



Mr Saverio Cremona  
58 Garnet Street  
HURLSTONE PARK NSW 2193

## NOTICE OF DETERMINATION

### APPROVAL

Development Application No: DA/975/2020

This development consent is issued pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*. This consent is subject to the conditions specified in this notice and will lapse unless the development is physically commenced within 7 years of the date of this notice.

Section 8.2 of the Act allows an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination subject to Council being in a position to finalise the review within 12 months from the date of this notice.

Section 8.7 of the Act allows an applicant who is dissatisfied with the determination of an application, a right of appeal to the Land and Environment Court within 12 months from the date of this notice.

**Property:** Lot 1 DP 5440, Lot 2 DP 5440, Lot 3 DP 5440, Lot 4 DP 5440, Lot 5 DP 5440, Lot C DP 306966, Lot C DP 328704, Lot 1 DP 335423, Lot G DP 360935, Lot J DP 374758, Lot A DP 303812 No. 60-74 The Crescent, CHELTENHAM NSW 2119

**Development:** Alterations and additions to recreation club and construction of an indoor Recreation Facility (Real Tennis)

**Effective date of this determination:** 6 April 2021

Per:  
Manager, Assessments  
Planning and Compliance Division  
Contact: Jasmin Blazevic (9847 6661 – 8.30 am to 5.00 pm)

**CONDITIONS OF APPROVAL****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, 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**

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:

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Council Reference</b>
CRC-A-02, Rev B	Proposed Site Plan	Verio Project	11/12/2020	D08139251
CRC-A-1.0, Rev A	Proposed Lower Ground Floor Plan	Verio Project	11/6/2020	D08139251
CRC-A-11, Rev A	Proposed Ground Floor Plan	Verio Project	11/6/2020	D08139251
CRC-A.30, Rev A	Elevations	Verio Project	11/6/2020	D08139251
CRC-A.40, Rev A	Proposed Ground Floor Plan	Verio Project	11/6/2020	D08139251

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
Operation Management Plan	Sav Cremona	4 March 2020	D08119673
Acoustic Report	Koikas Acoustics	29 January 2021	D08099937
Preliminary Construction and	Talis	15/12/2020	D08078601

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
Environmental Management Plan			
Site Management Plan, Rev A	Verio Project	11/12/2020	D08078599
Limited Destructive Hazardous Materials Assessment	EP Risk	12 February 2020	D08048473
Heritage Impact Assessment – Part B	Allan Willingham	September 2020	D08048472
Statement of Heritage Impact – Part A	Allan Willingham	September 2020	D0804871
Sediment and Erosion Control Plan, Dwg C01.01	Engineering Studio	13 March 2020	D08048470
Arboricultural Impact Assessment for Two Trees on Cheltenham Recreation club	Malcolm Bruce	28/06/2020	D08048465
Access Review	Morris Goding Access Consulting	30 June 2020	D08048462
Waste Management Plan	Cheltenham Recreation Club	25 June 2020	D08048460
Traffic Engineering Assessment – Proposed Tennis Club Expansion	Traffix Group	21/4/2020	D08048459
Structural Report	Demlakian Engineering	15 November 2019	D08048454
Stormwater Drainage Plan, Dwg C02.01	Engineering Studio	13.03.2020 2019	D08048454
Landscape plan, CRC-A.50	Verio Project	11/06/2020	D08048443

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
Photo montage View 1 and View 2	Verio Project	11/06/2020	D08048448

## 2. Construction Certificate

- a) 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.
- b) A Subdivision Works Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any subdivision works under this consent.
- c) A separate Subdivision Works Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- d) A separate Subdivision Works Certificate must be obtained from Council for all works within drainage easements vested in Council.
- e) The Construction Certificate / Subdivision Works Certificate plans must be consistent with the Development Consent plans.

## 3. Removal of Trees

- a) This development consent permits the removal of tree(s) numbered Tree 2 as identified in the Arboricultural Impact Assessment prepared by Malcolm Bruce dated 28 June 2020 (D08048465).
- b) No consent is granted for the removal of trees numbered Tree 1 as this tree contributes to the established landscape amenity of the area/streetscape.

*Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (HDCP).*

## 4. Amendment of Plans

- a) To comply with Councils requirement in terms of landscaping, the approved plans are to be amended as follows:
  - i) A row of Camelia species must be planted along the western side of the building to soften its appearance as indicated in red shading on the approved Site Plan. The row of hedges could be planted within the existing handrail or on the outside as shown by the red shaded area on the Site Plan.
  - ii) The hedge must be planted within the red shaded region for a minimum length of 12 metres and reach a mature height of at least 2 metres to provide some screening and amenity to neighbours.

