



BUSINESS PAPER

Local Planning Panel meeting

**Wednesday 26 August 2026
at 4:00 PM**



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**Item 1 LPP14/26 DA/1035/2025 - 24 HOUR GYM - 103-109 NEW LINE ROAD,
CHERRYBROOK**

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1035/2025 for alterations and additions to the existing registered club for a 24 hour gym at Lot 2 DP 367373, West Pennant Hills Sports Club, Nos. 103-109 New Line Road, Cherrybrook subject to the conditions of consent in Schedule 1 of LPP Report No. LPP14/26.

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**Item 2 LPP20/26 DA/355/2026 - CONSTRUCTION OF A SHED AND TEMPORARY USE OF
LAND FOR FUNCTIONS - 17 CANOELANDS ROAD, CANOELANDS**

RECOMMENDATION REFUSAL

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, refuse Development Application No. DA/355/2026 for construction of a shed and temporary use of land for functions at Lot 1 DP 802951, No. 17 Canoelands Road, Canoelands for the reasons detailed in Schedule 1 of LPP Report No. LPP20/26.

SUPPLEMENTARY AGENDA

1 DA/1035/2025 - 24 HOUR GYM - 103-109 NEW LINE ROAD, CHERRYBROOK

DA No:	DA/1035/2025 (PAN-568926 - lodged on 19 September 2025)
Description:	Alterations & additions to the existing registered club for a 24 Hour Gym
Property:	Lot 2 DP 367373, No. 103-109 New Line Road, Cherrybrook
Applicant:	West Pennant Hills Sports Club Limited
Owner:	West Pennant Hills Sports Club Limited
Estimated Value:	\$1,886,500.00
Ward:	C Ward
Clause 4.6 Request:	N/A
Submissions:	11
LPP Criteria:	10 or more unique submissions were received by way of objection
Author:	Rachel Hughes, Senior Town Planner
COI Declaration:	No Council staff involved in the assessment of this application have declared a Conflict of Interest.

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1035/2025 for alterations and additions to the existing registered club for a 24 hour gym at Lot 2 DP 367373, West Pennant Hills Sports Club, Nos. 103-109 New Line Road, Cherrybrook subject to the conditions of consent in Schedule 1 of LPP Report No. LPP14/26.

EXECUTIVE SUMMARY

- The application involves conversion of the existing under-croft area to an enclosed 567m² gym, to operate 24 hours per day, 7 days per week, and to construct associated signage, flood walls, and external stairs.
- The proposal complies with the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2024.
- A total of 11 submissions have been received in respect of the application.
- The application is required to be determined by the Hornsby Council 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 29 April 1968, Certificate of Consent No. 68/63 for the construction of bowling greens, licensed clubhouse, courts and pool was granted. Since that time numerous applications have been granted for extensions to the Club.

On 3 September 2008, Council approved DA/1046/2007 for alterations and additions to the West Pennant Hills Sports Club including a new car park, relocation of bowling greens, tennis courts and cricket nets and the erection of one sign, subject to conditions. Six modification applications have since been approved by Council (DA/1046/2007/A, DA/1046/2007/B, DA/1046/2007/C, DA/1046/2007/D, DA/1046/2007/E and DA/1046/2007/F) for amendments to the consent including modifications to the staging of some works and to allow 'special event' trading outside of prescribed opening hours, the erection of a second sign, correction of minor errors relating to wording of conditions and the amendment of landscaping and driveway construction requirements.

On 6 July 2009, Council approved Development Application No. DA/144/2009 for alterations and additions to the West Pennant Hills Sports Club including demolition of the verandah storeroom, conversion of part of the outdoor covered verandah to an outdoor gaming area, conversion of the indoor gaming floor area into two separate outdoor gaming areas and the extension of the approved outdoor smoking deck.

On 22 October 2020, Council approved Development Application No. DA/599/2020 for alterations to the registered club to facilitate the construction of Stage 1B of the activated development consent DA/1046/2007. The approved works comprised:

- Conversion of existing under-croft space into temporary carparking comprising 15 new car spaces
- A new lift to provide access from proposed carpark direct into the Club for members
- Relocation of existing fire egress corresponding to the new lift
- Relocation of the existing greenkeeper's shed noting the greenkeepers shed is currently within footprint of proposed Stage B extension; and
- New demountable bowler's office. The bowl's office will be affected during the Stage B works.

It is noted that no Construction Certificate, associated with Development Application No. DA/599/2020 has been registered with Council and that the physical works approved under that consent were not apparent during site inspection. In accordance with Clause 4.53(1) of the *Environmental Planning and*

Assessment Act 1979, it is therefore noted that Development Application No. DA/599/2020 may have lapsed on 23 October 2025.

SITE

The site is located on the western side of New Line Road. It is occupied by the West Pennant Hills Sports Club, which includes two bowling greens, tennis courts, cricket nets, and two buildings which house bars, bistro, gaming and TAB facilities, outdoor seating, function rooms and a kids play area. The site also includes multiple car parks. Vehicular access to the site is available from New Line Road, via separate entry and exit driveways.

The site is burdened by drainage easement which transects the property and is identified as flood prone land. A Sydney Water Sewer Line transects the eastern third of the site in multiple places.

The site does not contain a heritage listed item, is not located within a heritage conservation area, and is not in the vicinity of any heritage listed items.

Council's mapping identifies a Blue Gum Shale Forest ecological community on the site. This ecological community is protected under the federal *Environment Protection and Biodiversity Conservation Act 1999* and the NSW *Biodiversity Conservation Act 2016*. The site is not identified as bushfire prone land.

The site is serviced by existing water supply, power supply, telecommunications, wastewater, stormwater, and access infrastructure.

Land to the north and south supports detached dwellings (along Bowerman Place) and two-storey townhouses, respectively. Edward Bennett Oval abuts the western boundary of the site with pedestrian access available via a gate.

PROPOSAL

The application proposes works to convert 567m² of the building under-croft area to a basement gym; to operate 24 hours per day, 7 days per week; and to construct associated signage.

Physical works

The proposed physical works include:

- Demolition of driveway, handrail, roller door, security screens, fencing and gates.
- Partial demolition of embankment to create space for evacuation stairs.
- Relocation of building services, stormwater pit and stormwater line to outside of under croft area.
- Levelling of the under-croft floor.
- In-fill walls, windows and doors between existing columns.
- Construction of flood walls and flood gate on front eastern elevation of the proposed gym.
- Construction of a flood wall at the northern site boundary.
- Construction of evacuation stairs and associated retaining wall at the northern elevation of the proposed gym.
- Construction of flood blocking stairs on the existing ramp on eastern elevation.
- Fit out for use as a gym, including:

- Reception area
- Weights and cardio area
- Studio,
- Office,
- Seating area, and
- Facilities.
- Three business identification signs, including:
 - Illuminated entry sign
 - Illuminated logo
 - Entry sign and frosted vinyl decals

No trees are proposed for removal.

Operational works

The gym seeks to operate 24 hours a day, 7 days a week.

This constitutes an extension of the hours approved under DA/1046/2007 (as amended) (condition 55) which identifies operating hours of a potential gym as 6am to 10pm.

ASSESSMENT

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

1. STRATEGIC CONTEXT

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

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

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

Part 4 of the Metropolis of Three Cities relates to 'Liveability' and a key objective is to ensure access to housing, transport and employment as well as social, recreational, cultural and creative opportunities. The strategy notes that recreation facilities should be co-located with social infrastructure and social services.

The proposed development is considered consistent with A Metropolis of Three Cities and the Northern District Plan, by enabling further development of an existing social and recreational facility.

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 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the Hornsby Local Environmental Plan 2013 (HLEP). An assessment of the development against the relevant sections of the HLEP is provided below.

2.1.1 Zoning of Land and Permissibility

The subject land is zoned RE2 Private Recreation under the HLEP. The objectives of the RE2 zone are:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposed development is defined as a ‘recreation facility (indoor)’ and is permissible in the RE2 zone with Council’s consent.

2.1.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. No maximum height of building control applies to the site.

Notwithstanding, it is noted that the proposed gym would be located within an existing undercroft space, the proposed signage would be affixed to existing structures, and no change to overall building height is proposed.

It is also noted that the proposed northern boundary flood wall would have a minimum height of 0.8m. A maximum height for the flood wall has not been provided.

To address potential impacts of the flood wall to adjoining properties, the conditions of consent recommended in Schedule 1 include an amendment of plans condition which states that the flood wall on the northern elevation is not to exceed the height of the existing boundary fence.

2.1.3 Flood Planning

Clause 5.21 of the HLEP identifies the following matters that a consent authority must consider before granting consent to development on land within the flood planning area:

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
- (a) *is compatible with the flood function and behaviour on the land, and*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) *the intended design and scale of buildings resulting from the development,*
 - (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The subject site is identified as flood prone land, and the undercroft area proposed for conversion to a gym currently functions as a water retention basin during flooding events.

The proposed development includes construction of flood walls and flood gates around the proposed gym space, construction of a flood wall at the northern site boundary, flood blocking stairs on the eastern elevation ramp, and a flood safe evacuation route from the proposed gym via an external door and stairs.

2.1.3.1 Flood Impacts on the Proposed Development

Clauses 5.21(2)(a), (3)(b) and (3)(d) require the consent authority to consider the design of the proposed development and whether it is compatible with projected flood behaviour on the land.

The proposed development includes construction of a flood wall at the top of the embankment which surrounds the proposed gym space on the northern and western sides. It also includes construction of waterproof masonry walls, a flood gate along the eastern elevation, and flood blocking stairs on the existing ramp.

The development application is accompanied by a flood study prepared by Smart Structures Australia, dated August 2026, which demonstrates that these measures would prevent flood water from entering the proposed gym.

The proposed flood management measures are satisfactory in this regard.

2.1.3.2 Flood Impacts on Surrounding Land

Clauses 5.21(2)(b), (2)(e) and (3)(a) require the consent authority to consider the impacts of the proposed development on surrounding land, including adjoining sites and developments.

The proposed development includes construction of flood walls and gates which would redistribute flood water away from the proposed gym location. It also includes construction of a flood wall at the northern boundary of the site.

The development application is accompanied by a flood study prepared by Smart Structures Australia, dated August 2026, which demonstrates that the proposed flood wall at the northern site boundary would prevent the redirected water from impacting the adjoining sites.

The proposed flood management measures are satisfactory in this regard.

2.1.3.3 Risk to Life and Evacuation

Clauses 5.21(2)(c), (2)(d) and (3)(c) require the consent authority to consider the proposed management of risks to safety and life associated with flood events.

The proposed development includes construction of flood walls and flood gates around the proposed gym space, flood blocking stairs on the eastern elevation ramp, and a flood safe evacuation route from the proposed gym via an external door and set of stairs.

The development application is accompanied by a flood study prepared by Smart Structures Australia, dated August 2026, which illustrates the proposed evacuation route from the proposed gym during flood events when the flood gate at the main entrance is activated. This route would take gym patrons out via the door and stairs on the northern elevation and through the carpark to an assembly point located south of the main building. This route would not require patrons to pass through flood waters exceeding a hazard level of H1.

The proposed flood management measures are satisfactory in this regard.

2.1.4 Earthworks

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

The proposed earthworks include excavation works up to 0.95m in depth to level the proposed gym location. The proposed flood wall on the northern side boundary is proposed to be constructed using a pier and beam design methodology to minimise excavation within the root zones of the adjoining trees.

The proposed earthworks are considered modest in scale and the conditions of consent recommended in Schedule 1 include requirements which address impacts associated with the proposed earthworks.

