



DETERMINATION BUSINESS PAPER

LOCAL PLANNING PANEL MEETING

**Wednesday 29 April 2026
at 4:00 PM**



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Local Planning Panel

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**Item 1 LPP15/26 DA/919/2014/B - SECTION 4.55(2) APPLICATION TO EXTEND TRADING
HOURS - HORNSBY RSL CLUB, 4 HIGH STREET, HORNSBY**

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, amend Development Consent No. DA/919/2014 for extension to trading hours at Lot 2 DP 817649, Hornsby RSL Club, 4 High Street, Hornsby as detailed in LPP Report No. LPP15/26.

1 DA/919/2014/B - SECTION 4.55(2) APPLICATION TO EXTEND TRADING HOURS - HORNSBY RSL CLUB, 4 HIGH STREET, HORNSBY

DA No:	DA/919/2014/B (PAN-565060 - Lodged on 3 September 2025)
Description:	Section 4.55(2) application to extend trading hours
Property:	Lot 2 DP 817649, Hornsby RSL Club, 4 High Street, Hornsby
Applicant:	Hornsby RSL Club Limited
Owner:	Hornsby RSL Club Limited
Estimated Value:	Unchanged
Ward:	B Ward
Clause 4.6 Request:	N/A
Submissions:	18
LPP Criteria:	10 or more unique submissions were received by way of objection
Author:	Elvin Keung, 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(2) of the *Environmental Planning and Assessment Act 1979*, amend Development Consent No. DA/919/2014 for extension to trading hours at Lot 2 DP 817649, Hornsby RSL Club, 4 High Street, Hornsby as detailed in LPP Report No. LPP15/26.

EXECUTIVE SUMMARY

- The modification application initially sought to extend the hours of operation from 10am to 6am, 7 days a week which has been subsequently amended from 10am to 4am.
- The approved development (DA/919/2014/A as modified) was for alterations and additions to the existing registered club.
- A total of 16 submissions have been received in respect of the application.
- The modification application is required to be determined by the Hornsby Local Planning Panel as 10 or more unique submissions were received by way of objection.
- It is recommended that the application be approved.

BACKGROUND

On 3 November 2014, Council approved a development application (DA/919/2014) for alterations and additions to an existing registered club at the subject property which included refurbishment of the lower ground and ground floors and the use of the second floor for a restaurant. The current hours of operation were imposed under this consent.

On 8 September 2017, Council approved a development application (DA/729/2017) for internal refurbishment, enclosure of the first floor gaming room and modifications to the southern façade. No trading hour restrictions were included.

On 4 December 2019, Council approved a modification application (DA/919/2014/A) comprising the conversion of the Level 2 restaurant to an ancillary recreational use in the form of ten-pin bowling, associated arcade games and food and drink service. No changes were made to the approved hours of operation.

On 2 August 2021, Council approved a development application (DA/506/2021) for alterations and additions to create an outdoor gaming area. No trading hour restrictions were included.

On 20 June 2022, Council approved a modification application (DA/506/2021/A) to modify the first floor outdoor gaming room and construct a new mechanical plant with ductwork. No trading hour restrictions were included.

On 3 September 2025, DA/919/2014/B was lodged with Council.

On 23 October 2024, a request for information was sent to the applicant requesting:

- Reduced hours of operation.
- More compelling justification for extended hours.
- Address unacceptable noise impacts and consideration of all potential noise generators.
- Updated Plan of Management to manage the extended hours.
- Lighting details.
- Demonstration of positive social and economic, and public benefit.

On 12 February 2026, the application was amended under section 37 of the Environmental Planning and Assessment Regulation 2021 in response to the RFI letter. It reduced the proposed extended hours and provided amended supporting documents.

SITE

The site has an area of 6,698m² and adjoins the Hornsby War Memorial Hall. The site has a frontage of 40m to High Street and is bounded by Ashley Street and Ashley Lane. The site is located on the southern part of the Hornsby Town Centre Western Heritage Precinct and is opposite the Northern Railway Corridor. The rail corridor includes a tree lined open car parking area for RailCorp opposite the site. The Pacific Highway rail bridge, Hornsby War Memorial Park, the rail/bus interchange and two storey shop front terraces on the western side of the Pacific Highway dominate the streetscape north of the site.

The site includes the Hornsby RSL Cub building and an open car park at the rear of the building which is accessed off Ashley Street. The club building is three storeys in height. The main formal entry to the club is at the High Street frontage. An entry to the lower ground floor level is at the Ashley Lane frontage where the building adjoins a multi-storey car park building (3-7 William Street, Hornsby) also owned by the Hornsby RSL Club.

THE APPROVED DEVELOPMENT

On 3 November 2014, Council approved development application DA/919/2014 for alterations and additions to an existing registered club comprising:

- Lower Ground Level - refurbishment of existing function rooms, servery, amenities and the rear entry lobby.
- Ground Level - refurbishment of existing bistro, including new bar and café, new gaming lounge with new bar and new male, female and accessible amenities. The bistro refurbishment includes demolition of the internal terrace façade and addition of a new façade to match existing Ashley Street façade and perimeter landscaping.
- Second Floor - fit out of vacant second floor for restaurant use including kitchen, private dining room, terrace, and male, female and accessible amenities. The restaurant would replace the approved use of the second floor for offices and administration which did not proceed. The restaurant would have capacity for 160 seats. The administrative offices would remain 'back of house' on the ground floor.
- Roof - new plant platform for the second floor restaurant and new roof over restaurant kitchen and amenities.

