demolition Plan	Mijollo International	7.12.21	D08458502
A107-A, Rev A	Excavation Plan	Mijollo International	7.12.21	D08458502
A201-C, Rev C	Level 01 Plan	Mijollo International	13.4.22	D08458502
A201-D	Plan Level 01	Mijollo International	25.8.25	
A202-B, Rev B	Level 02 Plan	Mijollo International	13.4.22	D08458502
A202-C Rev C	Level 02 Plan	Mijollo International	4.8.22	D08458502
A202-D	Plan Level 02	Mijollo International	25.8.25	
A203-B, Rev B	Levels 03 – 04	Mijollo International	11.1.22	D08458502
A203-C	Plan Level 03	Mijollo International	25.8.25	
A204-A	Plan Level 04	Mijollo International	25.8.25	
A204-C, Rev C	Roof Plan	Mijollo International	13.4.22	D08458502
A205-A	Plan Level R	Mijollo International	25.08.25	
A301-B, Rev B	North & East Elevations	Mijollo International	11.1.22	D08458502
A301-C	Elevations North & East	Mijollo International	25.8.25	
A302-B, Rev B	South & West Elevations	Mijollo International	11.1.22	D08458502
A302-C	Elevations South & West	Mijollo International	25.8.25	
A310-A, Rev A	Materials & Finishes	Mijollo International	7.9.21	D08458502
A401-C, Rev C	Sections	Mijollo International	13.4.22	D08458502
A401-D, Rev D	Sections	Mijollo International	4.8.22	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
A501-A, Rev A	Signage Plan	Mijollo International	7.12.21	D08458502
A501-B	Signage	Mijollo International	25.8.25	
L01, Issue A	Landscape Plan	Susan Read Landscapes	9.9.21	D08458502
L01 Issue B	Landscape Plan	Susan Read Landscapes	9.9.25	

Supporting Documents

Document Title	Prepared by	Dated	Council Reference
Waste Management Plan	Mijollo International	25.1.22	D08361141
Arboricultural Impact Assessment	Urban Arbor	2.12.21	D08319923
Arboricultural Impact Assessment Ref: 250905_28Salisbury Rd_AIA_R1	Urban Arbor	5.9.25	D09227415
Amended Acoustic Assessment	Spectrum Acoustics	Nov 2022	D08541855
Construction Traffic Management Plan	Traffix Traffic & Transport Planners	8.12.21	D08319907
Geotechnical Investigation	Ade Consulting Group	20.1.2017	D08319904
Civil Engineering Plans Rev P01 (Dwg Nos. CDA001, CDA002, CDA011, CDA021, CDA031, CDA041, CDA042, CDA051, CDA061, CDA092)	Edge Consulting Engineers	3.9.25	D09227419

2. **Amendment of Plans (Mod B)**

1. To comply with Council's requirement in terms of landscaping, the approved Site Plan dated 7.12.21 (Reference A101-A Rev A) and Plan Level 01 dated 13.04.22 (Reference No. A201-C, Rev C) prepared Mijollo International and Landscape Plan dated 9.9.21 (Reference No. L01, Issue A) prepared by Mijollo International are to be amended as follows:

- The demolition of the existing concrete pad and any existing structures within the front setback.
- The existing hardstand area to the northern side of the Salisbury Road frontage is to be replaced with landscaping comprising grass, shrubs and a minimum of 4 native trees as follows:
 - The species of plantings are to be generally consistent with the Planting Schedule as shown on the Landscape Plan, such as Lilly Lilly trees, Banksia shrubs and Silver Lady groundcovers.
 - The density of plantings is to be consistent with the proposed plantings to the northern side of the frontage.
 - All trees must be located in the front setback and planted 4 metres or greater from the foundation walls of the approved development.

- iv. ~~All trees must have the potential to reach a mature height greater than 10 metres.~~
- v. ~~The pot size of trees must be a minimum 45 litres.~~

2. ~~These amended plans must be submitted with the application for the Construction Certificate.~~

3. Removal of Existing Trees (Mod B)

This development consent permits the removal of five trees numbered 1, 2, 3, 4 and 22 as identified on pages 9-19 12-23 in the Arboricultural Impact Assessment Ref: 250905_28Salisbury Rd_AIA_R1 prepared by Urban Arbor dated 5 September 2025 2/12/2024.

4. Construction Certificate

1. A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any construction works under this consent.
2. A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any subdivision works under this consent.
3. A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
4. A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.
5. The Construction Certificate plans must be consistent with the Development Consent plans.