2.2 State Environmental Planning Policy (Industry and Employment) 2021

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

2.2.1 Advertising and Signage

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

- **Main entry sign:** The illuminated sign would be located within the site, above the gym entry and facing east over the carpark. The sign would be 6.1m wide and 0.5m high, with a total area of 3.05m².
- **Pylon signs:** The illuminated signs would be added to the existing pylon sign located beside New Line Road, facing north and south. It would be 2m wide and 1m high, with a total area of 2m².

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

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

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

ITEM 1

Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?	Yes - The scale, proportion and form is appropriate for the streetscape and landscape. Yes - The proposed signs contribute to the visual interest of the streetscape. Yes - the proposed pylon sign utilises the existing pylon sign on the site and thereby avoids additional clutter and confusion regarding the location of the new gym facility. No. No - all signage would be below the ridge level of the proposed buildings. Vegetation management is not required with respect to the proposed signage.
Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes - The scale of the signage is considered appropriate having regard to the scale of the proposed buildings on the site. The proposed signage is compatible with the architectural design of the proposed buildings. The signage is appropriate for the site and consistent with the proposed architectural theme.
Associated devices and logos	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	There are no devices, platforms, overhangs or protrusions as part of this proposal.
Illumination	Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	No. The conditions of consent in Schedule 1 address maximum brightness for the proposed illumination. No. The conditions of consent in Schedule 1 address maximum brightness for the proposed illumination.

	Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	No. The conditions of consent in Schedule 1 address maximum brightness for the proposed illumination. Yes. The conditions of consent in Schedule 1 address maximum brightness for the proposed illumination. No
Safety	Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the signage would not include flashing or moving images. No additional structures are proposed that would reduce the safety of pedestrians or bicyclists. No, the signage would not obscure sightlines from public areas.

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

2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

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

2.3.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

An examination of Council's aerial photography and records has determined that the site has been historically used for private recreation purposes. It is not likely that the site has experienced any significant contamination, and Council is satisfied that the land is suitable for the proposed use and that further assessment under chapter 4 of the Resilience and Hazards SEPP is not required.

2.4 Draft Environmental Planning Instrument

There are no current draft environmental planning instruments.

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

Section 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and

complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

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

2.6 Hornsby Development Control Plan 2024

The proposed development has been assessed having regard to the relevant desired outcomes, prescriptive requirements and performance requirements within the Hornsby Development Control Plan 2024 (HDCP).

2.6.1 Tree Preservation

Part 1.2.6.1 Tree Preservation of the HDCP sets out the requirements for tree protection, including which trees require Council approval prior to removal.

The proposed works include the construction of a flood wall at the northern side boundary of the site, in the immediate vicinity of 14 trees.

The development application includes an Arboricultural Impact Assessment prepared by Arbor Express, dated 18 May 2026. This report concludes that tree sensitive construction methods would allow all 14 trees to be retained.

The conditions of consent recommended in Schedule 1 include requirements for suitable tree protections and tree sensitive construction methods.

Subject to recommended conditions of consent, the application would therefore be consistent with Part 1.2.6.1 Tree Preservation of the HDCP and is acceptable in this regard.

2.6.2 Stormwater Management

The desired outcomes of Part 1.3.1.2 Stormwater Management of the HDCP are “*development that protects waterways from erosion, pollution and sedimentation, and maintains or improves water quality and aquatic habitats*” and “*water management systems that minimise the effects of flooding and maintains natural environmental flows.*”

The proposed development includes the conversion of an under-croft space to a gym and involves relocation of the existing stormwater grates.

The impacts of displaced overland flow have been considered in Part 2.1.3 Flood planning of this report above.

The development application was referred to Council's development engineer for assessment. No objections were raised subject to recommended conditions of consent.

The conditions of consent recommended in Schedule 1 include a requirement for the stormwater drainage system to be designed by a suitably qualified engineer.

Subject to recommended conditions of consent, the application would therefore be consistent with Part 1.3.1.2 Stormwater Management of the HDCP and is acceptable in this regard.

2.6.3 Earthworks

The desired outcomes of Part 1.3.1.4 Earthworks and Slope of the HDCP include *“development that is designed to respect the natural landform characteristics and protects the stability of land”* and *“development that limits landform modification to maintain the amenity of adjoining properties and streetscape character.”*

These are supported by prescriptive measures, including 1.3.1.4(c) which identifies a maximum excavation depth of 1m except under specified circumstances.

The proposed earthworks include excavation works up to 0.95m in depth to level the proposed gym location. The proposed flood wall on the northern side boundary is proposed to be constructed using a pier and beam design methodology to minimise excavation within the root zones of the adjoining trees.

The proposed earthworks comply with the prescribed 1m maximum, and the conditions of consent recommended in Schedule 1 include requirements which address impacts associated with the proposed earthworks.

Accordingly, subject to conditions, the proposed development would achieve the desired outcomes of Part 1.3.1.4 Earthworks and Slope of the HDCP and is acceptable in this regard.

2.6.4 Transport and Parking

The desired outcomes of Part 1.3.2.1 Transport and Parking of the HDCP include *“car parking and bicycle facilities that meet the requirements of future occupants and their visitors”* and *“development with simple, safe and direct vehicular access”*.

The proposed development includes the operation of an additional business (24 hour gym) within the existing West Pennant Hills Sports Club (WPHSC). The gym will rely on the existing carpark at the WPHSC and no additional car parking spaces are proposed.

The development application includes a Traffic Impact Assessment Prepared by The Transport Planning Partnership, dated 12 August 2025. This report concludes that the parking demand can be accommodated within the existing carpark and that the trips generated by the proposed gym would not cause an unacceptable traffic impact to the surrounding road network.

The development application was referred to Council's Traffic and Road Safety Branch for comment. No objections were raised subject to recommended conditions.

Accordingly, subject to conditions, the proposed development would achieve the desired outcomes of Part 1.3.2.1 Transport and Parking of the HDCP and is acceptable in this regard.

2.6.5 Noise and Vibration

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

This is supported by prescriptive measures, including 1.3.2.5(e)-(h), which address noise generating development.

The proposed use as a 24 hour gym is considered noise generating development.

The development application includes a Noise Impact Assessment prepared by Renzo Tonin & Associates, dated 7 April 2026. This report concludes that the predicted noise emissions from the proposed gym would comply with all relevant criteria at the nearest residential receivers, subject to

recommendations relating to building design and fit-out, music noise control, isolation of gym equipment, mechanical plant noise control, patron management, operational measures, and ongoing noise monitoring and maintenance.

Council's Environmental Protection Team have reviewed the Noise Impact Assessment report and raise no objections to the development, subject to conditions, including an ongoing condition to ensure effective patron management and compliance with the proposed maximum of 20 patrons, and a requirement for a construction management plan to address impacts during works.

The conditions of consent recommended in Schedule 1 include the recommendations of Council's Environmental Protection team.

Accordingly, subject to conditions, the proposed development would achieve the desired outcomes of Part 1.3.2.5 Noise and Vibration of the HDCP and is acceptable in this regard.

2.6.6 Crime Prevention

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

The development application includes a Crime Prevention Through Environmental Design (CPTED) Assessment prepared by Design Collaborative, dated 2 September 2025. This assessment concludes that the proposed development would not have an unacceptable social impact on the surrounding sensitive land uses and may have a positive impact through increased opportunities for passive surveillance.

The development application was referred to NSW Police for comment. A written response was provided on 18 November 2025 and no objections or concerns were raised.

Further to the above, the development application also includes a Plan of Management (PoM) prepared by Snap Fitness, dated 10 August 2026. With regard to member behaviour management and patron dispersal, pages 11-12 of the plan states:

Snap Fitness members must comply with behavioural requirements designed to minimise noise impacts.

Members must not:

- *Create excessive noise*
- *Congregate outside the premises*
- *Engage in disruptive behaviour*

Snap Fitness will enforce compliance through:

- *Warnings*
- *Membership suspension*
- *Membership termination*

Snap Fitness and West Pennant Hills Sports Club Ltd will implement operational and infrastructure measures to ensure patrons enter and exit the premises promptly and do not loiter within the car park or surrounding areas.

Measures include:

- *Clear signage directing patrons to enter and exit quietly*

- *Allocation of designated parking areas away from residential boundaries*
- *Continuous CCTV monitoring of car park and access areas*
- *Electronic access control recording individual patron entry*

Snap Fitness will investigate any complaints by reviewing access control records and CCTV footage to identify individuals present at the relevant time.

Where behavioural breaches are identified, Snap Fitness will implement enforcement action including warning, suspension, or cancellation of membership.

West Pennant Hills Sports Club Ltd also operates a complimentary courtesy bus service from Wednesday through Sunday evenings until the close of Club trading, which is available to Snap Fitness patrons and assists with prompt dispersal from the premises.

The recommended conditions of consent include a recommendation that the PoM be followed during ongoing operation of the gym, and that any changes to this PoM would be subject to Council approval.

Accordingly, subject to conditions, the development application would achieve the desired outcome of Part 1.3.2.7 Crime Prevention of the HDCP and is acceptable in this regard.

2.6.7 Services and Lighting

The desired outcome of Part 1.3.2.10 Services and Lighting of the HDCP are “*development that provides necessary services to cater for future occupants*” and “*development that integrates required services in building and site design to minimise impacts on the streetscape.*”

These are supported by prescriptive measures, including 1.3.2.10(f) which states: “*External and security lighting should be positioned to avoid light spillage, particularly to adjacent sensitive areas in accordance with AS 4282.*”

The development application includes a Crime Prevention Through Environmental Design (CPTED) Assessment prepared by Design Collaborative, dated 2 September 2025. Page 3 of this report states “*Additional lighting will be installed both within and around the Gym, ensure good visibility within the internal and external areas of the Gym and the car park area.*”

The development application also includes a PoM prepared by Snap Fitness, dated 10 August 2026. Page 10 of this plan identifies the section of the carpark to be made available to gym patrons during nighttime hours (10pm to 5am).

The conditions of consent recommended in Schedule 1 include a requirement for all internal and external lighting to avoid light spillage in accordance with the relevant standards.

Accordingly, subject to conditions, the proposed development would achieve the desired outcomes of Part 1.3.2.10 Services and Lighting of the HDCP and is acceptable in this regard.

2.6.8 Signage

The desired outcomes of Part 1.3.2.11 Signage of the HDCP are “*signage compatible with the character of the locality*”, “*signage that complements the scale, size and architecture of the building or structure on which it is displayed*” and “*signage that does not compromise pedestrian, cyclist or motorist safety*”.

These are supported by prescriptive measures 1.3.2.11(a), which addresses signage design and location, 1.3.2.11(b) and (c), which address signage illumination, and 1.3.2.11(d) which requires compliance with the SEPP (Industry and Employment) 2021.

The proposed development includes the installation of the following signs:

- Main entry sign: The illuminated sign would be located within the site, above the gym entry and facing east over the carpark. The sign would be 6.1m wide and 0.5m high, with a total area of 3.05m².
- Pylon signs: The illuminated signs would be added to the existing pylon sign located beside New Line Road, facing north and south. It would be 2m wide and 1m high, with a total area of 2m².

With regard to prescriptive measure 1.3.2.11(a), it is noted that the proposed signs would be affixed to existing structures and would not obstruct any significant building features or accessways.

With regard to prescriptive measures 1.3.2.11(b) and (c), it is noted that the proposed signs would both be static and illuminated. It is noted that the pylon sign is already illuminated by an LED display, and that the main entry sign would be located within the site overlooking the carpark.

With regard to prescriptive measure 1.3.2.11(d), compliance with SEPP (Industry and Employment) 2021 is addressed in Part 2.2.1 Advertising and Signage of this report above.

The conditions of consent recommended in Schedule 1 address maximum brightness for the illuminated signs.