On 4 December 2019, Council approved the modification application DA/919/2014/A as follows:

- The conversion of the Level 2 restaurant to an ancillary recreational use in the form of ten-pin bowling, associated arcade games and food and drink service.
- The facility would allow for approximately 120 patrons, a reduction from 160 maximum capacity from the approved restaurant area.
- The ten-pin bowling facility would operate within the approved Club hours.
- Deletion of proposed advertising signage to the north and east façade.

THE MODIFICATION

The Section 4.55(2) seeks to extend the approved hours of operation until 4am, seven days per week detailed below:

Approved Hours of Operation:		Proposed modified Hours of Operation	
Monday:	10.00 am to 1.00 am	Monday:	10.00 am to 4:00 am
Tuesday:	10.00 am to 1.00 am	Tuesday:	10.00 am to 4:00 am
Wednesday:	10.00 am to 2.00 am	Wednesday:	10.00 am to 4:00 am
Thursday:	10.00 am to 2.00 am	Thursday:	10.00 am to 4:00 am
Friday:	10.00 am to 4.00 am	Friday:	10.00 am to 4:00 am
Saturday:	10.00 am to 4.00 am	Saturday:	10.00 am to 4:00 am
Sunday:	10.00 am to 1.00 am	Sunday:	10.00 am to 4:00 am

The extended hours are to commence on a 12 month trial with the option to become permanent.

The modification includes amendments to the approved Plan of Management.

ASSESSMENT

The modification 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 4 of A Metropolis of Three Cities relates to 'Liveability', and a key objective is to ensure communities are healthy, resilient and socially connected. It notes that being connected including physically, socially, economically, culturally and digitally is central to building healthy, resilient and diverse communities. The strategy notes that infrastructure and services for socially connected communities include, amongst others, libraries, creative arts centres, live music and community spaces.

The proposed modification is considered consistent with A Metropolis of Three Cities and the Northern District Plan, by enabling the RSL Club to continue providing food, drink and event spaces for the community.

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 Environmental Planning and Assessment Act 1979 - Section 4.55(2)

The proposal constitutes a modification under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. Pursuant to Section 4.55(2), Council 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 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 5) 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 modification does not change the approved use and involves only an increase in the operating hours.

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 modification application was notified, and 18 submissions were received.

In accordance with Section 4.55(3), with respect to the assessment of the matters referred to in Section 4.15(1) of the Act, these matters are addressed within the body of this delegated report. With

respect to 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/919/2014 are as follows:

- *The proposed development is in compliance with Hornsby Local Environmental Plan 2013 and meets the requirements of the Hornsby Development Control Plan 2013 in respect to transport and parking, waste management, noise, crime prevention and the design requirements for the Hornsby Town Centre - West Precinct.*
- *The existing Club building adjoins the Hornsby War Memorial Hall which is a heritage item. The proposed alterations and additions would not detract from the significance of the item.*
- *The proposed alterations and additions would be of positive impact in contributing to the West Precinct of Hornsby Town Centre as an entertainment and restaurant district.*

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 *Environmental Planning and Assessment Act 1979* and is consistent with the reasons given by the consent authority for the grant of the original consent.

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).

2.3 Zoning of Land and Permissibility

The subject land is zoned MU1 Mixed Use under the HLEP. The objectives of the MU1 zone are:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The proposed development is defined as 'registered club' and is permissible in the MU1 zone with Council's consent.

2.4 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. The site does not include a heritage item and is not located in a heritage conservation area. However, it directly adjoins the heritage item No. 483 Hornsby War Memorial Hall which is an item of local significance. The proposed increase in hours would not detract from the heritage significance of the Hornsby War Memorial Hall and would have a negligible impact on heritage.

2.5 State Environmental Planning Policies

The assessment of the original proposal has taken into consideration all the relevant State Environmental Planning Policies. The proposed modification would not alter the original assessment of the application against the following State Environmental Planning Policies:

- State Environmental Planning Policy No. 55 Remediation of Land

- Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No. 2 - 1997)

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 in achieving 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).

2.8.1 Noise

The desired outcome of Part 1.3.2.5 Noise and Vibration of HDCP is to encourage “development designed and managed to minimise noise and vibration impacts on the occupants of residential dwellings and other noise sensitive land uses”.

An acoustic report, prepared by Rodney Stevens Acoustics was submitted in support of the application. This report was subsequently amended on 4 February 2026 to reflect the amended extended hours to 4am. The subject site is surrounded by commercial tenancies to the south-east and north and sensitive residential premises to the north, west, south-west and south-east.

Council’s Environmental Protection Team have reviewed the acoustic report concur with the assessment that the “noise emissions from the proposed extension of hours have the potential to comply with the required criteria” subject to the implementation of the recommendations from Section 6 of the acoustic report which are summarised below and supported by suitable conditions.

- Acoustic treatment (ceiling absorption material/panels) must be installed to the western car park.
- The Plan of Management incorporates operational measures to limit noise.
- Noise control measures for the western car park including closure of the open air car park area from 10pm daily.

The acoustic report has utilised noise monitoring to establish the representative background noise level. This included monitoring from a unit at No. 14 Ashley Street (directly to the west of the subject site). Therefore, Council is satisfied that the noise assessment accurately considers the acoustic impact to the most affected residential receivers.

Therefore, Council is satisfied that the proposal would be satisfactorily managed to minimise the noise impacts on nearby sensitive receivers and is considered acceptable, subject to conditions.

2.8.2 Crime Prevention

The desired outcome of Part 1.3.2.7 Crime Prevention of HDCP is to encourage “*development designed to reduce crime risk and minimise opportunities for crime*”.