5. 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*, **\$93,393.25** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$9,339,328**.
2. The value of this contribution is current as of 7 July 2022. 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:

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

- $\$C_{PY}$ is the amount of the contribution at the date of Payment.
- $\$C_{DC}$ is the amount of the contribution as set out in this Development Consent.
- CPI_{PY} is the latest release of the Consumer Price Index (Sydney - All Groups) at the date of Payment as published by the ABS.
- CPI_{DC} 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.
 - b. Prior to the issue of the first Construction Certificate where the development is for building work.
 - c. Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work.
 - d. Prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Note: It is the professional responsibility of the Principal Certifying Authority 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 or a copy may be inspected at Council's Administration Centre during normal business hours.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Appointment of a Project Arborist

To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to assist in ensuring compliance with the conditions of consent and provide monitoring reports as specified by the conditions of consent.

1. Details of the appointed project arborist must be submitted to Council and the PCA with the application for the construction certificate.

7. 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.

8. 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.

9. 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.

10. Stormwater Drainage (Mod B)

1. The stormwater drainage system for the development must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:
 2. Connected directly to the Council's street drainage system in Salisbury Road.
 - a. Where public assets and utilities are impacted by proposed works, the Applicant shall relocate or reconstruct the asset or utility in accordance with the relevant standard at the Applicant's cost.
 - b. Prior to the issue of an Occupation Certificate a Compliance Certificate must be obtained from Council for the connection to Council's drainage system.
 3. The existing kerb inlet pit is to be replaced with a Butterfly Pit generally in accordance with the plans prepared by ~~Henry and Hymas Consulting Engineers~~ Edge Consulting Engineers Rev P02 dated 3/9/2025.
 4. A new kerb inlet pit with a 1.8m inlet is to be constructed downstream of the proposed access to the development site.
 5. A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.

11. On Site Stormwater Detention/WSUD (Mod B)

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

1. Have a capacity of not less than 32.5 cubic metres, and a maximum discharge (when full) of 213 litres per second.
2. The on-site detention system is incorporate a water saving treatment generally in accordance with the stormwater plans prepared by ~~Henry and Hymas~~ Edge Consulting Engineers Rev P02 dated 3 September 2025.

3. Have a surcharge/inspection grate located directly above the outlet.
4. Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.

12. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with Australian Standards AS2890.1, AS2890.2, AS3727 and the following requirements:

1. Design levels at the front boundary be obtained from Council.
2. The driveway be a rigid pavement.
3. The driveway grade must not exceed 15.4 percent and changes in grade must not exceed 6.25 percent in 7m of travel.
4. Retaining walls required to support the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
5. The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter cannot be achieved.

13. Waste Management Details

The following waste management requirements must be complied with:

1. There must be no steps along any bin carting route. Ramps and service lifts are acceptable.
2. A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all waste storage room(s) have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - a. The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting.
 - b. The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections.
 - c. The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned.
 - d. The room is to be provided with artificial light controllable within the room and adequate ventilation.
 - e. The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - f. The doors are to be robust and lockable, with a door opening of no less than 2m. The doors must be able to be opened from inside the room without a key.

g. The bin storage room must have sufficient space to comfortably house the required number of bins (3 of 240 L garbage bins and 2 of 240 L recycling bins) and aisle space to access and manoeuvre these bins with every bin being accessible (no stacking of bins 2 or more deep) by persons with a disability (in accordance with AS1428).

14. Construction Management Plan (CMP)

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist and submitted to Council's Compliance Team via Council's Online Services Portal for review and written approval. The CMP must include the following details:

1. A Construction Traffic Management Plan (CTMP) including the following:
 - a. The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
 - b. The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - c. A statement confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
 - d. The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - i. Public notification of proposed works.
 - ii. Long term signage requirements.
 - iii. Short term (during actual works) signage.
 - iv. Vehicle Movement Plans, where applicable.
 - v. Traffic Management Plans.
 - vi. Pedestrian and Cyclist access and safety.
 - e. Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
 - f. Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
 - g. Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
 - h. Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
 - i. Swept path analysis for ingress and egress of the site for all stages of works.

j. Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.

k. The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.

l. The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.

m. The maximum number of trucks travelling to and from the site on any given day for each stage of works.

n. The maximum number of truck movements on any given day during peak commuting periods for all stages of works.

o. The source site location of any proposed fill to be imported to the site, for all stages of works.

p. The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.

q. If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.