- b) To comply with Council's requirement in terms of heritage, the approved plans are to be amended as follows:
- i) The colour palette of the new indoor recreation facility be amended to include a pinkish tinge to the concrete external wall panels and salmon brick for their decorative inlay.
- c) To comply with Councils requirement in terms of car parking and access, the approved plans are to be amended as follows:
- i) Three car parking spaces are to be provided on the site as shown on the approved Site Plan (11/12/2020) identified as spaces 1, 2 and 3. The car parking spaces are not to be used by employees of the site, and instead sign posted or marked for 'Visitors Only'.
  - ii) One additional sealed, on grade accessible car parking space is to be provided in front of or to the rear of the main club building or at the rear and designed in accordance with AS 2890.6.
  - iii) If one of the 3 car spaces in front of the main building as shown on the Site Plan is to be used as an accessible space, then another visitor car space is to be provided elsewhere on the site.
- d) These amended plans must be submitted with the application for the Construction Certificate.

## 5. Section 7.12 Development Contributions

- (a) 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*, **\$23,080.15** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$2,308,014.50**
- (b) The value of this contribution is current as of 1 April 2020. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

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

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

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

- (c) The monetary contributions shall be paid to Council:
- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
  - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
  - (iv) 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: The Hornsby Shire Council Section 7.12 Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.*

## REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 6. 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*.

### 7. Fire Safety Upgrade

To ensure the protection of persons using the existing building and to facilitate egress from the existing building in the event of a fire, the application for a construction certificate must demonstrate the following upgrades to the existing club house building:

- a) Emergency lighting and exit signage shall comply with AS 2293.1 – current standard.
- b) Exit doors from egress pathways shall comply with section D2.20 & D2.21 of the Building Code – National Construction Code.
- c) Internal and external balustrades shall comply with section D 2.16 of the Building Code – National Construction Code.
- d) Internal and external stair tread nosings shall be colour contrasting, non – slip in accordance with section D2.13 of the Building Code – National Construction Code.
- e) The proposed fire hydrant system shall provide protection to all parts of the building in accordance with AS 2419.1 – current standard.

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

#### **9. Mechanical Plant Design**

Mechanical plant design details shall be provided to the Principal Certifying Authority prior to issue of the construction certificate satisfactorily demonstrating that the level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in the building (LA10) (measured for at least 15 minutes) in or on the above premises, will not exceed the background level by more than 5dB(A) when measured at all property boundaries in accordance with the Environment Protection Authority's *Noise Policy for Industry (2017)*, *Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the DECC's *Noise Guide for Local Government (2004)*.

#### **10. Accessible Car Parking**

One sealed and on grade accessible car parking space complying with AS 2890.6 shall be installed adjacent to the existing vehicular accessway. Details shall be provided with the application for a construction certificate.

#### **11. Traffic Work Zone**

All construction vehicles associated with the proposed development are to be contained on site or in a Local Traffic Committee (LTC) approved "Works Zone".

- a) 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.
- b) 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. Eg, 'Works Zone Mon – Sat 7am – 5pm'.
- c) 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.
- d) 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.

#### **12. Pedestrian Access Management Plan (PAMP)**

A Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths. Council will review the PAMP, agree any modifications with the proponent and enforce the PAMP during construction.

#### **13. Appointment of a Project Arborist**

- a) A project arborist with AQF Level 5 qualifications must be appointed.
- b) Details of the appointed project arborist must be submitted to Council and the PCA for registration with the application for the construction certificate.

#### **14. 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**".

## 15. Stormwater Drainage

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](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) and the following requirements:

- a) Connected to an existing Council piped drainage system with the following requirements:
  - i) A separate Application must be made to Council for 'Approval to Connect Stormwater Drainage Outlet to Council's System' with all fees paid, prior to connecting to Council's drainage system;
  - ii) The connection to Council's drainage pit in accordance with Councils Design Standard Drawing No. 6 must be inspected by a Council Engineer from Council's Planning Division;  
*Note: An inspection booking can be made by calling Council on 9847 6760 quoting the Application reference number commencing **SD***
  - iii) A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's *Traffic Control at Worksites Manual 1998* and *Australian Standard AS1742.3* for all work on a public road. Three (3) copies of the Traffic Management Plan shall be submitted with lodgement of the Application prior to Council's approval. The TCP must detail the following:
    - a. Arrangements for public notification of the works;
    - b. Where a drainage connection is proposed within a Classified Road, a copy of the relevant Road Occupation License approved by the Traffic Management Centre with dates and times of proposed Occupations;
    - c. Temporary construction signage;
    - d. Vehicle movement plans;
    - e. Traffic management plans; and
    - f. Pedestrian and cyclist access/safety.
  - iv) 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;
  - v) Prior to the issue of an Occupation Certificate a Compliance Certificate must be obtained from Council for the connection to Council's drainage system.