The proposal is supported by a Crime Prevention Through Environmental Design (CPTED) report, prepared by Design Collaborative. It notes that the CPTED principles are achieved as follows:

CPTED Principles	Proposal
Territorial Reinforcement	The proposal has two, well-delineated entrances. Internally, high-quality, warm furnishings create a sense of ownership and responsibility. Staff only areas are clearly identified and restricted.
Surveillance	Staff are present at entrances to receive members. Alfresco areas and windows allow for natural or casual surveillance of the public domain, combined with CCTV. The internal layout allows for surveillance while being manageable by staff.
Access Control	The premises restricts access to designated entry points and internal movement is restricted by the layout. This is augmented by signage to provide direction. Formal access control is provided by staff and security.
Space/Activity Management	The new Plan of Management (PoM) aims to ensure there is an appropriate level of supervision, care and control of the premises.

The application was referred to NSW Police who requested that ticketed events not be held after midnight without approval from NSW Police. NSW Police also requested that “patron entry after 2am should be restricted to maintain manageable crowd levels and reduce the likelihood of high-risk late-night entry.”

To address the concerns of NSW Police, various measures have been proposed within the new Plan of Management. Some of the measures are highlighted below:

- Patron entry after 2am will be restricted to the rear porte-cochere.
- No ticketed events are to be held after midnight unless approval is given by NSW Police.
- At least two security guards are employed every night from 9pm until 30 minutes after close.
- Security and staff will actively engage patrons entering after midnight to determine if they may be intoxicated.

NSW Police have reviewed the submitted Plan of Management and do not raise any concerns. As such, Council is satisfied that the proposal has been designed with CPTED principles and subject to conditions, will minimise the risk of crime associated with the site.

2.8.3 Transport and Parking

The subject site currently benefits from an open-air car park behind the club building to the west, an under-cover car park within the club building and a multi-storey car park adjoining the site to the north

(William Street) which is owned and operated by Hornsby RSL. The under-cover car park is accessed via the rear porte-cochere on Ashley Lane, and the multi-storey car park is accessed via William Street.

The Plan of Management states that the open-air car park will close at 10pm to minimise disruption during nighttime hours to the adjoining residential properties. Therefore, all patrons arriving or staying after 10pm will be required to park in the under-cover car park or the multi-storey car park.

This is accurately modelled in the supporting acoustic report and demonstrates that the noise criteria would not be exceeded. As outlined within the Plan of Management, and as amended by conditions, the following measures would be required to be implemented for the open-air car park:

- Signage to be erected to notify patrons of the closing and opening times of the open-air car park.
- Periodic announcements to be made daily on the Club PA system to advise patrons of the car park closure and to remind patrons to move their vehicles if intending to stay beyond 10pm.
- A staff member or security to check the open-air car park daily before 10pm for any remaining vehicles.
- The entry and exit boom gates to the open-air car park to be locked during the hours that the open-air car park is closed.

As outlined within Section 0 of this report, acoustic absorption material/ panels with a Noise Reduction Coefficient of 0.7 are required to be installed to the ceiling of the under-cover car park to further minimise noise impacts from vehicles using the space during extended hours.

Therefore, both traffic generation and noise impacts associated with parking have been addressed and considered to be acceptable.

2.8.4 Lighting

Prescriptive measure (f) of Part 1.3.2.10 Services and Lighting of the HDCP requires that *“external and security lighting should be positioned to avoid light spillage, particularly to adjacent sensitive areas in accordance with AS 4282.”*

The premises, including external areas, would need to be well-lit during the extended hours as required by NSW Police. The premises currently operates to 4am on Friday to Saturday with associated lighting.

The proposed additional operating hours on the other days of the week are not expected to cause additional adverse lighting impacts. Accordingly, a condition is recommended requiring that any external lighting be managed in accordance with *AS4282 Control of the obtrusive effects of outdoor lighting*.

2.9 Section 7.12 Contributions Plans

Hornsby Shire Council Section 7.12 Contributions Plan 2019-2029 applies to the development as the original estimated costs of works was greater than \$100,000. The approved development included the imposition of a condition of consent requiring the payment of a contribution in accordance with the Plan. Should the modification be recommended for approval there would be no change to the current condition of consent for payment of the s7.12 contribution.

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. None of the matters specified in this Section are relevant to this proposal.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the Regs are not relevant to the modification.

Section 63 (considerations for erection of temporary structures) of the Regs are not relevant to the modification.

These provisions of the Regs have been considered.

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 modification does not impact any vegetation within the site.

3.2 Built Environment

3.2.1 Hours of Operation

The submitted SEE states that the proposed increase in operating hours is to *“provide the Premises’ the flexibility to keep spaces open in response to demand from a growing population and flexible lifestyles.”* It states that *“extended trade will allow members to attend when best suits them and the option of a later stay.”*

An analysis of the approved hours of operation of other licensed premises in Hornsby is provided below:

- The Hornsby Inn (16 Burdett Street, Hornsby)
 - 10:00am till 3:00am Monday to Saturday, and 10:00am to 10:00pm Sunday.
 - DA/547/1997 approved an extension of hours for the gaming room to 24 hours.
 - Despite the above, Liquor License conditions require gaming machine shutdown between 4am-10am.
- Hornsby Railway Hotel (31 Station Street, Hornsby)
 - 9:00am till 4:00am Monday to Thursday, 9:00am till 6:00am Friday and Saturday, and 10:00am till 12:00am Sunday
 - Also operates as a nightclub.

- Liquor License conditions require gaming machine shutdown between 4am-10am Monday to Friday, 6am-9am Saturday to Sunday.