Accordingly, subject to conditions, the proposed development would achieve the desired outcomes of Part 1.3.2.11 Signage of the HDCP and is acceptable in this regard.

2.6.9 Flooding

The desired outcome of Part 1.3.3.2 Flooding of the HDCP is *“development that is located and designed to minimise the risk to life, property and the environment from flooding”*.

This is supported by prescriptive measures which require comprehensive flood studies be prepared by qualified hydraulic engineers to address the provisions of Clause 5.21 of the HLEP and to demonstrate that the development complies with best practice.

As addressed in Section 2.1.3 Flood Planning of this report above, the proposed development includes appropriate measures to minimise the risk to life, property and the environment from flooding.

2.7 Section 7.12 Contributions Plans

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

2.8 Housing and Productivity Contribution

The Housing and Productivity Contribution does not apply to the development as it would not result in any additional dwellings nor commercial floor area. Accordingly, the requirement for a monetary Housing and Productivity contribution is not recommended as a condition of consent.

2.9 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.

2.10 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.

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

These provisions of the Regs have been considered.

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider *“the significant 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 works include the construction of a flood wall at the northern side boundary of the site, in the immediate vicinity of 14 trees.

The development application includes an Arboricultural Impact Assessment prepared by Arbor Express, dated 18 May 2026. This report concludes that tree sensitive construction methods would allow all 14 trees to be retained.

The conditions of consent recommended in Schedule 1 include a requirement for suitable tree protections and tree sensitive construction methods.

Refer to Section 2.6.1 Tree Preservation of this report.

3.1.2 Stormwater Management

The desired outcomes of Part 1.3.1.2 Stormwater Management of the HDCP are *“development that protects waterways from erosion, pollution and sedimentation, and maintains or improves water quality and aquatic habitats”* and *“water management systems that minimise the effects of flooding and maintains natural environmental flows.”*

The proposed development includes the conversion of an undercroft space to a gym and involves relocation of the existing stormwater grates.

The impacts of displaced overland flow have been considered in Section 2.1.3 Flood planning of this report above.

The development application was referred to Council's Development Engineer for comment. No objections were raised subject to recommended conditions of consent.

The conditions of consent recommended in Schedule 1 include a requirement for the stormwater drainage system to be designed by a suitably qualified engineer.

Refer to Section 2.6.2 Stormwater Management of this report.

3.1.3 Earthworks

The proposed earthworks include excavation works up to 0.95m in depth to level the proposed gym location.

The proposed earthworks are considered modest in scale and the conditions of consent recommended in Schedule 1 include requirements which address impacts associated with the proposed earthworks.

Refer to Sections 2.1.4 and 2.1.6 Earthworks of this report.

3.1.4 Flooding

The desired outcome of Part 1.3.3.2 Flooding of the HDCP is *“development that is located and designed to minimise the risk to life, property and the environment from flooding”*.

This is supported by prescriptive measures which require comprehensive flood studies be prepared by qualified hydraulic engineers to address the provisions of Clause 5.21 of the HLEP and to demonstrate that the development complies with best practice.

As addressed in Section 2.1.3 Flood Planning of this report above, the proposed development suitably minimises risk to life, including provision of safe and efficient evacuation during flood events.

3.2 Built Environment

3.2.1 Traffic

The development application includes a Traffic Impact Assessment Prepared by The Transport Planning Partnership, dated 12 August 2025 (Council ref: D09214956). This report concludes that the parking demand can be accommodated within the existing carpark and that the trips generated by the proposed gym would not cause an unacceptable traffic impact to the surrounding road network.

The development application was referred to Council's Traffic and Road Safety Branch for comment. No objections were raised subject to recommended conditions of consent.

Refer to Section 2.6.4 Transport and Parking of this report.

3.2.2 Noise and Vibration

The development application includes a Noise Impact Assessment prepared by Renzo Tonin & Associates, dated 7 April 2026 (Council ref: D09352472). This report concludes that the predicted noise emissions from the proposed gym would comply with all relevant criteria at the nearest residential receivers, subject to recommendations relating to building design and fit-out, music noise control, isolation of gym equipment, mechanical plant noise control, patron management, operational measures, and ongoing noise monitoring and maintenance.

The development application was referred to Council's Environmental Protection team for comment. Their assessment raised no objections, subject to conditions, including an ongoing condition to ensure effective patron management and compliance with the proposed maximum of 20 patrons, and a requirement for a construction management plan to address impacts during works.

The conditions of consent recommended in Schedule 1 include requirements consistent with the recommendations of Council's Environmental Protection team.

For a detailed discussion, refer to Section 2.6.5 Noise and Vibration of this report.

3.2.3 Services and Lighting

The development application includes a Crime Prevention Through Environmental Design (CPTED) Assessment prepared by Design Collaborative, dated 2 September 2025. Page 3 of this report states *“Additional lighting will be installed both within and around the Gym, ensure good visibility within the internal and external areas of the Gym and the car park area.”*

The development application includes a Plan of Management prepared by Snap Fitness, dated 22 May 2026. Page 10 of this plan identifies the section of the carpark to be made available to gym patrons during nighttime hours (10pm to 5am).

The conditions of consent recommended in Schedule 1 include a requirement for all internal and external lighting to avoid light spillage in accordance with the relevant standards.

For a detailed discussion, refer to Section 2.6.8 Signage of this report.

3.2.4 Signage

The proposed development includes the installation of the following signs:

- Main entry sign: The illuminated sign would be located within the site, above the gym entry and facing east over the carpark. The sign would be 6.1m wide and 0.5m high, with a total area of 3.05m².
- Pylon signs: The illuminated signs would be added to the existing pylon sign located beside New Line Road, facing north and south. It would be 2m wide and 1m high, with a total area of 2m².

The conditions of consent recommended in Schedule 1 include a requirement imposing a suitable maximum brightness for the illuminated signs.

For a detailed discussion, refer to Sections 2.2.1 Advertising and Signage and 2.6.8 Signage of this report.

3.3 Social Impacts

The social impacts of the development on the local and broader community have been considered with specific reference to the proposed intensification and diversification of an existing private recreation facility. By increasing recreation opportunities within an existing facility, the proposed use of a gym is considered to have a positive social impact.

3.3.1 Crime Prevention

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

The development application includes a Crime Prevention Through Environmental Design (CPTED) Assessment prepared by Design Collaborative, dated 2 September 2025. This assessment concludes that the proposed development would not have an unacceptable social impact on the surrounding sensitive land uses and may have a positive impact through increased opportunities for passive surveillance.

The development application was referred to NSW Police for comment. A written response was provided on 18 November 2025 (Council ref: D09348590). No objections or concerns were raised.

The development application also includes a Plan of Management prepared by Snap Fitness, dated 10 August 2026, which addresses member behaviour management and patron dispersal.

The recommended conditions of consent include a requirement to implement the approved Plan of Management.

Refer to Section 2.6.6 Crime Prevention of this report.

3.4 Economic Impacts

The proposed development would result in a minor increase in employment opportunities associated with the proposed gym.

4. SITE SUITABILITY

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

4.1 Flooding

The subject site is identified as flood prone land, and the under-croft area proposed for conversion to a gym currently functions as a water retention basin during flooding events.

The proposed development includes construction of flood walls and flood gates around the proposed gym space, construction of a flood wall at the northern site boundary, a flood blocking set of stairs on the eastern elevation ramp, and a flood safe evacuation route from the proposed gym via an external door and stairs.

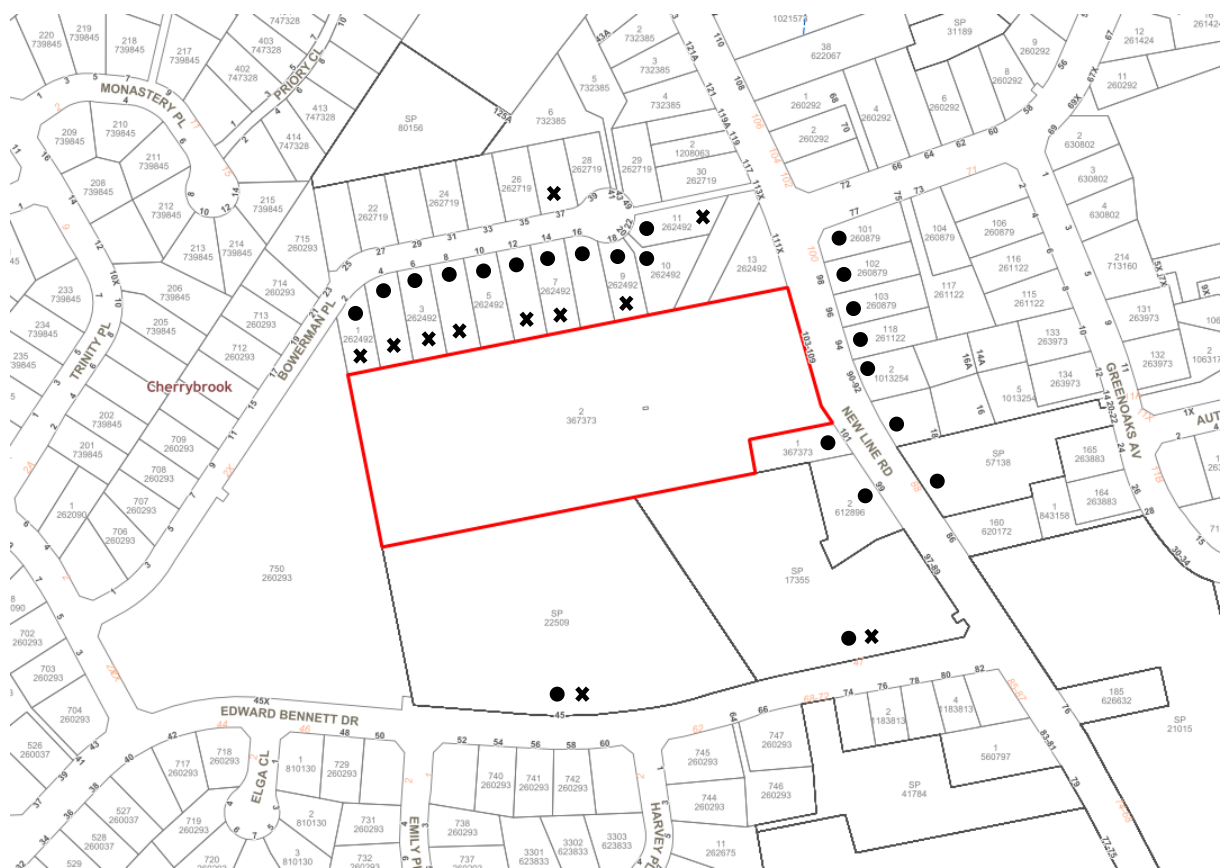
As addressed in Section 2.1.3 Flood Planning of this report above, the proposed development is considered suitable for the site with regard to flooding.

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 date and date in accordance with the Hornsby Community Engagement Plan. During this period, Council received eleven submissions. 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

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED		PROPERTY SUBJECT OF DEVELOPMENT	
NIL SUBMISSIONS RECEIVED OUT OF MAP RANGE				

Eleven submissions objected to the development, generally on the grounds that the development would result in:

- Unacceptable noise impacts
- Damaging vibrations
- Unacceptable light spill impacts
- Safety / security concerns
- Development inconsistent with an approved site masterplan

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 Inconsistency with approved masterplan

Concerns were raised that the proposed 24 hour gym was inconsistent with the 6am to 10pm gymnasium restriction in condition No. 55 of development consent No. DA/1046/2007, and that approval of the gymnasium outside of the existing development consent would circumvent the requirements of the existing approval.