2. A Construction Waste Management Plan detailing the following:

- Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
- Asbestos management requirement and procedures for removal and disposal from the site in accordance with AS2601-2001 The Demolition of Structures, and the Protection of the Environment Operations (Waste) Regulation 2005.
- General construction waste details including construction waste skip bin locations and litter management for workers.

3. A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:

- A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
- Construction methodology to avoid damage to trees proposed to be retained during construction works.
- Specifications on tree protection materials used and methods within the TPZ or SRZ.

4. d. Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.

4. A Construction Noise and Vibration Management Plan (CNMP) which includes:

- a. Existing noise and vibration levels within the proximity of the proposed development site.
- b. Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
- c. The maximum level of noise and vibration predicted to be emitted during each stage of construction.
- d. The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
- e. Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
- f. Details of a complaints handling process for the surrounding neighbourhood for each stage of works.

5. Identification of approved sediment and erosion control measures.

6. The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.

Note: The CMP must be lodged via Council's Online Services Portal at: <https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Applications > New Applications > Under 'Application Types': Management Plans.

15. Mechanical Equipment

A mechanical plant noise assessment for all proposed mechanical equipment must be undertaken by a suitably qualified Acoustic Consultant and a report be submitted to the PCA prior to the issue of the construction certificate. The report must certify that the operation of all proposed mechanical plant will not exceed the project noise trigger levels as detailed in the Acoustic Assessment, prepared by Spectrum Acoustics, dated February 2022 reference 212174-9425 (TRIM: D08361155), at any boundary upon installation.

16. Certification of Traffic Engineer

Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules and loading areas comply with AS 2890.1 Off-street car parking 2004 and AS 2890.2 Off-street commercial vehicle facilities 2002.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

17. Erection of Construction Sign

1. A sign must be erected in a prominent position on any site on which any approved work is being carried out:

- a. Showing the name, address and telephone number of the principal certifying authority for the work.
- b. Showing 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.
- c. Stating that unauthorised entry to the work site is prohibited.

2. The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

18. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

1. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
2. Could cause damage to adjoining lands by falling objects.
3. Involve the enclosure of a public place or part of a public place.
4. Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

b) *Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.*

19. 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.
 - b. Be a temporary chemical closet approved under the *Local Government Act 1993*.
 - c. Have an on-site effluent disposal system approved under the *Local Government Act 1993*.

20. Erosion and Sediment Control

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

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

21. Garbage Receptacle

1. A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
2. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
3. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
4. Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

22. Installation of Tree Protection Measures (Mod B)

1. Trees to be retained and numbered 5-21, 23-28, 31-33, 35-39, 42, 44-53, 55-59, 61-69, and 72-98 ~~and G1~~ as identified on the Tree Protection Plan located on page 37 of the Arboricultural Impact Assessment Ref: 250905_28Salisbury Rd_AIA_R1 prepared by Urban Arbor dated 5 September 2025 ~~2/12/2021 (TRIM: D08319923)~~ must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:
 - a. For the duration of demolition works, in accordance with the Tree Protection Plan in Appendix 1B (Proposed Site Plan (TPP)) of the Arboricultural Impact Assessment Ref: 250905_28Salisbury Rd_AIA_R1 prepared by Urban Arbor dated 5 September 2025 ~~2/12/2024~~.
 - b. For the duration of construction works, in accordance with Tree Protection Plan in Appendix 1B (Proposed Site Plan (TPP)) of the Arboricultural Impact Assessment Ref: 250905_28Salisbury Rd_AIA_R1 prepared by Urban Arbor dated 5 September 2025 ~~2/12/2021~~.
2. Tree protection fencing for the trees to be retained numbered 5-21, 23-98 ~~and G3~~ 5-21, 23-28, 31-33, 35-39, 42, 44-53, 55-59, 61-69, and 72-98 must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.
3. The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone.
4. Tree crown protection measures are required and must be installed by the AQF 5 project arborist.
5. The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
6. Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
7. All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.

8. Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the wood-chip must be covered with a layer of geotextile fabric and rumble boards.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

23. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council due to extenuating circumstances). No work is to be undertaken on Sundays or public holidays.

24. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard AS2601-2001 *The Demolition of Structures* and the following requirements:

1. Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
2. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *SafeWork NSW* in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*; and
3. On construction sites where any building contains asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

25. Environmental Management

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, the site must be managed in accordance with the publication '*Managing Urban Stormwater - Landcom (March 2004)*' and the *Protection of the Environment Operations Act 1997*.

26. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

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.

27. 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.

28. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

1. Prior to the pouring of concrete at each level of the building certifying that:
 - a. The building, retaining walls and the like have been correctly positioned on the site.
 - b. The finished floor level(s) are in accordance with the approved plans.

29. Waste Management

All work must be carried out in accordance with the approved waste management plan.

30. Prohibited actions within the fenced tree protection zone

The following activities are prohibited within the approved fenced tree protection zones unless otherwise approved by Council:

1. Soil cutting or filling, including excavation and trenching
2. Soil cultivation, disturbance or compaction
3. Stockpiling storage or mixing of materials
4. The parking, storing, washing and repairing of tools, equipment and machinery
5. The disposal of liquids and refuelling
6. The disposal of building materials
7. The siting of offices or sheds
8. Any action leading to the impact on tree health or structure

31. Maintaining the health of trees approved for retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for trees to be retained on the approved plans.

32. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the project arborist in accordance with the conditions of this consent for the duration of works.

33. Approved Works within Tree Protection Zone incursions (Mod B)

1. Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
 - a. Using sharp secateurs, pruners, handsaws or chainsaws with the final cut being clean.
 - b. The maximum diameter of roots permitted to be cut is 30mm.

2. To minimise impacts within the Tree Protection Zone (TPZ) of trees ~~numbered 5-21, on the approved plans~~ to be retained, the installation of services must be undertaken as follows:

- The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
- The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
- For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.

34. Building materials and Site Waste

The stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water 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.

35. Construction Vehicles

- All construction vehicles associated with the proposed development are to be contained on site or in a Local Traffic Committee (LTC) approved "Works Zone".
- The site supervisor to be advised that the Works Zone will be deemed to be in effect, and fees will apply, between the dates nominated by the supervisor, or when parking spaces are managed for the sole use of construction vehicles associated with the site.
- The Works Zone signs shall be in effect only for the times approved by Council, and the time is to be noted on the sign. E.g., 'Works Zone Mon - Sat 7am - 5pm'.
- The applicant is required to supply a sign posting installation plan for referral to the Local Traffic Committee, noting on it the duration of the Works Zone.
- The Works Zone is only to be used for the loading and unloading of vehicles. Parking of workers' vehicles, or storage of materials, is not permitted.

36. Street Sweeping

During works and until exposed ground surfaces across the site have been stabilised, street sweeping must be undertaken following sediment tracking from the site.

The street cleaning service must utilise a 'scrub and dry' method and be undertaken for the full extent of any sediment tracking.

37. Landfill not Permitted

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

38. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's

Waste Classification Guidelines and Protection of the Environment Operations (Waste) Regulation 2014 prior to disposal to a licensed waste management facility. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the principal certifying authority prior to the issue of an Occupation Certificate.

39. Maintenance of Public Footpaths

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

40. Compliance with Construction Management Plan

The Council approved Construction Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

41. 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 PCA and Council.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

42. Damage to Council Assets

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 (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

43. Retaining Walls

All required retaining walls must be constructed as part of the development.

44. Fire Safety Statement - Final

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.

45. Replacement Tree Requirements

1. The existing hardstand area to the northern side of the Salisbury Road frontage is to be replaced with landscaping comprising grass, shrubs and a minimum of 4 native canopy trees.
2. All required landscaping works are to be completed in accordance with the approved landscape plans.
3. All replacement plantings must be species selected from the '*Trees Indigenous to Hornsby Shire (as of 1 September 2011)*' document available for viewing on the

Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees>

4. The location and size of tree replacement planting must comply with the following:
 - a. All replacement trees must be located in either the front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
 - b. The pot size of the replacement trees must be a minimum 45 litres.
 - c. All replacement trees must be a minimum of 3 metres in height at the time of planting.
 - d. All replacement trees must have the potential to reach a mature height greater than 10 metres.

46. Landscaping Certification

A certificate must be submitted to the PCA by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

47. Final Tree Certification

1. The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:
2. All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works.
3. All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans.
4. Dates, times and reasons for all site attendance.
5. All works undertaken to maintain the health of retained trees.
6. Details of tree protection zone maintenance for the duration of works.
7. A statement to confirm that tree replacement planting meets NATSPEC guidelines and the approved landscape plan.