Hornsby RSL similarly contains a Liquor License condition requiring gaming machines to be shut down between 4am and 10am. Following a request for additional information, the application was amended which reduced the proposed extended closing hours to 4am. This aligns the proposed operating hours with the current Liquor License conditions.

The Hornsby Railway Hotel is the only other licensed premises in Hornsby with hours of operation consistently longer than the Hornsby RSL. However, this can be attributed to its dual operation as a hotel and nightclub. The proposed extended hours for the Hornsby RSL are therefore considered a reasonable extension when considered in the context of the other licensed premises in Hornsby.

The proposal outlines that the extended hours will provide patrons with more flexibility for socialising and relaxing at later times, including to communally follow live sporting events in the early hours. To accommodate patrons during extended hours, a night-time menu will be made available. Furthermore, the Plan of Management states that *"light meals shall be available on request whenever liquor is available for consumption."*

The proposal seeks to commence the extended hours on a 12 month trial basis. This would allow Council to observe the implementation of the proposed hours in practice. At the end of the trial period, the extended hours would cease. The owner could seek to make the extended hours permanent at the end of the trial period through a separate modification application subject to Council approval.

The trial period enables Council to review the impact of the extended hours which could include any complaints received from the community. Council considers that the trial period is a reasonable measure to manage the impacts of the proposed extended hours, and suitable conditions are recommended to this effect.

3.2.2 Plan of Management

The modification proposes to replace the approved Plan of Management (PoM) with a new PoM dated February 2026.

The PoM was referred to Council's Environmental Protection Team for review who raised no concerns subject to conditions. Council has reviewed the proposed PoM and considers that it provides adequate measures to guide club operations to avoid potential significant amenity impacts to nearby residents from patron noise and behaviour during the proposed extended hours of operation.

Additionally, the PoM contains sufficient complaint management procedures and appropriate measures to ensure the persons the subject of the plan, including staff, are aware of its requirements. This includes management, floor staff, bar staff and security who are to be made familiar with the PoM and sign a register confirming they are familiar with the PoM and have received instruction on how the PoM is to be enforced.

The PoM also contains measures which, when complied with, will ensure that traffic noise emissions associated with the use of the car parks will remain within acceptable levels as evidenced by the acoustic report.

Therefore, the proposed PoM is considered sufficient to properly manage the proposed extended hours of operation and is supported, subject to conditions.

3.2.3 Built Form

No amendments are proposed to the approved built form of the registered club.

3.2.4 Transport and Parking

No changes are proposed to the approved number of car parking spaces for the site as discussed in Section 0 of this report.

3.2.5 Air Quality

The modification would have no adverse impact on air quality.

3.3 Social Impacts

The proposal is supported by a Social Impact Statement (SIS) prepared by Design Collaborative dated August 2025.

Under Section 209 of the *Gaming Machines Act 2001*, gaming machines are prohibited from being considered under the EP&A Act. Consequently, no intensification of gaming beyond what is already approved under the premises' liquor license is proposed as part of this application.

The current liquor license requires gaming machines to be shut down between 4am and 10am. The proposed extended hours align with the liquor license gaming machine shutdown period.

The submitted SIS states that the proposal would provide numerous social benefits, some of which are outlined below:

Stated Benefit	Applicant Commentary
Activation of Hornsby Town Centre during evening hours	The SIS notes that clubs often function as "third spaces". The extended hours provide opportunities for members to relax and socialise within the premises at a time that best suits them and the option for a later stay.
Contribution to live music and entertainment	The submitted PoM states that <i>"the Club will not provide any live musical entertainment after midnight on any day."</i> However, the option is available for recorded entertainment or ticketed events such as international sporting events broadcasted live. The SIS notes that revenue generated during the extended hours will help offset the cost of providing live entertainment and could be reinvested to improve the quality and frequency of the club's other activities and services.
Create additional demand for workers	The SIS notes that the proposal will increase demand for employees such as bar staff, cleaners, RSA Marshals, security.
Adoption of a modern Plan of Management	The proposal will result in the adoption of a updated Plan of Management that applies to the entire operation, not just the proposed extended hours. For example, the closure of the open-air car park from 10pm will be an improvement to the present arrangement.

3.4 Economic Impacts

The proposal would have a positive impact on the local economy as the extension of operating hours would generate employment demand and help activate the public domain.

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 is considered to be capable of accommodating the proposed development. The scale 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 10 September 2025 and 24 September 2025 in accordance with the Hornsby Community Engagement Plan. Following the amendment of the application, it was placed on a second public exhibition between 24 February 2026 and 10 March 2026. During both these periods, Council received 18 submissions in total. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	<ul style="list-style-type: none"> X SUBMISSIONS RECEIVED 	 PROPERTY SUBJECT OF DEVELOPMENT	
3 SUBMISSIONS RECEIVED OUT OF MAP RANGE			

A total of 18 submissions objected to the development, generally on the grounds that the development would result in:

- Noise and sleep disturbance
- Increased alcohol related harm
- Increased gambling harm
- Anti-social behaviour and crime
- Impact on the amenity and character of the area
- Lack of public benefit
- Adverse impact on safety and security
- Incorrect property ownership in reports
- Lack of community consultation

The merits of the matters raised in community submissions have been addressed in the body of the report with the exception of the following:

5.1.1 Alcohol Related Harm

Submissions were received which raised concern regarding the increased access to alcohol during vulnerable times because of the extended hours of operation and the subsequent impact on alcohol related harm. This includes drink driving, intoxicated behaviour, and strains on health and emergency services.