In response, it is noted that the proposed gym construction, fit-out, and operation have been lodged as a separate application, independent of the existing development consent, and have therefore been assessed against the current planning controls. It is also acknowledged that the proposal is inconsistent with Condition 55 of the Development Consent No. DA/1046/2007, as the applicant is seeking approval under this application for the operation of the gym on a 24-hour, 7-day-a-week basis.

Should the application be approved, the new conditions of consent would only supersede the conflicting conditions in the current development consent.

5.2 Public Agencies

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

5.2.1 NSW Police Force

The development application was referred to NSW Police for comment. A written response was provided on 18 November 2025 and no objections or concerns were raised.

6. THE PUBLIC INTEREST

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

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

The application is considered to have satisfactorily addressed Council's 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 application proposes conversion of the existing under-croft area to a 567m² gym, to operate the gym hours of 24 hours per day, 7 days per week, and to construct associated signage and flood walls.

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 11 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, subject to the conditions of consent recommended in Schedule 1.

The reasons for this decision are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024.
- In accordance with Clause 5.21 of the Hornsby Local Environmental Plan 2013 and subject to the recommended conditions, Council is satisfied that the development has adequately addressed the matters required to be demonstrated by Clause 5.21(2) and (3) of the Hornsby Local Environmental Plan 2013.

- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to amenity or privacy.

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

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

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.  Architectural Plans
2.  Plan of Management

File Reference: DA/1035/2025
Document Number: D09348437

SCHEDULE 1

GENERAL CONDITIONS

ITEM 1

Condition

1. Approved Plans and Supporting Documentation

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

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA 04 Rev B	Existing & Demolition Plan - Basement	Bergstrom Architects	04/08/2026	
DA 07 Rev E	Proposed Ground Floor Plan	Bergstrom Architects	04/08/2026	
DA 08 Rev D	Proposed Elevations	Bergstrom Architects	04/08/2026	
DA 09 Rev C	Proposed Sections	Bergstrom Architects	30/03/2026	
DA 10 Rev B	Signage	Bergstrom Architects	30/03/2026	
DA 11 Rev B	Proposed Ground Floor Plan	Bergstrom Architects	04/08/2026	
DA 12 Rev B	Flood Wall Locality Plan	Bergstrom Architects	04/08/2026	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Arboricultural Impact Assessment Ref: AIA12/05/2026 v1	Arbor Express	18/05/2026	D09384287
Flood Impact Assessment Report Ref: 250346.Rev 05	Smart Structures Australia	August 2026	D09825930
Noise Impact Assessment Ref: TP704-01F01 (r5)	Renzo Tonin & Associates	7/04/2026	D09352472
Plan of Management	Snap Fitness	10/08/2026	D09825933
Transport Impact Assessment Ref: 25117 Ver. 02	The Transport Planning Partnership	12/08/2025	D09214956

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

2. No Clearing of Vegetation

1. Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

2. Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect vegetation on the site.

3. Amendment of Plans

1. To comply with Councils requirement in terms of maximum height of buildings, the approved plans are to be amended as follows:
 - a. The proposed flood wall along the northern side boundary is not to exceed the height of the existing boundary fence.
2. These amended plans must be submitted with the application for the Construction Certificate.

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

4. Construction Certificate

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

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

5. Section 7.12 Development Contributions

1. In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the Hornsby Shire Council Section 7.12 Development Contributions Plan 2019-2029, **\$16,885.00** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$1,688,500**.
2. The value of this contribution is current as of **12 August 2026**. 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:

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

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment

\\$C_{DC} is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Development Consent.

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

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

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

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

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

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

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

6. Retaining Walls

To ensure the stability of the site, structural details of all required retaining walls must be submitted with the application of the Construction Certificate.

Reason: To ensure the stability of the site and adjoining properties.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

7. Building Code of Australia

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

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

8. Sydney Water Building Plan Approval

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

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

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

9. Stormwater Drainage

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 100 years and be gravity drained in accordance with the following requirements:

1. Connected directly to Council's drainage system.
2. The stormwater drainage system must be designed by a qualified hydraulic engineer.

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

10. Flood Protection

The proposed development shall be designed generally in accordance with the recommendations outlined in the Flood Impact Assessment Report Ref: 250346.Rev 05 prepared by Smart Structures Australia dated August 2026 and the following requirements:

- a) Engineering construction details of the flood mitigation measures outlined in the report shall be submitted to the Principal Certifying Authority for approval.
- b) All flood mitigation measures shall be designed with flood compatible building components to withstand the forces of flood waters, debris and buoyancy. A Certificate from a qualified Structural Engineer shall be submitted to the Principal Certifying Authority.
- c) All new electrical equipment, power points and the like are to be located above the habitable floor level.
- d) The electrical wiring and any other services and connection shall be waterproofed and installed above the habitable floor level.
- e) A certificate by a qualified Flood Engineer shall be submitted to the principal certifying authority certifying that the engineering requirements of the flood report has been satisfied.

Reason: To ensure flood protection.

11. Appointment of a Project Arborist

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

2. Details of the appointed project arborist must be submitted to Council and the PCA with the application for the construction certificate/subdivision works certificate.

Reason: To ensure appropriate monitoring of tree(s) to be retained.

12. External Lighting

Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person. The lighting plan must be consistent with the approved plans and documents, and the following requirements:

1. Comply with Australian Standard AS1158: Lighting for roads and public spaces.
2. Comply with Australian Standard AS4282: Control of obtrusive effects of outdoor lighting.
3. Lighting must be placed at all entrances to, and exits from the premises.
4. Lighting must not interfere with traffic safety.
5. Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
6. External lighting must not flash or intermittently illuminate.

The lighting plan must be submitted to the Principal Certifier.

Note: All above documents refer to the version in effect at the time the consent is granted.

Reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

13. Fire Safety Schedule

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

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

14. Mechanical Services and Plant - Acoustic Verification

1. Prior to the issue of a construction certificate, a review of all proposed mechanical services and plant must be carried out by a suitably qualified Acoustic Consultant to ensure compliance with the recommendations within the Noise Impact Assessment Ref: TP704-01F01 (r5) prepared by Renzo Tonin & Associates, dated 7 April 2026 and to ensure the cumulative noise emissions from the development do not exceed the project noise trigger levels within Table 2 of the report.
2. Certification by the Acoustic Consultant must be submitted to the Principal Certifier prior to issue of a Construction Certificate verifying the above.
3. Should the acoustic review identify that acoustic treatment of mechanical services and plant is required to satisfy the above criteria, these measures shall be incorporated in the mechanical services plans and submitted to the Principal Certifier with the construction certificate application.

Reason: To ensure appropriate acoustic treatment is installed to mechanical services and plant to minimise noise and vibration impacts to nearby premises.

15. Acoustic Report Recommendations

Prior to the issue of a construction certificate, the construction certificate drawings shall be reviewed by a suitability qualified acoustic consultant to confirm that all the recommendations and modelling assumptions to achieve acoustic compliance Noise Impact Assessment Ref: TP704-01F01 (r5) prepared by Renzo Tonin & Associates, dated 7 April 2026, have been incorporated into the drawings and designs. A design compliance report detailing the review shall be submitted to the satisfaction of the Principal Certifying Authority confirming compliance.

Reason: To protect acoustic amenity of building occupants and surrounding premises.

16. Construction Management Plan

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and approved by Council's Compliance Team via Council's Online Services Portal prior to issue of a Construction Certificate.

The Construction Management Plan (CMP) must include the following details:

1. Description of the works
 - a. A description of the scope of works for all stages of development.
 - b. Site plans for all stages of works including the location of site sheds, concrete pump, and crane locations, unloading, and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
 - c. The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - d. A statement confirming that no building materials, work sheds, vehicles, machines, or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
 - e. If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
 - f. The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Principal Certifier or Hornsby Shire Council in order to ensure the above.
 - g. The CMP must detail all responsible parties ensuring compliance with the document and include the contact information for developers, builder, Principal Certifier, and any emergency details during and outside work hours.
2. A Construction Traffic Management Plan (CTMP) including the following:

- a. The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
 - b. The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - c. The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - i. Public notification of proposed works.
 - ii. Long term signage requirements.
 - iii. Short term (during actual works) signage.
 - iv. Vehicle Movement Plans, where applicable.
 - v. Traffic Management Plans.
 - vi. Pedestrian and Cyclist access and safety.
 - d. Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
 - e. Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
 - f. Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
 - g. Swept path analysis for ingress and egress of the site for all stages of works. Council does not permit the entry and exit to the site via a righthand turn.
 - h. The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
 - i. The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
 - j. The maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - k. The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - l. If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
3. A Construction Waste Management Plan detailing the following:
- a. General construction waste details including construction waste skip bin locations and litter management for workers.

4. The CMP must detail all responsible parties ensuring compliance with the document and include the contact information for developers, builder, Principal Certifier, and any emergency details during and outside work hours.

Note: Advice on developing a suitable construction management plan or erosion sediment control plan can be obtained from Council's guides available at www.hornsby.nsw.gov.au/property/build/construction.

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

Reason: To document construction measures to protect the public and the surrounding environment.

BEFORE BUILDING WORK COMMENCES

Condition

17. Site Sign

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

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

18. Protection of Adjoining Areas

1. 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); and.
2. Council's separate written approval is required prior to the erection of any temporary hoarding, fence or awning on or over public land. The erection of a hoarding must be applied for via Council's Online Services Portal together with details showing the location and type of hoarding.

Note: The Hoarding/ Temporary Fencing application 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: My Applications > New Applications > Under 'Application Types': Hoarding/ Temporary Fencing Applications.

3. Where any part of the road or footpath is required to be occupied or closed during any stage of works, including demolition, excavation, construction or remediation, a temporary full / partial road or footpath closure permit must be approved by Council. The permit must be applied for via Council's Online Services Portal.

Note: A Temporary Road/ Footpath Closure application 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: Under 'Roads, Traffic and Parking': Temporary Full/ Partial Road Closure.

Reason: To ensure public safety and protection of adjoining land.

19. Toilet Facilities

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

Reason: To ensure adequate toilet facilities are provided.

20. Erosion and Sediment Control Measures

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

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

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

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

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

21. Garbage Receptacle

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

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

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

DURING BUILDING WORK

Condition

22. Hours of Work

1. All work on site (including remediation, demolition, construction, earth works and removal of vegetation), must only occur between 7am and 5pm Monday to Saturday.
2. No work is to be undertaken on Sundays or public holidays.

Reason: To protect the amenity of neighbouring properties.

23. Council Property

To ensure that the public reserve is kept in a clean, tidy, and safe condition during remediation, demolition, excavation and construction works:

1. No building materials, skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the development shall be stored or placed on Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.
2. All work, loading and unloading associated with the development are to occur entirely within the property boundaries, unless otherwise approved by Council under section 138 of the Roads Act 1993.

Reason: To protect public land.

24. Disturbance of Existing Site

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

Reason: To protect the natural features of the site.

25. Soil Management (Excavation)

While site work is being carried out, the Principal Certifier or Council (where a principal certifier is not required) must be satisfied all soil removed from the site is managed in accordance with the following requirements:

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the Principal Certifier or Council (where a principal certifier is not required).
2. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

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

26. Landfill Not Permitted

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

Reason: To minimise environmental impacts from landform modification.

27. Compliance with Construction Management Plan

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

Reason: To ensure implementation of construction measures to protect the public and the surrounding environment.

28. De-watering of Excavated Sites

Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in the pollution of waters, nuisance to neighbouring properties, or damage to neighbouring land and/or property.

Reason: To document the safe removal of water during work to protect the public and the surrounding environment.

29. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the Principal Certifier:

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

Reason: To ensure buildings are positioned in the approved location and at the correct height.