Note: Copies of monitoring documentation may be requested throughout DA process.

48. Sydney Water - s73 Certificate

A s73 Certificate must be obtained from Sydney Water and submitted to the PCA.

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

49. Water Saving Urban Design (Mod B)

A Water Saving Urban Design (WSUD) is to be constructed generally in accordance with the engineering report and plans prepared ~~Henry and Hymas Consulting Engineers~~ Edge Consulting Engineers Rev P02 dated 3 September 2025. The Water Quality Targets as

ITEM 2

detailed within the report and Hornsby Development Control Plan 2024 2013 are to be achieved in the design and supported by a MUSIC model.

50. Creation of Easements

The following easements are to be created on the title of property in accordance with the *Conveyancing Act 1919*.

1. The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems, water saving facility and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
2. To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

51. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system.

52. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

1. Design levels at the front boundary must be obtained from Council for the design on the internal driveway.
2. Any redundant crossings must be replaced with integral kerb and gutter.
3. The footway area must be restored by turfing.
4. Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

53. Preservation of Survey Marks

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.

54. Construction of Engineering Works

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of the Occupation Certificate.

55. Asbestos Clearance Certificate

Should any asbestos be encountered during demolition or construction works, a licenced asbestos assessor is required to provide a Clearance Certificate to the Certifier prior to the issue of an Occupation Certificate, certifying that the asbestos has been removed and appropriately disposed of, and the site is now suitable for its approved use.

56. Submission of Excavated Material Tipping Dockets to Principal Certifying Authority

Tipping dockets for the total volume of excavated material that are received from the licensed waste facility must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

57. External Lighting

1. To protect the amenity of adjacent premises, all lighting on the site must be controlled as to not cause a nuisance to other residences in the area. Flashing, moving or intermittent lights or signs are prohibited.
2. All external lighting must be designed and installed in accordance with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
3. Lighting outside approved hours of operation must be sensor security lighting only and angled internally at a low level.
4. Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Occupation Certificate.

58. CCTV and PIN Code Access

A CCTV system and PIN code access (with data logging) is to be installed throughout the building. Certification of compliance with this condition must be obtained from a suitably qualified person and submitted to the PCA with the application for the Occupation Certificate.

59. Geotechnical Investigation

In accordance with the recommendations of the submitted Geotechnical Investigation prepared by Ade Consulting Group dated 20 January 2017, the following geotechnical measures are to be undertaken prior to the issue of an Occupation Certificate:

1. Shotcrete is to be used on the weathered rock on the upper slope surface (zones 1 and 2) to prevent the localized instability and deteriorating the slope surface.
2. The timber retaining wall is degraded and is to be redesigned and constructed for stability (zone 3)
3. The sandstone boulder must be removed in order to prevent the adjacent road from unexpected falling and its consequences (zone 4).

OPERATIONAL CONDITIONS

60. Use of Premises

The development approved under this consent shall be used for 'self-storage unit' purposes and not for any other purpose without Council's separate written consent.

61. Hours of Operation - Self Storage Units

The hours of operation of the premise are restricted to those times listed below:

Office Hours

Monday to Sunday 7am to 6pm

Self-Storage Unit Hours

Monday to Sunday 5am to 10pm

62. Signage illumination

The signage approved under this consent must comply with the following:

1. The signage must not flash, move or display electronic images.
2. The sign must be fitted with an automatic timing device to extinguish the illumination outside of the approved hours of operation.

63. External Lighting

1. Lighting outside approved hours of operation must be sensor security lighting only and angled internally at a low level.
2. Flashing, moving or intermittent lights or signs are prohibited.

64. Noise

All noise generated by the development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

65. Fire Safety Statement - Annual

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' certifying each essential service installed in the building.

66. Waste Management

The waste management on site must be in accordance with the following requirements:

1. All commercial tenant(s) must keep written evidence on site of a valid and current contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
2. All commercial tenant(s) must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
3. The land and adjoining areas are to be kept in clean and tidy conditions at all times.
4. Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
5. All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.
6. Vegetation adjacent to the driveway/accessway/roadway must be regularly pruned to maintain a 4.5m vertical clearance over the driveway/accessway/roadway and to ensure the vegetation does not encroach on the vehicular travel path.