## 16. On Site Stormwater Detention

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



- a) Have a capacity of not less than 11.24 cubic metres, and a maximum discharge (when full) of 13 litres per second;
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) 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.

## 17. Vehicular Crossing

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

- a) The redundant crossing must be replaced with integral kerb and gutter;
- b) The footway area must be restored by turfing;

*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.*

## REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

### 18. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
  - i) Showing the name, address and telephone number of the principal certifying authority for the work;
  - ii) 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; and
  - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

### 19. Installation of Tree Protection Measures

- a) Tree 1 as identified in Arboricultural Impact Assessment prepared by Malcolm Bruce dated 28 June 2020 (TRIM: D08048465) must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:
  - i) For the duration of demolition works; and
  - ii) For the duration of construction works.

- b) Tree protection fencing for the trees to be retained numbered Tree 1 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*.
- c) 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.
- d) The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- e) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
- f) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
- g) 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.

## 20. 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:

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

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

## 21. Toilet Facilities

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

## 22. 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.*

### **23. Garbage receptacle**

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

## **REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

### **24. Construction Work Hours**

All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

### **25. Works near EME exclusion zones**

Prior to commencement of any works giving rise to the potential for workers to enter Electromagnetic Energy (EME) exclusion zones associated with the Radio Frequency emitting antenna on the site, the service providers shall be contacted to switch off the services for the required timeframe of the works.

### **26. Photographic record prior to demolition**

A photographic record of the 1920s Croquet Club pavilion is undertaken prior to its demolition for the purposes of including the images in on-site interpretation.

### **27. 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.

- a) 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
- b) 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

- c) On construction sites where any building contain 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.

## **28. 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:

- a) Soil cutting or filling, including excavation and trenching
- b) Soil cultivation, disturbance or compaction
- c) Stockpiling storage or mixing of materials
- d) The parking, storing, washing and repairing of tools, equipment and machinery
- e) The disposal of liquids and refuelling
- f) The disposal of building materials
- g) The siting of offices or sheds
- h) Any action leading to the impact on tree health or structure

## **29. Maintaining the health of trees approved for retention**

- a) The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for Tree 1 on the approved plans.
- b) Tree Protection Measures must be maintained by the project arborist in accordance with Condition No. 3 of this consent for the duration of works.

## **30. Approved Works within Tree Protection Zone incursions**

- a) Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be under supervision of the project arborist and in accordance with the Arboricultural Impact Assessment prepared by Malcolm Bruce dated 28 June 2020 (TRIM: D08048465).
- b) For the installation of services, the following excavation methods are to be adopted:
  - i) Trust boring or wombat boring to tunnel under the root plate of Tree 1. This method would require at least one access pit to be excavated to allow tunnelling to proceed;
  - ii) If the soil depth is such that tunnelling is not possible, then the use of low-pressure water with vacuum, non-destructive excavation should be used.
  - iii) Any necessary excavations for drainage infrastructure should be carried out using water with vacuum, non-destructive excavation.

## **31. 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.

### 32. Waste Management Details

Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition and throughout all construction works. When implementing the Waste Management Plan, the developer is to ensure:

- a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*;
- b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*;
- c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW;
- d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it;
- e) All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses;
- f) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works;
- g) Additionally, written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:
  - i) The identity of the person removing the waste.
  - ii) The waste carrier vehicle registration.
  - iii) Date and time of waste collection.
  - iv) A description of the waste (type of waste and estimated quantity).
  - v) Details of the site to which the waste is to be taken.
  - vi) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
  - vii) Whether the waste is expected to be reused, recycled or go to landfill.

*Note: In accordance with the Protection of the Environment Operations Act 1997, the definition of waste includes any unwanted substance, regardless of whether it is reused, recycled or disposed to landfill.*

**33. 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*.

**34. Street Sweeping**

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along Cheltenham Road and the surrounding road network during works and until the site is established.

The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

**35. 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.

**36. 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.

**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. 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.

#### 41. 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.*

### REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

#### 42. Replacement Tree Requirements

- a) The trees approved for removal under this consent, being Tree 1 must be offset through replacement planting of a minimum of one tree.
- b) All replacement plantings must be of species either Crepe Myrtle *Lagerstroemia indica* or Tupelo/Black Gum *Nyssa sylvatica* which are characteristic of the heritage conservation area.
- c) The location and size of tree replacement planting must comply with the following:
  - i) All replacement trees must be located within the front setback and planted 4 metres or greater from the approved development or any existing structures.
  - ii) The pot size of the replacement trees must be a minimum 45 litres
  - iii) All replacement trees must be a minimum of 3 metres in height.
  - iv) All replacement trees must have the potential to reach a mature height greater than 10 metres.