30. Waste Management

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

Reason: To ensure the management of waste to protect the environment and local amenity during construction.

31. Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for all trees to be retained, being trees numbered T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13 and T14 on page 10 of the Arboricultural Impact Assessment Ref: AIA12/05/2026 v1 prepared by Arbor Express, dated 18 May 2026.

Reason: To ensure appropriate monitoring of tree(s) to be retained.

32. Prohibited Actions within the Tree Protection Zone

The following activities are prohibited within the tree protection zones of all trees to be retained (being trees numbered T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13 and T14 on page 10 of the Arboricultural Impact Assessment Ref: AIA12/05/2026 v1 prepared by Arbor Express, dated 18 May 2026, unless otherwise approved by Council:

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

Reason: To protect trees during construction.

33. Approved Works within Tree Protection Zone Incursions

1. Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
 - a. Using sharp secateurs, pruners, handsaws, or chainsaws with the final cut being clean.
 - b. The maximum diameter of roots permitted to be cut is 20 mm.
2. Where the flood wall footprint enters or transects the Tree Protection Zones of trees to be retained, sensitive construction techniques in the form of piers must be employed.
3. No changes of grade within the Tree Protection Zone of trees to be retained on the approved plans, are permitted.

Reason: To protect trees during construction.

34. Building Materials and Site Waste

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

Reason: To protect trees during construction.

35. Unexpected Finds

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

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

36. Erosion and Sediment Control

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

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

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

37. Storage and Removal of Waste

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

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

38. Fulfilment of BASIX Commitments

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

Reason: Prescribed condition under section 75. EP&A Regulation.

39. Final Certification by Project Arborist

The AQF 5 Project arborist must submit to the Principal Certifier a certificate that includes the following:

1. All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works; and

2. All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans; and
3. Dates, times, and reasons for all site attendance; and
4. All works undertaken to maintain the health of retained trees; and
5. Details of tree protection zone maintenance for the duration of works.

Note: Copies of monitoring documentation may be requested throughout the development works.

Reason: To ensure compliance with tree protection commitments.

40. 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 in accordance with AUS-SPEC Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

Reason: To ensure public infrastructure and property is maintained.

41. External Lighting During Ongoing Use

During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans.

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

42. Construction of Engineering Works

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

Reason: To ensure engineering works are completed.

43. Flood Emergency Evacuation Plan

Prior to the issue of an occupation certificate, a flood emergency evacuation plan shall be prepared by a qualified flood engineer and included in the Plan of Management for the development.

Reason: To ensure flood protection.

44. Asbestos Clearance Certificate

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

Reason: To ensure the appropriate removal and disposal of contaminated materials and the site is suitable for its approved use.

45. Submission of Excavated Material Tipping Dockets to Principal Certifier

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

Reason: To confirm appropriate disposal of excavated material.

46. Certification of Acoustic Measures

Before the issue of an occupation certificate, a suitably qualified person must provide a compliance report to the Principal Certifier and Council demonstrating that the acoustic measures have been installed in accordance with the recommendations of Noise Impact Assessment Ref: TP704-01F01 (r5) prepared by Renzo Tonin & Associates, dated 7 April 2026.

Reason: To protect the amenity of the local area.

47. Certification of Plan of Management Measures

The following measures are required to be installed/implemented prior to the issuance of an occupation certificate:

1. HID electronic access control system,
2. Felix Gate tailgate detection monitors,
3. CCTV of gym entry/exit points and car parking areas,
4. Self-closing entry/exit doors,
5. Sound limiter for amplified music installed and set to a max of 70dBA,
6. Noise Management Signage,
7. Car parking signage for designated night parking spaces.

Reason: To protect the amenity of the local area.

ONGOING USE

Condition

48. Hours and Capacity

The hours of operation of the gym are 24-hours, 7 days per week with the following capacity limits:

5:00am to 10:00pm	99 members
10:00pm to 5:00am	20 members

Reason: To protect the amenity of the local area.

49. Compliance with Plan of Management

All control measures and procedures nominated in the approved Plan of Management Report must be implemented.

Reason: To ensure the operational measures implemented protect the amenity of the local area.

50. Noise and Vibration

The ongoing use of the premises including any plant or equipment installed on the premises must not exceed the following:

1. The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the

boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the Noise Policy for Industry 2017.

2. Notwithstanding the above, the following criteria applies:
 - a. The LA10(15minute) internal operational noise contribution from the premises (including from music, patrons, gym equipment and staff) shall not exceed the background noise level in any octave band frequency (31.5Hz to 7 kHz inclusive) by more than 5 dB at the boundary, or within any affected residence between:
 - i. 7am and 10pm Monday to Saturday
 - ii. 8am and 10pm on Sundays and Public Holidays
 - b. The LA10(15minute) internal operational noise contribution from the premises (including from music, patrons, gym equipment and staff) shall not exceed the background noise level in any octave band frequency (31.5Hz to 7 kHz inclusive) at the boundary, or within any affected residence between:
 - i. 10pm and 7am Monday to Saturday
 - ii. 10pm and 8am on Sundays and Public Holidays

51. **Amplified Music**

A noise limiter is to be installed and maintained at all times for all speakers located within the premises. The limiter controls must not be accessible to staff and configured so that noise from speakers do not exceed 70B(A).

Reason: To maintain appropriate amenity to nearby occupants

52. **Plan of Management – Maximum Capacity 10:00pm to 5:00am**

Should the maximum gym capacity of twenty (20) patrons be exceeded on any occasion between 10:00pm and 5:00am, the following must be undertaken:

- a. Submit an updated Plan of Management to Council for review and approval with the inclusion of the amended management method(s) which ensures compliance with the maximum capacity limit between 10:00pm and 5:00am.
- b. The updated Plan of Management must be submitted to Council within thirty (30) days from the date of the breach of capacity.

Note: The 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 supporting documentation following breaches of consent.

53. **Deliveries and Waste Collection Hours**

During ongoing use, all deliveries, waste and recycling collection must only occur during staffed hours.

Reason: To protect the amenity of the local area.

- END OF CONDITIONS -

ITEM 1

2 DA/355/2026 - CONSTRUCTION OF A SHED AND TEMPORARY USE OF LAND FOR FUNCTIONS - 17 CANOELANDS ROAD, CANOELANDS

DA No:	DA/355/2026 (PAN-630774 - Lodged 20 April 2026)
Description:	Construction of a shed and temporary use of land for functions
Property:	Lot 1 DP 802951, No. 17 Canoelands Road, Canoelands
Applicant:	Ground Zero Nominees Pty Ltd
Owner:	Ground Zero Nominees Pty Ltd
Estimated Value:	\$48,000
Ward:	A Ward
Submissions:	11
LPP Criteria:	10 or more unique submissions were received by way of objection
Author:	Elvin Keung, Senior Town Planner
COI Declaration:	No Council staff involved in the assessment of this application have declared a Conflict of Interest.

RECOMMENDATION REFUSAL

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, refuse Development Application No. DA/355/2026 for construction of a shed and temporary use of land for functions at Lot 1 DP 802951, No. 17 Canoelands Road, Canoelands for the reasons detailed in Schedule 1 of LPP Report No. LPP20/26.

EXECUTIVE SUMMARY

- The application proposes the construction of a shed and temporary use of land as a function centre in accordance with the provisions of Clause 2.8 of the Hornsby Local Environmental Plan 2013.
- The proposal does not comply with the requirements of the Hornsby Local Environmental Plan 2013 and Hornsby Development Control Plan 2024.
- A total of 11 submissions have been received objecting to the application.
- The application is required to be determined by the Hornsby Council Local Planning Panel as 10 or more unique submissions were received by way of objection.
- It is recommended that the application be refused.

BACKGROUND

On 20 April 2026, DA/355/2026 was lodged with Council for the construction of a shed to be used as a bushfire refuge building, a proposed chapel and pavilion, and the temporary use of the land as a function centre for up to 400 guests.

On 29 May 2026, a request for information letter was sent to the applicant requesting:

- Amended bushfire report to address events space
- Amended acoustic report to demonstrate no adverse impact
- Amended traffic report to demonstrate no adverse impact
- Amended plan of management which incorporates the recommendations of the amended acoustic report
- Amended wastewater management plan

On 23 June 2026 and 10 July 2026, amended information was submitted to address the above issues.

On 3 August 2026, an amended acoustic report was submitted reducing the proposed number of guests to 200. It was also clarified that the chapel and pavilion are existing structures which will be utilised as part of the temporary use as a function centre.

SITE

The 18.04ha site experiences a 12m fall over a distance of 275m from the top of the hill at the location of the proposed shed towards the western side boundary across the development area. This results in a gradient of approximately 4%.

The site is mapped as bush fire prone land, situated within the category 1 and vegetation buffer zone. It is not mapped as flood prone.

The site does not contain a heritage listed item and is not within a heritage conversation area (HCA), nor is it located in the vicinity of a heritage item or HCA.

The site is not burdened by any easements affecting the proposed development.

The site is mapped as containing Grey Gum-Scribbly Gum Woodland, Peppermint-Angophora Forest, and Scribbly Gum Open-Woodland/Heath vegetation communities.

PROPOSAL

The application proposes the construction of a shed and the temporary use of the land as a function centre in accordance with Clause 2.8 of the Hornsby Local Environmental Plan 2013.

Functions would be limited to a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.

The proposed operation parameters for the function centre would be as follows:

- A maximum of 200 guests on the site for any function held.
- Hours of Operation: Monday to Sunday - 9am to 10pm.
- The function centre would be used for a variety of events including but not limited to community celebrations, cultural gatherings, charity and fundraising functions, markets, fairs, outdoor performances, weddings and family celebrations.

The shed would be used as a refuge building for bushfire purposes.

The temporary use would require the installation of acoustic measures.

The application also proposes two free-standing structures being a chapel and a pavilion within the events area. However, these structures are existing on the site and have already been constructed without consent.

All structures associated with the temporary use would be either existing or temporary structures erected or brought onto the site for each event. All temporary structures would be removed after each event.

A single large informal parking area is proposed at the front of the site near the western side boundary and has capacity for 150 to 200 cars.

No trees would be removed by the proposed development.

ASSESSMENT

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

1. STRATEGIC CONTEXT

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

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

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

Planning Priority N18 - Better managing rural areas

In giving effect to A Metropolis of Three Cities, this Planning Priority delivers on the following objective and the corresponding strategies:

- Objective 29 - Environmental, social, and economic values in rural areas are protected and enhanced.

The proposed temporary use of the site as a function centre would not be inconsistent with this objective.

1.2 Hornsby Shire Rural Lands Strategy

The Rural Lands Strategy was adopted in May 2022. The Strategy provides key principles and recommendations for managing rural lands into the future and addresses obligations for rural lands prescribed by the State Government. It sets a strategic direction for rural areas and will inform amendments to the Local Strategic Planning Statement (LSPS) and planning controls including the Local Environmental Plan (LEP) and the Development Control Plan (DCP).

The Strategy includes the following recommendation for the Canoelands area:

- Recognise and protect productive agricultural land, by limiting further fragmentation and exploring opportunities for rural businesses to value add with activities that are ancillary to, and support, agricultural production.

This is supported by the “potential policy implication” of considering certain uses (including function centres), which may further support the purpose of the RU1 zone, provided any development to facilitate that use is in keeping with preferred landscape character, and where a nexus can be demonstrated between the land use and primary production activities.

This is a high level strategic study that is not yet fully implemented in the planning controls. Nevertheless, the study emphasises the importance of any future non-agricultural use having a nexus to primary production activities. The proposal has not demonstrated any nexus between any existing agricultural activity and the proposed temporary use as a function centre. Therefore, it would not be consistent with the vision of the Rural Lands Strategy.