67. Car Parking and Vehicle Access (Mod B)

1. All car parking must be constructed and operated in accordance with Australian Standard AS/NZS2890.1:2004 Off-street car parking and Australian Standard AS2890.2:2002 Off-street commercial vehicle facilities.
2. All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
3. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
4. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
5. All vehicular entry on to the site and egress from the site shall be made in a forward direction.
6. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
7. Visitor parking spaces are not to be used by tenants/owners as storage or parking spaces.
8. No heavy vehicles larger than a standard MRV should access and service the site.
9. All parking for people with disabilities is to comply with AS/NZS2890.6:2009 Off-street parking for people with disabilities.
10. Bicycle parking spaces are to be designed in accordance with AS2890.3-1993 Bicycle parking facilities.
11. ~~Motorcycle parking spaces are to be designed in accordance with AS/NZS2890.1:2004 Figure 2.7.~~

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with *the Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation (LSC) at www.longservice.nsw.gov.au.

Note: The rate of the Long Service Levy is 0.25% of the total cost of the work (including GST).

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

Hornsby Development Control Plan 2024 Tree and Vegetation Preservation provisions have been developed under Council's authorities contained in State Environmental Planning Policy (Biodiversity and Conservation) 2021 and the *Environmental Planning and Assessment Act 1979*.

In accordance with these provisions a person must not cut down, fell, uproot, kill, poison, ringbark, burn, or otherwise destroy the vegetation, lop, or otherwise remove a substantial part of the trees or vegetation to which any such development control plan applies without the authority conferred by a development consent, or a permit granted by Council.

Fines may be imposed for non-compliance with the *Hornsby Development Control Plan 2024*.

Note: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3m). (HDCP 1.2.6.1.c).

Before You Dig

Prior to commencing any works, the applicant is encouraged to contact Before You Dig Australia (BYDA) at www.byda.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *SafeWork NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.adfa.org.au

www.safework.nsw.gov.au

Alternatively, telephone *SafeWork NSW* on 13 10 50.

Disability Discrimination Act 1992

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the Building Code of Australia, however, the development may not comply with the requirements of the *Disability Discrimination Act 1992*. This is the sole responsibility of the applicant.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on ph. 1800810443.

**3 DA/1137/2025 - CONSTRUCTION OF STORAGE SHED FOR NSW RURAL FIRE SERVICE -
THE TOLLGATES, 1049 PACIFIC HIGHWAY, COWAN**

DA No: DA/1137/2025 (PAN-580219 - Lodged on 23 October 2025)

Description: Construction of storage shed for NSW Rural Fire Service

Property: Lot 100 DP 1104687, The Tollgates, No. 1049 Pacific Highway, Cowan

Applicant: NSW Rural Fire Service

Owner: Hornsby Shire Council

Estimated Value: \$100,000

Ward: A Ward

Clause 4.6 Request: N/A

Submissions: Nil

LPP Criteria: Council

Author: Nicola Neil, Octagon Planning

COI Declaration: No Council staff involved in the assessment of this application have declared a Conflict of Interest.

RECOMMENDATION CONSENT

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1137/2025 for construction of a storage shed at Lot 100 DP 1104687, The Tollgates, No. 1049 Pacific Highway, Cowan subject to the conditions of consent at Attachment 2 of LPP Report No. LPP29/25.

EXECUTIVE SUMMARY

- The application proposes the construction of a storage shed for NSW Rural Fire Service.
- The site is owned by Council. In accordance with Council's adopted Policy '*Conflict of Interest Policy for Proposed Council Development and Applications Involving Council Staff or Councillors*' an independent assessment of the development application has been undertaken by Octagon Planning.
- Nil submissions have been received in respect of the application.
- The assessment report by Octagon Planning is attached to this report for the Hornsby Local Planning Panel's consideration. The independent consultant's report recommends that the application be approved.

ASSESSMENT

In accordance with the referral criteria and procedural requirements for Local Planning Panels, the assessment of the development application has been referred to an independent town planning consultant as the development includes land owned by Council. The assessment report by Octagon Planning is held at Attachment 1 of this report.

CONCLUSION

The application proposes the construction of 2 sheds for NSW Rural Fire Service.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council has referred the application to an independent town planner to carry out an assessment of the application. The assessment concludes that the application should be approved. It is recommended that the Hornsby Local Planning Panel approve the development in accordance with the recommendations in the report prepared by Octagon Planning and the conditions of consent held at Attachment 2 of this report.

Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

CASSANDRA WILLIAMS
Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.  Consultant Report
2.  Draft Conditions of Consent
3.  Architectural Plans

File Reference: DA/1137/2025

Document Number: D09261491