#### 43. Final Certification Tree Protection

- a) The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:
- b) All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works and;

- c) All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans and;
- d) Dates, times and reasons for all site attendance and;
- e) All works undertaken to maintain the health of retained trees and;
- f) Details of tree protection zone maintenance for the duration of works and;
- g) A statement to confirm that tree replacement planting meets NATSPEC guidelines.

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

#### **44. Creation of Easements**

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

- a) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems 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;
- b) 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.*

#### **45. Works as Executed Plan**

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed on-site detention system.

#### **46. 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**".

#### **47. Asbestos Clearance Certificate**

A licenced asbestos assessor is required to provide a Clearance Certificate to the Principal Certifying Authority prior to the issue of an Occupation Certificate, certifying that asbestos has been removed from the site and appropriately disposed of, and the site is now suitable for its approved use.



**48. 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](http://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.

**49. 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.

**50. External Lighting**

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Certificate.

**51. Acoustic Certification**

A suitably qualified acoustical consultant is required to provide an Acoustic Compliance Report to the Principal Certifying Authority prior to the issue of an Occupation Certificate, certifying that the recommendations of the Acoustical Report, prepared by *Koikas Acoustics*, dated 29<sup>th</sup> January 2021, reference 4065R2020013asRealTennis\_DA(4) (D08099937) have been satisfactorily implemented and that that the level of total continuous noise emanating from operation of all mechanical plant is in accordance with the design details approved by the Certifier in accordance with Condition No.1.

The assessment must be held on site for review by Council if necessary. Should the assessment find that noise from the premise exceeds 5dB(A) above background noise levels, appropriate measures must be employed to rectify excessive noise.

**52. Fire Safety Statement - Final**

In accordance with the Environmental Planning & Assessment Regulation 2000, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

**53. Completion of Landscaping**

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 consent conditions and landscape plan including planting of a row of Camelias as required by condition 4.

*Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au).*

**OPERATIONAL CONDITIONS****54. Use of Premises**

The development approved under this consent shall be used for a recreation facility (indoor) and not for any other purpose without Council's separate written consent.

**55. Hours of Operation**

The hours of use of the development are restricted to those times listed below:

Monday to Saturday	7 am to 10 pm
Sunday & Public Holidays	8 am to 8 pm

**56. Noise Management – Ongoing**

- a) Automatic-closing mechanisms shall be maintained to all doors providing access to the building;
- b) Window glazing to the building shall remain permanently fixed at all times.
- c) The following maximum patron numbers shall be observed at all times:
  - i) 4 within the playing area;
  - ii) 20 in the gallery;
  - iii) 30 in the lower level 'Dedans Lounge';
  - iv) 30 in the upper level 'Viewing Lounge';
- d) Lounge areas shall not be used as a bar or for functions;
- e) The amplified sound system shall be maintained at a maximum internal level of  $L_{Aeq}$  75dB.
- f) Appropriate signage shall be maintained at all exit points to the building and within the lift reminding patrons to egress in a timely fashion whilst minimising potential noise impacts to neighbours.

**57. Noise – Plant and Machinery**

The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (measured for at least 15 minutes) in or on the above premises, shall be maintained so that it does not exceed the background level by more than 5dB(A) when measured at all property boundaries in accordance with the Environment Protection Authority's *Noise Policy for Industry (2017)*, *Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the DECC's *Noise Guide for Local Government (2004)*.

**58. 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.

**59. Car Parking**

All car parking must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.1:2004 – Off-street car parking* and *Australian Standard AS 2890.2:2002 – Off-street commercial vehicle facilities*.

- a) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted;
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

**60. Site Access**

- a) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- b) All parking for people with disabilities is to comply with *AS/NZS 2890.6:2009 Off-street parking for people with disabilities*.

<b>CONDITIONS OF CONCURRENCE – SYDNEY TRAINS</b>
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61. Sydney Trains condition A1. The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
62. Sydney Trains condition A2. Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
63. Sydney Trains condition A3. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.
64. Sydney Trains condition A4. The Applicant/Developer shall not at any stage block the corridor access gate on The Crescent, shall not use the commuter car parking for any construction vehicles, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

**- 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 or Hornsby Council.

*Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.*

*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 2013 Tree and Vegetation Preservation provisions have been developed under Council's authorities contained in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* 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 2013*.

*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 1B.6.1.c).*

**Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

**Dial Before You Dig**

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) for free information on potential underground pipes and cables within the vicinity of the development site.

**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 Phone Number 1800810443.

**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](http://www.environment.nsw.gov.au)

[www.adfa.org.au](http://www.adfa.org.au)

[www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

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