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 Hornsby Local Environmental Plan 2013

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

2.1.1 Zoning of Land, Permissibility and Clause 2.8 Temporary Use of Land

The subject land is zoned part RU1 Primary Production and part C3 Environmental Management under the HLEP.

The objectives of the RU1 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage land uses that support primary industry and align with the rural character of the area, including agritourism and tourist and visitor accommodation.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

The objectives of the C3 zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To protect the natural environment of steep lands and floodplains within the catchment of the Hawkesbury River.*
- *To enable low impact agritourism and tourist and visitor accommodation that is compatible with the environmental values of the zone.*

The proposed development is located mostly within the RU1 zone. However, the defined events area encroaches into the C3 zone, see Figure 1.

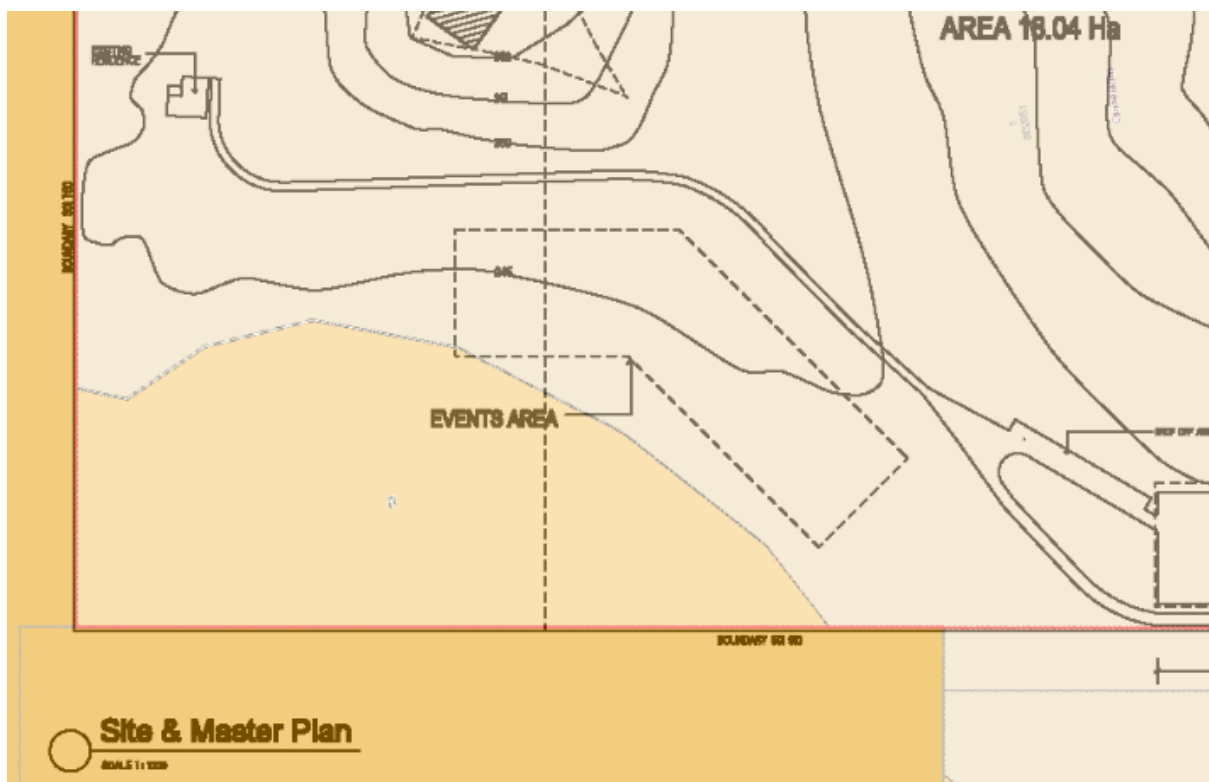


Figure 1: Zoning Map overlayed on Site Plan

The proposal is defined as a 'function centre' which is a prohibited land use within the RU1 and C3 zones. In addition, the proposal is inconsistent with the objectives of both zones as:

- The proposal fails to demonstrate that it minimises conflicts between surrounding land uses and does not protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values;

- The scale and operation of the proposed use is inconsistent with the surrounding land uses which are predominantly rural residential; and
- The proposal fails to demonstrate that the proposed use would not encroach into the C3 zone which is highly sensitive and contains special ecological values.

Notwithstanding, Clause 2.8 of the HLEP permits a function centre as a temporary use on land if it can be demonstrated that *“the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land”* and the following:

- (2) *“Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.*
- (3) *Development consent must not be granted unless the consent authority is satisfied that—*
 - (a) *The temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
 - (b) *The temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*
 - (c) *The temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
 - (d) *At the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.”*

Whilst (a), (c) and (d) can be adequately addressed, it is considered the proposal has not sufficiently demonstrated that the temporary use would not adversely impact on any adjoining land or the amenity of the neighbourhood.

With respect to (b), *Marshall Rural Pty Limited v Hawkesbury City Council* [2015] NSWLEC 197 establishes that relevant test differs from that which would conventionally apply to development applications for land uses that are otherwise permissible under a zone's Land Use Table. As observed by the Court, an application invoking clause 2.8 seeks consent for a land use that is otherwise prohibited within the zone and therefore represents a significant departure from the applicable planning controls. The Court recognised that the approval of such a use amounts to a substantial indulgence, reflecting the exceptional nature of the clause.

Therefore, in the case of the current application, the requirements of clause 2.8(3)(b) impose a considerably higher threshold of justification than would ordinarily apply to an application for a 'function centre' on land where the relevant zoning permits this use.

On this basis, development consent must not be granted unless Council is satisfied that the application would satisfy the 'no adverse impact' test under clause 2.8(3)(b).

Council considers that the proposal fails to demonstrate that the proposed development satisfies the 'no adverse impact' test for the following reasons:

2.1.1.1 Noise

- The applicant has submitted an Acoustic Impact Assessment prepared by Rodney Stevens Acoustics dated 31 July 2026 which fails to demonstrate that the proposed event scenarios would not exceed the measured background noise level (RBL).
- The following criterion must be met to meet the “no adverse impact” test:
 - Function Noise (Crowd and Music) - Background (RBL) + 0dBA in Octave bands (31.5 Hz to 8 kHz inclusive).
 - For vehicles arriving, entering and disembarking - Background (RBL) + 0dB (Leq).
- Scenario 1 considers wedding receptions and large events where guests are congregated within the pavilion and surrounding grass area. One exceedance is observed but not identified.
 - This scenario states that DJ and amplified music will be played. However, the typical sound power levels provided have only included background music and live band. It would be reasonable to assume that a DJ with a dancefloor would have generated more noise compared to “background music”.
 - Therefore, Council is not able to be satisfied that the assessment is an accurate representation of the described scenario.
- It is unclear whether the adopted noise criterion for the period between 7:00 am and 12:00 am has been derived using the lowest measured RBL applicable to that period. The background noise monitoring results indicate that the lowest measured broadband RBL was 23 dB(A) during the period between 10:00 pm and 7:00 am. Council does not have sufficient information to be satisfied that the RBL adopted as the criteria for assessment purposes is based on the lowest applicable background noise level.
- The report does not provide post-treatment assessment of the acoustic impacts to demonstrate that the recommendations, if implemented, would result in no adverse impact. For instance, it is unclear how the 84db(A) limit for the speakers was determined as the appropriate threshold.
- It is also unclear how certain components of the recommendations are to be implemented. For example:
 - The acoustic report recommends 2 solid walls to the south and west of the pavilion. However, the pavilion structure as shown on the architectural plans does not allow for the addition of a solid wall on the southern elevation as there is proposed to be an opening for a flatbed truck which will house a pizza oven. The design and appearance of the solid walls has also not been provided to enable an assessment of amenity impacts.
 - No detail has been provided regarding the location of the temporary acoustic fencing. The fencing has also not been incorporated into the Operational Plan of Management with no detail regarding who would be responsible for ensuring the fencing is erected prior to any event occurring.
- No information has been provided regarding the predicted noise impacts from Scenario 2.
- The report does not identify noise from all sources including but not limited to:

- Traffic generation and vehicles accessing the site and use of the carpark. The SEE advises that the car park would be designed to accommodate up to 150-200 vehicles but the associated impacts have been considered.
- Food trucks, generators and any other noise generating plant or equipment.
- Consideration of any live music in Scenario 2 or confirmation that this would be prohibited in that Scenario.
- Under Scenario 2, only background music will be played in the bar area. However, the report lacks any noise criteria (such as dB(A)) and how it will be achieved e.g. a noise limiter.
- Only one sensitive receiver has been identified. The proposal lacks sufficient information and modelling to demonstrate that all surrounding residential receivers will not be adversely affected.

2.1.1.2 Traffic

- The amended traffic report has not been prepared by a qualified Traffic Engineer and therefore, cannot be utilised for an accurate assessment. Nevertheless, Council can comment on the aspects which are considered deficient.
- The intersection capacity assessment, despite being only indicative, suggests that there will be an impact on road users. At the intersection of Old Northern Road and Canoelands Road, the average delay will increase from 5 seconds to 12 seconds. The 95% percentile queue would increase from 8m to 22m. It has not been demonstrated that this would cause no adverse impact.
- The application has not satisfactorily demonstrated that the proposed parking would meet AS2890 and cause no adverse impact. The application would require additional information within an Operational Traffic and Parking Management Plan prepared by a Chartered Traffic Engineer which provides:
 - Detailed parking layout plans and swept path assessments meeting AS2890.
 - How overflow traffic and parking will be managed.
 - How any queueing will be managed to ensure no impact to the road network.
- The traffic report contains the following inconsistent operational information and thus does not allow Council to be satisfied that the proposal would meet the “no adverse impact” test:
 - The traffic report states that the proposal would only occur on weekends whilst the Plan of Management and other documents envisage operation on any day of the week. Traffic counts have only been conducted on weekends and therefore, would not be representative of the intended operation.
 - The traffic report states that patron arrivals are to only occur between 7am and 10am and departures are to only occur between 6pm and 10pm. However, the Plan of Management restricts the proposal’s operating hours between 9am and 10pm. It has also not been demonstrated how arrivals and departures will be restricted to only those 3 hour blocks since the proposal includes multiple types of events with varying start and end times.

- No evidence has been provided to support the stated arrival and departure profiles within the traffic report to demonstrate they are representative of the proposed events.
- The traffic report identifies the proposal as a class 3 “special event” under the *TfNSW Guide to Traffic and Transport Management for Special Events*. The guide notes that a class 3 special event would have an impact on traffic and the transport network as well as cause disruption to the non-event community. Therefore, it would not meet the “no adverse impact” test.
- The traffic report suggests that road works may be required such as deceleration tapers which would cause an adverse impact on the amenity of the neighbourhood.

2.1.1.3 Operational Considerations

- The Waste Management Plan includes an “operational site plan” which includes operational elements which are not explored in any of the other supporting documents. It is unclear how these relate to the overall proposal. Therefore, insufficient information has been provided to enable Council to be satisfied that the use would cause ‘no adverse impact’. These operational elements include the following activities and structures:
 - A bar and heating facility with toilets and showers within a structure that is not shown on the architectural plans.
 - A fire pit.
 - Picnic tables and other areas used by guests that extend beyond the area assessed by the acoustic report and otherwise shown on other plans.
 - A pig pen and other animal related areas which have an unclear association with the proposed development.
 - Tiny homes which have an unclear association with the proposed development.

2.1.1.4 Operational Plan of Management

- Section 4.1 of the Operational Plan of Management (PoM) states that the proposal is confined to cleared, level paddocks near the residence with all structures temporary and removed post-event. However, this is contradicted by the other supporting documents including the Waste Management Plan. The PoM also fails to identify the existing structures (pavilion & chapel) which are to be used by the proposed function centre.

