



SUPPLEMENTARY BUSINESS PAPER

(Late Item Memo – Item 2)

Local Planning Panel meeting

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



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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

<i>Additional information with NO CHANGE to Recommendation</i>
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1. SUBMISSION OF ADDITIONAL INFORMATION

The applicant submitted further additional information comprising a Statement Of Environmental Effects Addendum Report, an amended Operational Plan Of Management and an amended Acoustic Report.

2. ASSESSMENT OF ADDITIONAL INFORMATION

Council has undertaken a preliminary review of these documents and provides the following comments.

Statement of Environmental Effects Addendum Report

The Addendum clarifies that the proposed use would be for a maximum of 200 people per event and would have proposed operating hours of 10am to midnight on weekends only. For non-licensed events such as markets, the proposal would have reduced operating hours until 10pm.

The Addendum expressly references the Acoustic Report Revision 2 and states that the proposal will incorporate the recommendations from that report.

Amended Acoustic Report and Operational Plan of Management

Council's Environmental Protection Team reviewed the revised Operational Plan of Management dated 14 August 2026 prepared by Key Urban Planning and the revised Acoustic Report Ref: R260317R2 Revision 2, prepared by Rodney Stevens Acoustics, dated 13 August 2026 and provided the following comments:

Acoustic Report Ref: R260317R2 Revision 2

- While the report has adopted a criteria that Council considers will demonstrate no adverse impact (Background (RBL) + 0dBA in Octave bands (31.5 Hz to 8 kHz inclusive)), the report continues to reference assessment criteria that have previously been identified as inappropriate for determining whether a temporary use of land will result in no adverse impact, namely:
 - the Liquor & Gaming NSW criterion requiring noise emissions not to exceed background noise levels by more than 5 dBA at affected residences (section 4.1 and first sentence in section 4.3); and
 - the NSW EPA intrusive noise criterion of RBL + 5 dBA (section 4.4.4).

- To avoid ambiguity and ensure consistency with the findings in *Marshall Rural v Hawkesbury City Council and Ors [2015] NSWLEC 197*, these criteria should be removed from the assessment methodology, as they are based on the concept of acceptable noise impact rather than demonstrating the absence of adverse impact.
- Table 4-8 has been updated to include assessments for Scenario 1 (Wedding Receptions and Large Events) and Scenario 2 (Markets).
- A car park noise assessment has been undertaken in Section 4.9. Table 4-10 contains three different criteria (28, 28 and 23 dB(A)); however, the table does not identify what these criteria relate to. The table should be amended to explicitly identify the relevant assessment period for each criterion.
- Section 4.8 states that predictive resultant noise spectra have been calculated for all proposed tavern activities. It is unclear what the tavern is referring to as this is not part of the proposal. This should be amended to accurately reflect the scope of the assessment
- Section 5.1 identifies the location of the temporary acoustic fencing. However, this is using a site plan which is found only within the Waste Management Plan and is inconsistent with all other plans submitted with the application. This site plan shows additional activities and structures not addressed in the other supporting documents as outlined in section 2.1.1.3 of LPP Report No. LPP20/26.
- The report still identifies only one sensitive receiver for assessment purposes. Further information and modelling are required to demonstrate that all surrounding residential receivers will not be adversely affected. This is to include:
 - identification of all relevant nearby residential receivers;
 - noise contour modelling for all surrounding receptors; and
 - demonstration that the proposal will not adversely affect adjoining land or neighbourhood amenity
- The report hasn't made an assessment from other potential noise sources such as food trucks, generators and any other noise generating plant or equipment.
- The recommendations reference both amplified music and background music, with separate noise limits applying to each. Clarification is required regarding the criteria used to distinguish between these categories.

Amended Operational Plan of Management

- Section 5.4 of the amended Operational Plan of Management (PoM) states a Parking and Traffic Supervisor must be appointed for events where substantial vehicle movements are expected. This is ambiguous and should specify what constitutes substantial vehicle movements.
- There must be a requirement that any records required under the PoM are to be provided to Council within 48 hours of request. The Venue Operator must provide records to Council when requested within 48 hours.
- To prevent overloading of the on-site wastewater system, measures to the following effect must be incorporated into the PoM:

- During events and markets, patrons cannot use the toilet and shower facilities within the refuge shed. These facilities are only to be used for bushfire emergency situations.
- Patrons attending events and markets are prohibited from using the on-site toilet and shower facilities. Portable toilet facilities will be provided and maintained for patron use during all events and market activities.
- The toilets and showers shown on the Operational Site Plan within the Waste Management Plan appear to be designed for patron use and remains unaddressed.
- The Site Plan included in Appendix A does not provide sufficient detail regarding the proposed operation of the site. A detailed Site Plan is to be included within the PoM showing the exact location of all event activities, patron areas, amenities, parking areas, bar facilities and acoustic mitigation measures (including temporary acoustic fencing). The plan must be consistent with the assumptions and mitigation measures relied upon in the Acoustic Report. The PoM is to explicitly require that all events operate in accordance with the approved Site Plan to ensure the acoustic outcomes assessed within the report are maintained. Without a detailed Site Plan, Council does not have certainty regarding the proposed use of the site and cannot be satisfied there will not be any adverse impacts.
- The revised PoM has removed the details and controls for community notification. This is to be reinstated and clearly specify the extent and distribution of community notification. Notification is to extend beyond immediately adjoining properties and include all potentially affected neighbouring residents.

Operating Hours

The revised PoM has events occurring until 12 midnight on Saturdays and Sundays with no mention of a wind-down period or the time patrons are required to vacate the premises. Therefore, Council cannot be satisfied that there will be no adverse impacts.

3. CONCLUSION

Council acknowledges that the revised documentation submitted addresses some of the inconsistencies raised regarding the acoustics and operational requirements of the proposal. Notwithstanding, the additional information has not demonstrated to Council's satisfaction that the proposal would not have any adverse impacts on the acoustic amenity of the neighbourhood.

Furthermore, the revised 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.

The additional information does not change the recommendation of LPP20/26 and it is recommended the Panel refuse DA/355/2026 for the reasons listed in LPP Report No. LPP20/26.

RECOMMENDATION

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.

CASSANDRA WILLIAMS

Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES

Manager - Development Assessments
Planning and Compliance Division

Attachments:

There are no attachments for this report.

File Reference: DA/355/2026

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