

MINUTES OF THE LOCAL PLANNING PANEL – 16 MARCH 2022

THE HILLS SHIRE COUNCIL

PRESENT:

Julie Walsh	Chair
Peter Brennan	Expert
Glennys James	Expert
Ken Willimott	Community Representative

COUNCIL STAFF:

Paul Osborne	Manager Development Assessment
Amanda Hawkins	Senior Town Planner
Kristine McKenzie	Principal Coordinator

MEETING COMMENCED: 12:00 PM

MEETING FINISHED: 12:45 PM

DECLARATIONS OF INTEREST: NO CONFLICTS DECLARED

ITEM 1: DA 1602/2021/HA – USE OF THE SITE FOR A WHOLESALE TREE NURSERY – LOT 9 DP 260308, NO. 12 GLENESS PLACE, GLENORIE

SPEAKERS (via Zoom Video Conferencing)

1. Elizabeth Trotter, Resident Objector
2. Michael Howell, Resident Objector
3. Janine Howell, Resident Objector
4. Paul Vale – Applicant, Undercover Group of Companies
5. Amy Cropley - DFP Planning, Town Planner

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval subject to conditions.

PANEL'S DECISION

The application is APPROVED as a deferred commencement consent subject to the following conditions (amendments highlighted):

Acoustic Report and Fence

A. Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:

- 1. An Acoustic Report (by an appropriately qualified consultant) and amended site plan are to be submitted detailing:**

- The removal of the acoustic fencing along the northern side boundary;

- the relocation of the acoustic fence from the southern boundary to along the entrance driveway and around the amended carpark. Details of the fencing including height, material and colour are to be submitted.
 - 2. The setback to the car parking area adjacent to the southern side boundary is to be 5 metres. The 5 metre setback is to be suitably landscaped.
- B. The applicant must provide Council with written evidence demonstrating that the matters listed under Condition A1 and A2 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.**
- C. Upon compliance with the requirements of Conditions A and B above, an operational consent will be issued subject to the following conditions:**

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include: -

- i. the replacement of crushed sandstone with a coarse aggregate for all access ways;
- ii. the addition of brick, concrete or steel edging to all garden beds; and
- iii. the relocation of part of the onsite stormwater detention system to ensure no impact to trees.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
L-01	Cover Sheet, Drawing List and Overall Site Plan	A	16/07/2021
L-02	Landscape Site Plan – Sheet 1 of 2	A	16/07/2021
L-03	Landscape Site Plan – Sheet 2 of 2	A	16/07/2021
L-04	Detailed Plans and Sections, Planting Details	A	16/07/2021
L-05	Planting Schedule and Specification	A	16/07/2021
L-06	Site Coverage Plan and Proposed Sign	A	16/07/2021
SW01	Construction Notes	C	01/10/2021
SW02	Stormwater Management Plan – Part A	C	01/10/2021
SW03	Stormwater Management Plan – Part B	C	01/10/2021
SW04	Stormwater Management Plan – Details	C	01/10/2021
SW04A	Music Model Details	C	01/10/2021
SW05	Catchment Plan	C	01/10/2021
SW06	Erosion and Sediment Control Plan	C	01/10/2021
SW07	Erosion and Sediment Control Plan – Details	C	01/10/2021
SW08	Road Long Sections and Cross Sections	A	20/07/2021

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

3. Provision of Parking Spaces

The approved plant nursery is required to be provided with 5 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

4. Separate application for other signs

A separate application is required to be submitted to, and approved by Council prior to the erection of any advertisements or advertising structures other than the sign approved in this consent.

5. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps are required, with their design and construction complying with:

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

6. Vehicular Crossing Request

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

7. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application

form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveway/s must be built to Council's medium duty standard.

The proposed driveway/s must be built to Council's rural standard.

b) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

c) Deleted Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

d) Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

e) Stormwater Drainage – Rural

Stormwater runoff from OSD 2 is to be dispersed over the rear of the site via a level spreader/ energy dissipater because of the low volume and velocity of runoff and the lack of any sensitive areas downstream, in lieu of a formal legal point of stormwater discharge via a piped connection/ outlet to a natural watercourse.

