



MINUTES OF Local Planning Panel Meeting

Held via Teleconference, HORNSBY
on Wednesday 26 August 2026
at 4:00 PM



PRESENT

Chairperson - Scott Barwick

Expert Panel Member - Clare Brown

Expert Panel Member - Stephen McMahon

Community Member - Ross Walker

STAFF PRESENT

Director, Planning Division - Katherine Vickery

Manager, Development Assessment - Rod Pickles

Major Development Manager - Cassandra Williams

A/Senior Town Planner - Rachel Hughes

A/Senior Town Planner - Elvin Kueng

Manager, Regulatory Services - Aaron Harding

Environmental Protection Manager - Peter Fox

AUDIO RECORDING OF LOCAL PLANNING PANEL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the meeting, unless specifically authorised by Council to do so."

APOLOGIES / LEAVE OF ABSENCE

NIL

POLITICAL DONATIONS DISCLOSURE

NIL

DECLARATIONS OF INTEREST

NIL

ADDRESSES TO THE PANEL

The following members of the public addressed the Panel on the item on the agenda for the public meeting:

- | | | |
|----------|---|---------|
| 1 | LPP14/26 DA/1035/2025 - 24 Hour Gym - 103-109 New Line Road, Cherrybrook | |
| | Brendon Sacilotto (applicant) | For |
| | James Lidis (applicant's town planner) | For |
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 | | |
| 2 | LPP20/26 DA/355/2026 - Construction of a shed and Temporary Use of Land for Functions - 17 Canoelands Road, Canoelands | |
| | Allison Cowley | Against |
| | Jason Tunbridge | Against |
| | Melinda Tunbridge | Against |
| | Linda Zapletal | Against |
| | Mayor Warren Waddell | For |
| | Rob Pirina (owner) | For |

IN ACCORDANCE WITH CLAUSE 3.3(5.b) OF SCHEDULE 1 OF THE OPERATIONAL PROCEDURES DIRECTIONS ISSUED 1 FEBRUARY 2023

The Panel Chair closed the public meeting at 4:40pm.

LOCAL PLANNING PANEL

1 **LPP14/26 DA/1035/2025 - 24 Hour Gym - 103-109 New Line Road, Cherrybrook**
(DA/1035/2025)

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.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting.

The Panel resolved to adopt the officer's recommendation and approve the proposed development subject to the conditions contained in Schedule 1 of the report and the following amendments:

New condition No. 16A to read:

16A. Notice of Modification

Prior to issue of the construction certificate, the applicant must lodge a Notice of Modification application under Section 67 of the Environmental Planning and Assessment Regulation 2021 to modify Development Consent No. DA/1046/2007/F for alterations and additions to the existing West Pennant Hills Sports Club including new car park and relocation of bowling greens, tennis courts and cricket nets and erection of one sign at Lot 2 DP 367373 No. 103-109 New Line Road, Cherrybrook.

Reason: To resolve inconsistencies between sequential approvals and prevent overlapping or duplicate development rights on the same land.

Deletion of condition No. 38 (Fulfilment of BASIX commitments)

It is noted that the development does not require the submission of a BASIX Certificate, nor was one provided.

New condition No. 38 to read:

38. Updated Plan of Management

Prior to issue of an occupation certificate, the Plan of Management prepared by Snap Fitness, dated 10 August 2026 is to be updated and approved by Council's Compliance Team via Council's Online Services Portal. The updated Plan of Management must be amended as follows:

1. Section 3.3 Music and Amplified Sound Management is to be amended to specify and incorporate the 'Music Noise Control', 'Patron Management (Night-time)', and 'Operational Measures' recommendations of the Noise Impact Assessment Ref: TP704-01F01 (r5) prepared by Renzo Tonin & Associates, dated 7 April 2026.
2. Section 6 Complaint Management Procedure to be amended to:
 - a. Include the contact phone number and email address for the West Pennant Hills

Sports Club in conjunction with the gym operator details in Section 6.1 Complaint Contact Availability.

- b. Include the West Pennant Hills Sports Club as a party to maintaining a complaint register regarding the gym operation and use.

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 ensure the operational measures implemented protect the amenity of the local area

New condition No. 49A to read:

49A. Verification of Acoustic Measures

1. Within the first six (6) months, but after at least three (3) months of operation, an acoustic assessment is to be prepared by a suitably qualified acoustic consultant in accordance with the Environment Protection Authority's *Noise Policy for Industry* and an Acoustic Verification Report must be submitted to Hornsby Shire Council confirming compliance with the Noise Impact Assessment Ref: TP704-01F01 (r5) prepared by Renzo Tonin & Associates, dated 7 April 2026. The assessment is to include a verification noise measurement at the nearest residential boundary during a typical late-night operating condition and would involve measuring outside while certain activities (e.g. music at representative volume, someone dropping a weight, arrival and departure of patrons) occur in the gym.
2. Should noise exceedances or unexpected noise issues be identified, the following must be undertaken:
 - a. Submit an updated Acoustic Report, including recommendations to resolve exceedances, for review and written approval by Council prior to implementation.
 - b. The updated Acoustic Report must be submitted to Council within thirty (30) days from the date of the acoustic assessment report in which the exceedances were identified.
 - c. Any recommendations contained within the Acoustic Verification Report must be implemented within one (1) month of Council giving their written approval for the recommendations.
 - d. Within one (1) month of completion of the approved recommended works, a further Acoustic Verification Report must be undertaken by a suitably qualified acoustic consultant, in accordance with the Environment Protection Authority's Noise Policy for Industry (2017) and an Acoustic Verification Report must be submitted to Hornsby Shire Council confirming compliance with the approved recommended works.

Note: The Acoustic Verification Report 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 amendments to supporting documentation following unexpected breaches of consent.

The reasons for this decision are:

- In accordance with Clause 5.21 of the Hornsby Local Environmental Plan 2013 and subject to the recommended conditions, the Panel 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 generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to amenity or privacy, subject to the recommended conditions of consent.

VOTING OF THE PANEL MEMBERS

FOR: Scott Barwick, Clare Brown, Stephen McMahon, Ross Walker

AGAINST: NIL

2 LPP20/26 DA/355/2026 - Construction of a shed and Temporary Use of Land for Functions - 17 Canoelands Road, Canoelands

(DA/355/2026)

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.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting.

The Panel notes that the extent of the use proposed is unclear and the application does not provide appropriate certainty to enable a proper assessment of the development.

The Panel resolved to adopt the officer's recommendation and refuse the proposed development subject to the re-numbering of the reasons contained in Schedule 1 of the report and insertion of an additional reason numbered 1 to read:

1. In accordance with section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, insufficient technical information has been submitted to provide appropriate certainty around the intended use and to enable a proper assessment of the impact of the proposed use on the built and natural environment.

VOTING OF THE PANEL MEMBERS

FOR: Scott Barwick, Clare Brown, Stephen McMahon, Ross Walker

AGAINST: NIL

THE MEETING concluded at 5.12pm.

A handwritten signature in black ink, appearing to read 'Scott Barwick'.

Chairperson