The PoM does not provide a clear direction regarding the area on the site where the proposed temporary use is allowed to operate, and it does not demonstrate how access to other areas would be restricted. This provides uncertainty regarding whether the supporting technical documentation is truly representative of the proposed functions.

- One of the objectives of Section 4.4 of the PoM is to “*provide measurable and enforceable noise controls.*” However, proposed controls are vague and do not provide enforceable standards.

Many of the controls require the operator to “minimise noise impacts” without clear direction on how that would occur. For example:

- “*Subwoofers must be minimised*”. It is unclear how this would be implemented in practice and does not provide any measurable standards to determine what would be acceptable.

- “No patron noise is permitted after 10:00 pm”. It is unclear if this requires that all guests be silent after 10pm. Furthermore, it is unclear how this would be enforced and the reasonableness of this measure.
- Section 5.1 of the PoM states that one of the objectives of the document is to “*minimise impacts on surrounding properties and the natural environment.*”

By seeking to minimise the impacts on surrounding properties, the PoM indirectly acknowledges that the development proposal would have impacts on the surrounding properties, demonstrating that the application does not satisfy the ‘no adverse impact’ test under clause 2.8 (3)(b).

In summary, as demonstrated above, the proposal contains insufficient and contradictory information which does not allow Council to be satisfied that the proposed temporary use would “*not adversely impact on any adjoining land or the amenity of the neighbourhood*” as required by Clause 2.8(3)(b) of the HLEP. As such, the proposal cannot be supported and this forms part of the reasons for refusal.

2.1.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 10.5m. The only structure proposed to be constructed is the bushfire refuge shed which has a height of 8m. Therefore, the proposal complies with this development standard.

2.1.3 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. Accordingly, no further assessment regarding heritage is necessary.

2.1.4 Earthworks

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

Council’s assessment concludes that the proposal is satisfactory in regard to earthworks.

2.1.5 Unauthorised Development

The proposal relies upon existing structures on the site for the proposed use as a function centre. These structures are identified on the architectural plans as “proposed chapel” and “proposed pavilion”. Despite being identified as “proposed”, it is confirmed via a site inspection that the structures are already constructed and existing on the site. However, a review of Council’s records reveal that the structures do not have consent and are therefore unauthorised. Since the proposed function centre use is not supported and it has not been demonstrated that the structures are ancillary to the existing dwelling house, Council does not support the chapel and pavilion. Nevertheless, should the application be approved, a deferred commencement condition would need to be imposed requiring the approval of a Building Information Certificate for both unauthorised structures (chapel and pavilion) prior to the operation of any consent.

Additionally, the Operational Site Plan within the Waste Management Plan shows the following additional structures spread across the site:

- A bar & heating facility with toilets and showers

- A fire pit
- Picnic tables
- A pig pen and other animal related areas
- Tiny homes

A site visit by Council confirmed that many of these structures such as the bar and tiny homes are existing on the site and are already constructed. However, Council does not have a record of development consent granted for any of these structures. The structures also have an unknown association with the proposed function centre. If these structures are to be used for the function centre, they would also require separate consent and/or a Building Information Certificate.

2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

2.2.1 Chapter 6 Water Catchments

The site is located within the catchment of the Hawkesbury-Nepean River. The aim of this chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of development are considered in the regional context. Part 6.2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, significant vegetation habitats, extraction, environmental heritage and scenic quality, recreation and tourism, and agriculture.

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

If the proposal was approved, subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would not impact on the water quality of the catchment and would comply with the requirements of chapter 6 of the Biodiversity and Conservation SEPP.

2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

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

2.3.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

An examination of Council's records and aerial photography has determined that the site has been historically used for rural purposes. Nevertheless, the proposed use is temporary and located in areas of the site that have not been used for agricultural purposes. The refuge shed is the only structure

located within an orchard. However, the land is considered suitable as the refuge building is not a residential structure and would be used solely in emergency situations as a temporary refuge. Therefore, Council is satisfied that the land is suitable for the proposed use and that further assessment under chapter 4 of the Resilience and Hazards SEPP is not required.

2.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The application has been assessed against the requirements of chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

2.4.1 Traffic-generating development

In accordance with section 2.122 of the Transport and Infrastructure SEPP, a proposal for specified development which meets the relevant size or capacity threshold in Schedule 3 would require referral to Transport for NSW and consideration of any response received.

The proposal involves a car park ancillary to the temporary use as a function centre with 200 car parking spaces. Therefore, the proposal meets the threshold under section 2.122 of the Transport and Infrastructure SEPP. The proposal has not been referred to Transport for NSW. However, following the submission of the amended acoustic report the proposed number of guests has been reduced to 200 people, it would be expected that the required number of car parking spaces could be reduced. However, as of the date of this report, no documentation has been provided to demonstrate a reduction in car parking.

Nevertheless, the proposal contains insufficient information for Council to be satisfied that there would be no adverse impacts to road users and as such cannot be supported.

2.5 Draft Environmental Planning Instrument

There are no current draft environmental planning instruments.

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

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

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

2.7 Hornsby Development Control Plan 2024

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

HDCP - Part 2 Rural			
Control	Proposal	Requirement	Complies

Site Area	18.04ha	N/A	N/A
Building Height	8m	10.5m	Yes
No. storeys	1	max. 2 + attic	Yes
Site Coverage	Minimal increase from proposed shed	On merit	Yes
Floor Area (rural outbuilding)	540m ²	max. 250m ²	No
Setbacks			
- Front	>15m	15m	Yes
- Side (eastern)			
Shed	81m	10m	Yes
- Side (western)			
Shed	185m	10m	Yes
Pavilion	84m	10m	Yes
Chapel	127m	10m	Yes
- Rear	112m	15m	Yes
Car Parking	150-200 spaces	200 spaces	Yes, subject to further details

As detailed in the above table, the proposed development generally complies with the prescriptive measures within the HDCP. The matters of non-compliance are detailed below, as well as a detailed discussion on compliance with any relevant performance requirements of the HDCP.

2.7.1 Transport and Parking

A desired outcome of Part 1.3.2.1 Transport and Parking of the HDCP is to ensure “*car parking and bicycle facilities that meet the requirements of future occupants and their visitors*”.

The HDCP does not provide parking rates for a temporary function centre. Therefore, the proposal would be subject to the results of a parking study. The proposal is supported by a Traffic & Parking Impact Assessment (TIA) prepared by Traffic & Safety Solutions Pty Ltd which has estimated the parking demand based on first principles using a car occupancy of 2 persons per vehicle. This results in a parking demand of 200 vehicles for 400 guests.

The TIA identifies an area of cleared land at the front of the site capable of parking “*approximately 150 to 200 vehicles*”. The parking area is connected to the existing access driveway and would have dimensions of 109.5m x 35.6m. As stated in Section 2.1.1.2 of this report, the submitted plans have not demonstrated to a sufficient level of detail that it would be capable of supporting the stated number of parked cars and comply with AS2890. The plans lack detail such as indicative parking layout with spaces, swept paths, and accessible parking spaces.

The TIA also states that the site contains provision for overflow parking. However, this has not been demonstrated on any plan, and the location has not been identified. Thus, Council cannot be satisfied

that any overflow can be suitably accommodated within the site to ensure no impact on the road network.

As such, the proposal does not meet the desired outcome of Part 1.3.2.1 Transport and Parking of the HDCP and this forms part of the reasons for refusal.

2.7.2 Waste Management

The desired outcomes of Part 1.3.2.3 Waste Management of the HDCP are for *“development that maximises re-use and recycling of building materials”* and *“waste storage and collection facilities that are designed to encourage recycling, located and designed to be compatible with the streetscape, accessible, clean and safe for users and collectors”*.

As outlined in the supporting Waste Management Plan prepared by Key Urban Planning and the Operational Plan of Management, all waste generated during an event would be removed by licensed waste contractors following the conclusion of the event. This would be managed by the Event Organiser/Manager who would complete a post-event waste audit checklist. The site would be restored to its pre-event condition, consistent with the “leave no trace” principle.

If the application were to be supported, the proposal would meet the desired outcomes of Part 1.3.2.3 Waste Management of the HDCP and would be considered acceptable.

2.7.3 Effluent Disposal

The desired outcome of Part 1.3.2.4 Effluent Disposal of the HDCP is to ensure *“sewage is disposed of in a manner that minimises impacts on the natural and built environment and public health”*.

This is supported by the prescriptive measure that states areas not serviced by the reticulated sewage system are required to dispose of wastewater using an accredited Sewage Management Facility.

The site is currently serviced by two AWTs systems giving a treatment capacity of 3000L per day. The current AWTs application area is located where the refuge shed is proposed. Therefore, the proposal seeks the relocation of the existing AWTs land application area to the front of the site near the boundary, next to the existing driveway.

During the assessment, an updated Wastewater Report prepared by Waterworld Galston Pty Ltd, dated 12 June 2026 was submitted to support the application and to respond to Council’s concerns. The updated report largely addresses Council’s concerns and adequately demonstrates that the relocation would meet the requirements of the NSW Onsite Wastewater Management Guidelines (2025) and AS1547:2012 On-site Domestic Wastewater Management.

However, the updated report does not adequately address the toilet and shower shown on the Operational Site Plan within the Waste Management Plan. The Wastewater Report states that *“there are no new amenities proposed that impact the onsite wastewater management system”*. However, this is contradicted by the Cover Letter prepared by Key Urban Planning in response to Council’s RFI letter which states *“the proposed shower and toilet is located within the proposed refuge shed [and] has been considered in the wastewater design”*.

These contradictory statements do not provide Council with certainty regarding the proposal. Nevertheless, if the application was approved, conditions of consent could be imposed to address the wastewater implications such as restricting the use of the toilet and shower within the refuge shed to bushfire emergency situations only.

As such, the proposal generally meets the desired outcome of Part 1.3.2.4 Effluent Disposal of the HDCP.

2.7.4 Noise and Vibration

The desired outcome of Part 1.3.2.5 Noise and Vibration of the 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”*.

As outlined in Section 0.1 of this report, the application submitted an Acoustic Report prepared by Rodney Stevens Acoustics dated 31 July 2026 in support of the application. However, it does not demonstrate to Council's satisfaction that the proposal would not have any adverse impacts on the acoustic amenity of the neighbourhood.

Although the HDCP desired outcome references “minimising noise”, since this proposal is for a temporary use under Clause 2.8 of the HLEP, a more stringent threshold applies, that being the “no adverse impact” test which has been applied in Section 0 of this report.

Furthermore, the proposed Operational Plan of Management is insufficient in information and lacks the measurable and enforceable measures required by such a document to satisfactorily manage the proposed use, which ordinarily would be prohibited.

As such, the proposal fails to meet the desired outcome of Part 1.3.2.5 Noise and Vibration of the HDCP and is considered unacceptable. This forms part of the reasons for refusal.

2.7.5 Bushfire

The subject site is mapped as bush fire prone land and a Bushfire Assessment Report was submitted to support the development application. The proposal being for a temporary use as a function centre is not considered a Special Fire Protection Purpose (SFPP) under the *Rural Fires Act 1997*. However, as the proposal involves hosting a large number of people who may be considered vulnerable, it has been treated for assessment purposes as if it were an SFPP. Section 8.3.8 of Planning for Bush Fire Protection which relates to ‘outdoor events in bush fire prone areas’ was also considered in the report.