The proposed operating hours will be consistent with the current liquor licence hours and the subject premises is required to comply with the provisions of the *Liquor Act 2007* and the terms of its liquor license. This includes having Responsible Service of Alcohol policies in place which, amongst other things, prohibit the sale of alcohol to intoxicated persons, and requiring all staff in alcohol service to hold an RSA certification. This is outlined within the Plan of Management and is required to be adhered to for the life of the development in accordance with the recommended conditions.

5.1.2 Gambling Harm

Submissions were received which raised concern linking the proposed increased hours with gambling related harm. As outlined in Section 0, gaming machines cannot be considered under the EP&A Act. Nevertheless, it is noted that the current Liquor License require gaming machines to be shut down between 4am and 10am, and the proposed extended hours do not extend into this shutdown period.

5.1.3 Amenity and Character of the Area

Submissions were received which raised concern regarding the impact on the local amenity and character of the Hornsby Town Centre. Submissions were concerned that the proposal would transform Hornsby into a late-night gambling and alcohol district and disturb the peace and quiet of the neighbourhood.

Hornsby has recently been rezoned as one of the NSW Government's Transport Oriented Development Accelerated Precincts. Therefore, the character of the Hornsby Town Centre is expected to be transformed in the near future through increased density and commercial activity.

Council is also actively investigating opportunities for a Special Entertainment Precinct in the Hornsby Town Centre to support the night-time economy.

Furthermore, as outlined in Section 0 of this report, the proposed extended hours would not be inconsistent with other existing licenced premises in Hornsby. The proposed extended hours of operation can be reasonably expected for the subject premises considering the current and expected future character of the Hornsby Town Centre.

5.1.4 Lack of Public Benefit

Submissions were received which raised concern regarding the lack of public benefit to the community as a result of the proposed modification. The submissions note that other entertainment and dining services close well before 3am and the proposal primarily serves a private profit motive and not the public interest.

A discussion on the public interest is found in Section 0 of this report.

5.1.5 Safety and Security

Submissions were received which raised concern regarding the adequacy of security measures to protect nearby properties and residents.

The proposed Plan of Management contains measures to address security concerns for the operation of the premises. If the application is approved, these measures would apply for the entire RSL Club's hours of operation.

Some relevant measures include minimum numbers of security personnel, required actions of security personnel in monitoring and managing the behaviour of patrons, and CCTV requirements.

Council is therefore satisfied that, subject to conditions, the premises can be operated in a safe and secure manner during the extended hours. Council would also have the opportunity to review the proposal at the conclusion of the trial period.

5.1.6 Property Ownership

Submissions were received which raised concern regarding inaccuracies in the supporting documentation regarding the ownership of the Hornsby War Memorial Hall. The acoustic report contains a reference noting that the War Memorial Hall site is owned by the RSL club. This appears to be an error. Nevertheless, the application does not propose any works on the War Memorial Hall site and as such would have no material impact on the assessment of the modification application.

5.1.7 Community Consultation

Submissions were received which raised concern regarding inadequate community consultation noting that notification letters were sent to strata managers instead of individual residents. Council's Community Engagement Strategy requires letters to be sent to adjoining property owners and states that "if an adjoining property is a lot within the *Strata Schemes (Freehold Development) Act 1973*, a written note to the lessor under the leasehold strata scheme, and to the owners corporation, is taken as written notice to all of the owners." Therefore, in this instance, the letters sent to strata managers fulfill Council's notification requirements. It is the responsibility of the owners corporation to advise individual owners.

Concern was also raised about short notice periods and lack of public discussion at Council meetings. The subject application was placed on notification on two separate occasions for 14 day periods (includes an amendment to the application) as required by Council's Community Engagement Strategy. Additionally, a sign was erected at the front of the subject site. Development applications

are not generally discussed at Council meetings in accordance with the operation of the EP&A Act. In this instance, the application will be determined by the Hornsby Local Planning Panel as it has received over 10 submissions objecting to the proposal.

5.2 Public Agencies

The modification application was referred to the following Agencies for comment:

5.2.1 NSW Police

The application was referred to NSW Police who initially raised some operational concerns regarding the increased hours. These related to crime risk and recommended measures in accordance with CPTED principles.

The application was subsequently amended during assessment and incorporated the recommendations of NSW Police. Some of the measures implemented include entry after 2am restricted to the rear porte-cochere, prohibition of ticketed events after midnight unless approval granted by NSW Police, and employment of security guards during open hours.

Following these amendments, NSW Police raised no further concerns.

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 proposed modification application has demonstrated that there will be public benefit by catering for population growth, increased demand and allowing flexibility for patrons. It has demonstrated these benefits will be delivered whilst mitigating environmental impacts including noise as outlined elsewhere in this report.

Therefore, the application is considered to have satisfactorily addressed Council’s and relevant agencies’ 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 Section 4.55(2) application proposes to modify the approved development to extend the hours of operation of a registered club.

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 received 18 submissions during the public notification period. The matters raised have been addressed in the body of the report.

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

The reasons for this decision are:

- The proposed modification 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 parking, noise and crime prevention.