The proposed events area is located close to vegetation that would create a bush fire hazard. To manage the bush fire risk, the application relies upon the proposed refuge building which is located centrally within the site. The building is supported by a suitably sized APZ area which ensures that no part of the building would experience radiant heat levels of greater than 10kW/m². The building is suitably sized to accommodate all 400 guests.

The proposal was referred to the NSW Rural Fire Service (RFS) in accordance with Section 4.14(1A) of the *Environmental Planning and Assessment Act 1979* for comment.

During the assessment, an amended Bushfire Assessment Report dated 3 June 2026 was submitted in response to Council's RFI letter. This amended report provided a more detailed assessment of the proposal against the outdoor events section of Planning for Bush Fire Protection.

The RFS raised no objections to the development following the submission of the amended Bushfire Assessment Report.

As such, the proposal meets the desired outcomes of Part 1.3.3.1 Bushfire of the HDCP and if the application was approved, would be subject to conditions as recommended by the RFS Determination Letter.

2.7.6 Scale

The desired outcome of Part 2.1.1 Scale of the HDCP is to encourage *“Development with a height, bulk and scale that is compatible with the rural area”*.

This is supported by the prescriptive measure that states *“all rural outbuildings on lots 4000m² or larger should have a maximum area of 250m² for each outbuilding”*.

The proposed refuge building would have a floor area of 540m² which represents a variation of 290m² (116%). It is acknowledged that the building serves a necessary bushfire protection purpose and would need to accommodate all guests during the largest event envisaged by the proposal. The current proposed size allows for up to 400 guests to take shelter with more than 1m² per person.

However, as stated by the amended Acoustic Report, the latest iteration of the proposal reduces the proposed maximum number of guests to 200. Therefore, it is considered reasonable that the refuge building should also be reduced in size accordingly to minimise the extent of variation.

This would require an amendment to the plans and could be achieved by condition of consent, should the application be approved.

2.8 Section 7.11 Contributions Plans

Hornsby Shire Council Section 7.11 Contributions Plan 2020-2030 applies to the development as it involves non-residential development, being a function centre, which would result in new floor space due to the refuge building which is ancillary to the proposed use. Accordingly, should the application be approved, a condition requiring payment of a monetary Section 7.11 contribution would be imposed.

2.9 Housing and Productivity Contribution

The Housing and Productivity Contribution applies to the development as it would result in new gross floor area for commercial development. Accordingly, should the application be approved, the requirement for a monetary Housing and Productivity contribution would be imposed as a condition of consent.

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 the consent authority in determining a development application. None of the listed matters are relevant to the 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 proposal.

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

These provisions of the Regs have been considered and should the application be approved, these matters could be addressed in conditions of consent.

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider *“the significant 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

No trees would be removed by the proposed development. If the application were to be supported, the proposal would be acceptable subject to the retention of all trees on the site.

3.1.2 Biodiversity

No native vegetation would be removed by the proposed development, either directly or indirectly for the establishment of the APZ.

3.1.3 Stormwater Management

The proposal is supported by a concept stormwater plan which demonstrates that the proposed refuge shed could be connected to the existing stormwater drainage system which is directed to the on-site dam. If the application were approved, the stormwater could be managed by conditions of consent.

3.1.4 Bushfire

The bushfire impacts have been considered in Section 0 of this report.

3.1.5 Waste Management

The waste management has been considered in Section 0 of this report.

3.2 Built Environment

3.2.1 Built Form

The only structure proposed to be constructed is the refuge building which would have a maximum height of 8m. All other structures are either existing or temporary and would be removed following the conclusion of each event. The built form impacts of the refuge building are discussed in Section 0 of this report.

3.2.2 Traffic

The traffic and parking impacts have been considered in Section 2.1.1.2 and 0 of this report.

3.3 Social and Economic Impacts

The proposal could have a minor positive impact on the local economy in conjunction with other rural development in the locality, with the potential for economic gains for the community and a social benefit from the proposed events.

However, it should also be noted that since the proposal is for a temporary use under Clause 2.8 of the HLEP, and would ordinarily be prohibited, the proposal has not demonstrated that it would not have a detrimental social effect due to the anticipated adverse impacts to the neighbourhood which have not been satisfactorily overcome.

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 been identified as bushfire prone and has demonstrated it can manage those risks as outlined in Section 0 of this report.

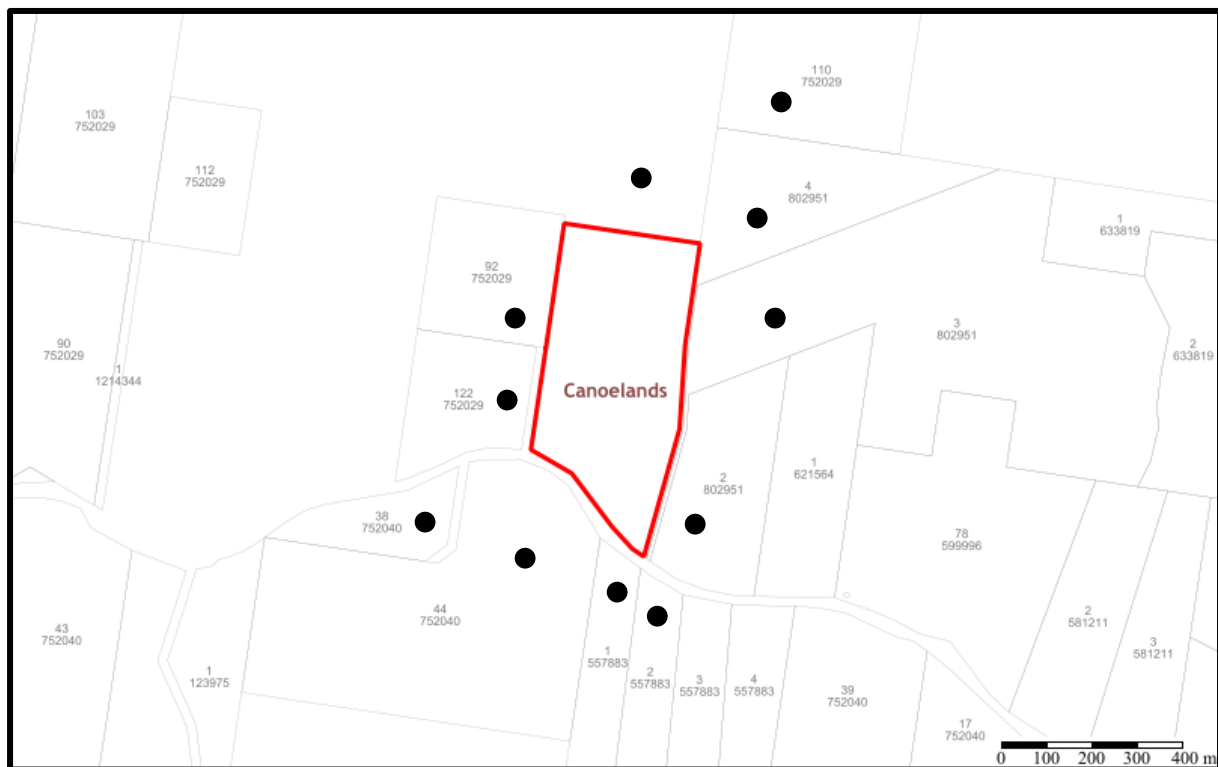
However, given that it could not be demonstrated to Council’s satisfaction that the temporary use would not adversely impact on any adjoining land or the amenity of the neighbourhood, the proposed development is not considered suitable for the site.

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 27 April 2026 and 11 May 2026 in accordance with the Hornsby Community Engagement Plan. During this period, Council received 11 submissions. The map below illustrates the location of all nearby landowners who were notified by Council.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	 PROPERTY SUBJECT OF DEVELOPMENT	
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A total 11 submissions objected to the development. These objections are discussed below:

- Significant noise impacts as a result of the proposed functions. Many noted that they have previously experienced noise associated with various events which have been held previously on the subject site.
- Incompatibility with the rural character of the area.
- Concerns regarding the impact on the quality of life for those surrounding this development.
- Unacceptable traffic impacts on the local street which is not designed for the proposed volume of vehicles in short space of time.
- Safety impacts from the increased traffic leaving Canoelands Road at night on a no-through road.
- Risks to native wildlife from increased road traffic.
- Elevated risk of intoxicated guests leaving the site post-event due to the lack of alternative transport.
- Unacceptable scale of the proposal due to the high number of guests, vehicles and associated equipment necessary to support the functions.
- The proposed number of guests exceeds the entire population of Canoelands.
- Potential for functions on any day of the week including weekends and public holidays.
- Proposed management measures are not realistic and will not prevent amenity impacts to neighbours. Many were concerned that sounds travel far in the rural area and that the mitigation measures would not be adequate.
- Unacceptable measures to manage the bushfire risk for a large function.
- Increases danger for residents during an evacuation in an emergency.
- Prior unauthorised use of the site for events and functions, including the use of fireworks.
- Commercial nature of the development.
- No consideration of the cultural significance of the land to Aboriginal peoples.

The merits of the matters raised in community submissions have been addressed in the body of the report. Many of the concerns raised are related to the application failing to meet the requirements of Clause 2.8(3)(b) which has been addressed in Section 0 of this report and are included as reasons for refusal.

5.2 Public Agencies

The development application was referred to the following Agencies for comment.

5.2.1 Rural Fire Service

The proposal was referred to the NSW Rural Fire Service who provided recommended conditions. This is discussed in detail in Section 0 of this report. If the application were to be approved, it would be subject to conditions as recommended by the RFS Determination Letter.

6. THE PUBLIC INTEREST

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

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

The application is considered to have not satisfactorily addressed Council's criteria and would provide a development outcome that, on balance, would result in a negative impact for the community. Accordingly, it is considered that the approval of the proposed development would not be in the public interest, and refusal is recommended.

CONCLUSION

The application proposes the construction of a shed and the temporary use of the land as a function centre.

The development does not meet the desired outcomes of Council's planning controls and is not satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received 11 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, refusal of the application is recommended.

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

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

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.  Architectural Plans

File Reference: DA/355/2026
Document Number: D09816740

SCHEDULE 1

ITEM 2

1. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal is unsatisfactory with regard to the Hornsby Local Environmental Plan 2013 as follows:
 - 1.1 The consent authority is not satisfied that the proposed “temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood” as required by Clause 2.8(3)(b).
 - 1.2 The proposal is inconsistent with the objectives of the RU1 and C3 zones as it fails to demonstrate it minimises conflicts between surrounding land uses and does not protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
2. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal is unsatisfactory with regard to State Environmental Planning Policy (Transport and Infrastructure) 2021 as follows:
 - 2.1 The proposal contains insufficient information to enable consideration of “any potential traffic safety, road congestion or parking implications of the development” in accordance with Section 2.122(4)(b)(iii) of State Environmental Planning Policy (Transport and Infrastructure) 2021.
3. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the desired outcome and the prescriptive measures of Hornsby Development Control Plan 2024 as follows:
 - 3.1 The proposal does not meet the prescriptive measures of Part 1.3.2.1 Transport and Parking as it has not demonstrated the provision of car parking that meets the requirements of the proposed development.
 - 3.2 The proposal does not meet the prescriptive requirements of Part 1.3.2.5 Noise and Vibration as it would cause adverse impacts on the acoustic amenity of the neighbourhood.
4. In accordance with Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposal would have significant environmental impacts on the built, social and economic environment of the locality.
5. In accordance with Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, it is considered that the site is not suitable for the proposed development as the proposed temporary use would adversely impact on adjoining land and the amenity of the neighbourhood.
6. The proposed development is unsatisfactory with respect to Section 4.15(1)(d) and (e) of the *Environmental Planning and Assessment Act 1979* as it would not be in the public interest.

- END REASONS FOR REFUSAL -