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.  Acoustic Report
2.  Plan of Management
3.  Social Impact Assessment

File Reference: DA/919/2014/B

Document Number: D09348649

SCHEDULE 1

Date of 1st modification:	4 December 2019
Details of 1st modification:	Modification of the approved alterations and additions to the Hornsby RSL building comprising the conversion of the Level 2 restaurant to an ancillary recreational use in the form of ten-pin bowling, associated arcade games and food and drink service
Conditions Added:	1A, 1B
Conditions Deleted:	Nil
Conditions Modified:	1

Date of this modification:	
Details of this modification:	Extend hours of operation
Conditions Added:	1C, 1D, 1E, 5A, 13A, 16A
Conditions Deleted:	Nil
Conditions Modified:	1, 16

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 & 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.	Drawn by	Dated	Council Reference
DA1000 Issue E - Existing & Demolition Plans - Lower Ground Level & Ground Level	Altis Architecture	January 2014	D03940792

DA1001 Issue E - Existing & Demolition Plans - Level 1 & Level 2	Altis Architecture	January 2014	D03940792
DA1002 Issue E - Existing & Demolition Plans - Roof Level	Altis Architecture	January 2014	D03940792
DA1100 Issue E - General Arrangement - Lower Ground Level & Ground Level	Altis Architecture	January 2014	D03940792
DA1101 Issue G - General Arrangement - Level 1 & Level 2	Altis Architecture	January 2014	D03940792
DA1102 Issue G - General Arrangement - Roof Level	Altis Architecture	January 2014	D03940795
DA2000 Issue F - Existing And Proposed Elevations - South	Altis Architecture	January 2014	D03940792
DA2001 Issue D - Existing And Proposed Elevations - East	Altis Architecture	January 2014	D03940803
DA3000 Issue E - Sections	Altis Architecture	January 2014	D03940801
A102 Issue A - Proposed Plan - Level 2	Design Code Amendments	August 2019	D07813414

Supporting Documentation:

Document Title	Prepared by	Dated	Council Reference
Assessment Of Patronage And Parking Requirements For Proposed Internal Alterations To Hornsby RSL Club	Lyle Marshall & Associates Pty Ltd	August 2014	D03553256
Noise Assessment - Development Application Phase Proposed Refurbishment for Hornsby RSL Club	Acoustic Consulting Engineers	21 August 2014	D03553255
Integrated Plan Of Management For Facilities At Hornsby RSL Club Limited	Hornsby RSL Club	July 2014	D03553254
BCA Design Review	NewCert Pty Ltd	29 July 2014	D03553245
Letter - Fire Engineering	Holmes Fire	30 July 2014	D03553252
Hornsby RSL Plan of Management, Issue 252159.4P	Design Collaborative	February 2026	D09315857
Noise Impact Assessment - Extension of Hours	Rodney Stevens Acoustics	4 February 2026	D09315854
Social Impact & Crime Prevention Through Environmental Design	Design Collaborative	August 2025	D09197386

Statement, 252159.5SIS

ITEM 1

1A. Tenpin Bowling Acoustic Requirements (Mod A)

The recommendations within Section 5.1 and Section 5.2 of the Acoustic Report titled Hornsby RSL Level 2 Change of Use - Acoustic Services prepared by Northrop (dated: 9 September 2019, Ref: SY191979-01-AUR01) are to be implemented, as follows:

- a) Ceilings of the facility shall have a minimum Noise Reduction Coefficient (NRC) of 0.90. Suitable ceiling materials are Renhurst RenAcoustic Supreme (NRC = 0.90) or Ecophon Sombra A (NRC = 0.95).
- b) Noise breakout through the external glazing must be controlled with one of the following:
 - i) Install an additional layer of 6.38 mm laminated glazing, acoustically sealed, on the inside of the existing glazing frame, or
 - ii) Install an additional layer of 9 mm CFC sheets, acoustically sealed, on the inside of the existing glazing frame, or
 - iii) Install Extra Heavy-Duty Wool theatre gathered blackout drapes with a minimum weight of 1000gms covering the external glazing, or
 - iv) A combination of the three acoustic treatment recommendations above may be used to meet the interior designer vision for the space.
- c) The raised timber I-beams and associated supports shall be vibration isolated with Embelton NRD vibration isolators.

1B. Environmental Health and Sanitation (Mod A)

The fitout of the Level 2 tenpin bowling alley must comply with *Australian Standard 4674-2004* and is to include the provision of a double bowl sink, or a sink and a commercial dishwasher.

1C. Amendment of Plan of Management (Mod B)

- a) The Hornsby RSL Plan of Management, Issue 252159.4P, prepared by Design Collaborative Pty Ltd, dated February 2026 must be amended as follows:

Section	Item	Required Amendment
2.3	20)	Replace <i>should</i> with <i>shall</i>
2.3	21)	Replace <i>should</i> with <i>shall</i>
2.3	31)	Replace 31) with the following: 31) The open-air, surface carpark at the west of the Club (4 High Street) will be closed from 10pm daily. To achieve this, the following measures shall be implemented: a) Signage to be erected and maintained at the entrance to, and prominent locations within, the open-air carpark west of the Club notifying patrons:

		<p>i. The carpark will be closed between 10pm and <i>[insert opening time]</i> the following day.</p> <p>ii. Patrons intending to stay after 10:00pm should park in the Northern Multi-Storey Carpark at 3-7 William Street or the undercover parking area adjacent to the Club's rear porte-cochere.</p> <p>b) Periodic announcements will be made daily on the Club's PA system notifying that the open-air, western carpark at 4 High Street closes at 10:00pm and patrons intending to stay after 10pm should move their vehicles to the Northern Multi-Storey Carpark at 3-7 William Street or the undercover parking area adjacent to the Club's rear porte-cochere.</p> <p>c) Daily, before 10pm, a member of staff or security, as assigned by the Duty Manager, shall check the open-air, western car park for any remaining cars. Should there be any remaining cars, an announcement shall be made on the Club PA system that before the closure of the western, open-air car park at 10pm, any vehicles remaining in the carpark should be relocated to the Northern Multi-Storey Carpark at 3-7 William Street Hornsby or the undercover parking area adjacent to the Club's rear porte-cochere.</p> <p>d) Removeable, lockable bollards will be deployed between the eastern edge of the open-air, western car park and the western side of the undercover carpark adjacent to the rear porte-cochere between 10pm and carpark re-opening time the following day to prevent vehicles entering/exiting the open-air, western car park via Ashley Lane.</p> <p>e) Entry/exit booms gates to the open-air, western carpark at the Club will be locked closed between 10pm and <i>[insert carpark reopening time]</i> the following day.</p>
3.2	44)	<p>Insert additional information regarding communication with 'local residents affected by the Club's activities of a dedicated phone number for complaints', including the following:</p> <ul style="list-style-type: none"> - the residences that will be advised, and - the method of communication.
3.3	53)	<p>Insert the following additional noise control measure:</p> <ul style="list-style-type: none"> - <i>Amplified announcement systems shall be operated as not to give rise to audible noise inside residential premises.</i> <p>Replace <i>should</i> with <i>shall</i></p>
8.0	119)	<p>Insert additional measure as follows:</p> <p>Where amendment(s) to this Plan are made involving updating of the NSW Liquor and Gaming Licence(s) in the Appendices and/or due to applicable legislative changes, a copy of the amended Plan shall be submitted to the Council within 7 days of the amendment.</p>

Appendix A	whole	Insert copy of Notice of Determination of DA/919/2014/B.
Appendix B	whole	Insert copy of (amended) Liquor Licence and Licensed Boundary Plan issued by Liquor and Gaming NSW.

- b) The amended Hornsby RSL Plan of Management must be approved by Council via Council's Online Services Portal prior to the first commencement of operations from 1:00am to 4:00am on Sunday to Tuesday, and 2:00am to 4:00am on Wednesday to Thursday.

Note: The amended Plan of Management 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.

Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the development.

1D. Acoustic Treatment of Carpark (Mod B)

Prior to the first commencement of operations from 1:00am to 4:00am on Sunday to Tuesday, and 2:00am to 4:00am on Wednesday to Thursday, the following is required:

- a) The recommended acoustic treatment of the undercover carpark adjacent to the rear porte-cochere shall be carried out in accordance with Section 6 of the *Noise Impact Assessment - Extension of Hours - Licensed Venue Hornsby RSL Club*, Revision 3, prepared by Rodney Stevens Acoustics, dated 4 February 2026, reference: R210814R1 ("the Noise Impact Assessment"), and
- b) A compliance report prepared by a suitably qualified and experienced acoustic consultant must be provided to the Council demonstrating that the ceiling acoustic treatment of the undercover carpark adjacent to the rear porte-cochere has been installed and achieves the required noise reduction in accordance with Section 6 of the Noise Impact Assessment.

Reason: To ensure the development is carried out in accordance with the submitted plans and supporting documents to protect the amenity of the local area.

1E. Installation of Bollards (Mod B)

Prior to the first commencement of operations from 1:00am to 4:00am on Sunday to Tuesday, and 2:00am to 4:00am on Wednesday to Thursday, the following is required

- a) Removable, lockable safety bollards must be installed between the eastern edge of the open-air, western car park and the western side of the undercover carpark adjacent to the rear porte-cochere to enable the restriction of vehicle access from Ashley Lane to/from the open-air, western carpark between 10pm and carpark re-opening time the following day.
- b) Evidence demonstrating compliance with the requirements of this condition shall be submitted to Council.

Reason: To ensure the development is carried out in accordance with the submitted plans and supporting documents to protect the amenity of the local area.

2. Section 94A Development Contributions

- a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94A Development Contributions Plan 2012-2021*, \$49,440.10 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$4,944,010
- b) The value of this contribution is current as at 29 October 2014. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

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 applicable in this Development Consent Condition.

- 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.

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.

Council's S94A 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

3. Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

4. Waste Management Plan

A Construction and Demolition Waste Management Plan is to be provided to Council detailing waste expected to be generated from the proposed activities, estimated quantities of each type of waste and the location where these waste products will be either reused, recycled or disposed of (as appropriate to the nature of the waste product). The Plan must include details of the proposed disposal method of any hazardous waste (i.e. asbestos based materials, contaminated fill) from generation to licensed/approved waste transport method to licensed/approved waste disposal facility.

Please refer to Hornsby Development Control Plan 2013 - Section 1C.2.3 Waste Management.

Disposal of wastes from the proposed activity must comply with the Protection of Environment Operations Act 1997.

5. Noise

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled Noise Assessment - Development Application Phase Proposed Refurbishment for Hornsby RSL Club, prepared by Acoustic Consulting Engineers and dated 21 August 2014.

5A. Acoustic Treatment (Mod B)

Evidence shall be submitted to the Principal Certifier with the application for the Construction Certificate demonstrating the material selected for the ceiling acoustic treatment of the undercover carpark adjacent to the rear porte-cochere has a Noise Reduction Coefficient of 0.7 in accordance with Section 6 of the Noise Impact Assessment - Extension of Hours - Licensed Venue Hornsby RSL Club, Revision 3, prepared by Rodney Stevens Acoustics, dated 4 February 2026, reference: R210814R1.

Reason: To ensure the development is carried out in accordance with the submitted plans and supporting documents to protect the amenity of the local area.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

6. Erection of Construction Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

7. 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.
- c) Involve the enclosure of a public place or part of a public place.

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

ITEM 1

REQUIREMENTS DURING CONSTRUCTION

8. Construction Work Hours

All work 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.

9. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 - The Demolition of Structures* and the following requirements:

- a) Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- c) On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

10. Environmental Management

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* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

11. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve is to be kept in a clean, tidy and safe condition at all times.

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, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

ITEM 1

12. Stormwater Drainage

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

- a) Connected to the existing drainage system of the development.

13. Food Premises

- a) The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 - Design and fit out of food premises*, the *Food Act 2003*, *Food Regulation 2010* and the *Food Standards Code developed by Food Standards Australia New Zealand*. Food Standards 3.3.1, 3.2.2 and 3.2.3 are mandatory for all food businesses. *Note: Walls are to be of solid construction.*
- b) Written permission must be obtained from Sydney Water before discharging trade wastewater to the sewer. Food outlets and food services are required to install and maintain an adequately sized grease trap. A dry basket arrestor or bucket trap is necessary if there are floor wastes in the food preparation and handling areas. Floor wastes must drain to the grease trap servicing the kitchen. Refer to the Sydney Water publication '*Managing trade wastewater in the food service industry*'. An application must be submitted to *Sydney Water*, refer to *sydneywater.com.au* or phone 13 20 92.
- c) A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

13A. Certification of Acoustic Measures (Mod B)

Before the issue of an occupation certificate, a compliance report prepared by a suitably qualified and experienced acoustic consultant must be provided the Principal Certifier demonstrating that the acoustic treatment of the ceiling of the undercover carpark adjacent to the rear porte-cochere achieves the required noise reduction in accordance with Section 6 of the Noise Impact Assessment - Extension of Hours - Licensed Venue Hornsby RSL Club, Revision 3, prepared by Rodney Stevens Acoustics, dated 4 February 2026, reference: R210814R1.

Reason: To protect the amenity of the local area.

OPERATIONAL CONDITIONS

14. 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' to each essential service installed in the building.

15. Noise

An acoustic assessment is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the *Environment NSW Industrial Noise Policy (2000)*, *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)*. The assessment must be submitted to Council for review and detail the noise levels emitted from the proposed restaurant use and plant and machinery and any proposed noise attenuation measures to be implemented so that background levels are not exceeded by 5dB(A) when measured at the closest residential premises. Should the assessment find that noise from the proposed restaurant use and plant and machinery, at the nearest residential premises exceeds 5dB(A), appropriate measures must be employed to rectify excessive noise.

16. Operation of Licensed Premises (Mod B)

The operation of the premises must be carried out in accordance with the following requirements:

- a) The hours of operation of the premises are:
- | | |
|------------|---------------------|
| Monday: | 10.00 am to 1.00 am |
| Tuesday: | 10.00 am to 1.00 am |
| Wednesday: | 10.00 am to 2.00 am |
| Thursday: | 10.00 am to 2.00 am |
| Friday: | 10.00 am to 4.00 am |
| Saturday: | 10.00 am to 4.00 am |
| Sunday: | 10.00 am to 1.00 am |
- b) The operation of the premises must be carried out in accordance with the security management plan approved with this consent and any other requirements of the NSW Police Force.
- c) The use of the premises must not give rise to any of the following:
- Transmission of vibration to any place of different occupancy greater than specified in Australian Standard 2670 (as amended).
 - The "emission of an offensive noise" specified under the *Protection of the Environment (Operations) Act 1997*.
 - The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance, injurious, dangerous or prejudicial to health.
- Note: The method of measurement of vibration must be carried out in accordance with Australian Standard 2973 (as amended) for vibration measurements, Australian Standard 1055 (as amended) for outdoor sound level measurements, and Australian Standard 2107 (as amended) for indoor sound level measurements.*
- d) The onsite, open-air carpark in the western part of 4 High Street Hornsby (labelled 'EXISTING CARPARK' on the Key Plan shown on Drawing No. DA2000, Issue F - Existing and Proposed Elevations - South, prepared by Altis Architecture, dated January 2014) must not be in use after 10pm daily and no vehicles shall enter, park and/or depart the open-air, western carpark between 10pm on each operating day and the re-opening of the carpark on the following operating day in accordance with

The Hornsby RSL Plan of Management, prepared by Design Collaborative Pty Ltd, as revised and approved by Council in accordance with Condition 1C of this consent.

- e) All control measures and procedures nominated in the Noise Impact Assessment - Extension of Hours - Licensed Venue Hornsby RSL Club Ref: R210814R1, Revision 3, prepared by Rodney Stevens Acoustics, dated 4 February 2026, must be implemented.
- f) The development must be carried out in accordance with The Hornsby RSL Plan of Management, Issue 252159.4P, prepared by Design Collaborative Pty Ltd, dated February 2026, as amended and approved by Council in accordance with Condition 1C of this consent, unless otherwise approved by the Council.

Reason: To ensure the safe operation of the premises and protect the amenity of the local area.

16A. Trial Hours of Operation (Mod B)

Notwithstanding condition No. 16 above, the premises may operate from 10:00am to 4:00am on Monday to Sunday for a trial period of 1 year, from the date of Council's written satisfaction that conditions 1C, 1D, 1E, and 13A have been complied with.

Reason: To enable extended hours of operation for a trial period.

- 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 2021, other relevant legislation and council's policies and specifications. This information does not form part of the conditions of development consent pursuant to section 80a 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 Certifier 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 0.35% 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.

Disability Discrimination Act

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.

Food Authority Notification

The *NSW Food Authority* requires businesses to electronically notify the Authority prior to the commencement of its operation.

Note: NSW Food Authority can be contacted at www.foodnotify.nsw.gov.au.

Council Notification - Food Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.

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 the *SafeWork NSW* on 13 10 50.