The level spreader/ energy dissipater must be designed and constructed in accordance with the concept engineering plan prepared by Neilly Davies Consulting Revision C Dated 10/10/2021. The following requirements also apply:

- The level spreader/ energy dissipater must be at least 3m clear of the dwelling and the property boundary.
- The level spreader/ energy dissipater must be sized by a hydraulic engineer. The volume and velocity of runoff must be calculated and the length and width of the required rockwork shown on the plan.
- Rainwater or stormwater reuse must be incorporated as part of the overall site stormwater strategy.

A detailed design plan showing full construction details must be prepared by a hydraulic engineer. This plan must be included with the documentation approved as part of any Construction Certificate.

8. Building Work to be in Accordance with BCA

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

9. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20210126.2/0607A/R0/RF, dated 6 July 2021 and submitted as part of the Development Application (as updated/amended) are to be implemented as part of this approval.

The recommendations are to be updated / amended in accordance with the amended plans and acoustic assessment report detailed in the deferred commencement condition.

10. Retention of Trees

No trees within the subject site or on neighbouring sites are approved for removal. All trees are to be retained and protected throughout the development including the recommendations within chapter 7.2 Site Monitoring of the Arboricultural Impact Assessment prepared by McArdle dated 26/04/21 and additional tree protection measures located on the approved Landscape Plan prepared by DFP dated 16/07/21.

11. Protection of Existing Trees and Native Vegetation

No additional native vegetation (trees and understorey) is to be removed for the creation of an Asset Protection Zone or otherwise without prior consent of Council.

12. Deleted - Control of early morning noise from trucks

~~Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.~~

13. Deleted - Control of Noise from Trucks

~~The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.~~

14. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); or
- any other waste-derived material the subject of a resource recovery exemption under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

15. Compliance with the Vegetation Management Plan

The property is to be managed in accordance with the recommendations contained within the Vegetation Management Plan prepared by Undercover Nurseries submitted with this Development Application.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

16. Stormwater Management – Hawkesbury River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area; the Upper Parramatta River Catchment Trust OSD Handbook (using the amended parameters for the Hawkesbury River catchment).

The stormwater concept plan prepared by Nelly Davies Consulting Engineers, Revision C dated 10-10-2021 is for development application purposes only and is not to be used for construction. The detailed design must reflect the stormwater concept plan and the following necessary changes:

- Bio-Retention proposed on swale to be extended to meet the reduction of phosphorous to 65%

Water sensitive urban design elements, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the stormwater management system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

- Design/ construction plans prepared by a hydraulic engineer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule.

17. Application to Install/Amend a system of Sewage Management

Prior to the issue of any Construction Certificate, an application under Section 68 of the Local Government Act 1993 is to be made to install or alter a system of sewage management. The application shall comply with:

- a) Local Government (General) Regulation 2005; and
- b) Appendix 2 – Installation of a Sewage Management Facility of The Hills Shire Council’s Local Approvals Policy (2018).

18. Section 7.12 Contribution

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of **\$2,651.00** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil

\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

19. Detailed OSD Design Approval

A detailed design for the Onsite Stormwater Detention system is required for the development. The design is to be submitted to The Hills Shire Council's Manager – Environment and Health for approval prior to the issue of Construction Certificate. The plans must not locate the OSD, or any associated pipes, pits, or batter within the Tree Protection Zones of existing trees. Tree Protection Zones are located on approved landscape plans and the Arboricultural Impact Assessment prepared by McArdle dated 26/04/21.

PRIOR TO WORK COMMENCING ON THE SITE

20. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifier upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

21. Tree Protection Fencing and Ground Protection

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. Tree Protection fencing and ground protection for neighbouring trees is to be strictly as per the Arboricultural Impact Assessment prepared by McArdle dated 26/04/21. Tree protection fencing for trees to the south east of the site is to be strictly in accordance with the approved Landscape Plan prepared by DFP dated 16/07/21.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

Tree protection fencing and ground protection is not to be removed or relocated without the prior consent of council or direct supervision of the Project Arborist.

22. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

23. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

24. Trenching and Excavation Tree Protection Zone

No stormwater piping, pits or OSD are permitted within the Tree Protection Zones of trees to the south east of the site as indicated on the approved Landscape Plans.

Any trenching or excavation must not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

25. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the Onsite Stormwater Detention system has been approved by either Council or an accredited certifier.

26. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

27. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

28. Details and Signage - Principal Contractor and Principal Certifier

Details

Prior to work commencing, submit to the Principal Certifier notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

No later than two days before work commences, Council is to have received written details of the Principal Certifier in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

Signage

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the Principal Certifier for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

The sign must state that unauthorised entry to the work site is prohibited.

29. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

30. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

DURING CONSTRUCTION

31. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

32. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

33. Stockpiles

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

34. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

35. Protection of Existing Vegetation

Vegetation not authorised for removal by this consent shall be protected during construction to ensure that natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site to a licensed facility and under no circumstances is to be deposited in bushland areas.

36. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

37. Liquid Storage

All liquids on site are to be stored within bunded areas so as to prevent water pollution. Storage methods are to comply with Environmental Compliance Report – Liquid Chemical Storage, Handling and Spill Management Part B. Review of best Practice and Regulation dated 2005 by the Department of Environment and Conservation.

38. Removal of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material (ENM).

Any redundant septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health “Advisory Note 3- Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)” available from the NSW Health website (<http://www.health.nsw.gov.au/>).

Note: Methods 1.1 & 2.1 (Demolition) are not permissible.

Tipping documentation or other relevant documentation must be provided to the Principal Certifier confirming the suitable action, as listed above, has been completed.

39. Erosion & Sediment Control

The controls within erosion and sediment control plan prepared by Nelly Davies Consulting Engineers Pty Ltd, dated 20 July 2021 must be installed before the commencement of works. The erosion and sediment control plan is to be followed until the issue of the occupation certificate.

40. Dust Control and Management

The recommendations within ‘Dust Management Plan – Construction & Operation prepared by Bio Engineered Solutions, dated 8 April 2021 and referenced as 2021Issue A are to be implemented throughout the construction of the development.

41. Bioretention management

The management and installation of the bioretention basin is to comply with the plans and notes set out within the Stormwater quality and quantity analysis report prepared by Neilly Davies and Partners dated 20 July 2021, reference J210014.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

42. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council’s Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

43. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

44. Stormwater Management Certification

The stormwater management system must be completed to the satisfaction of the Principal Certifier prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the stormwater management system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;

- For OSD systems, a certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.

Where Council is not the Principal Certifier a copy of the above documentation must be submitted to Council.

45. Installation/Amendment of System of Sewage Management

Prior to the issue of any Occupation Certificate, the on-site sewage management system shall be installed or amended in accordance with an approval issued pursuant to an application made under section 68 of the *Local Government Act 1993* and a final inspection carried out by Council's Environmental Health Officer.

THE USE OF THE SITE

46. Hours of Operation

The hours of operation being restricted to the following: -

8am to 3:30pm Monday to Friday

9am to 1pm Saturday

No work to be carried out on Sunday or Public Holidays.

EXCEPT THAT Staff are permitted to enter and exit the site between the hours of 7am and 4pm Monday to Friday.

Any alteration to the above hours of operation will require the further approval of Council.

47. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

48. Offensive Noise - Acoustic Report

The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

49. No retail Sales Permitted

No retail sales are permitted from the site.

50. Staffing

A maximum of 4 staff (comprising 2 employees and 2 managers) are to be on site at any one time.

The only exception being the potting period (occurring for a maximum of 10 weeks per year) at which time no more than 5 staff are to be on site at any one time.

51. No Vehicles on Access Ways

No cars or trucks are permitted to drive on the access ways around the plant storage areas.

REASONS

1. The proposal is a permissible use in the RU6 Transition zone and meets the objectives of the zone.
2. The Panel considers that the lapped and capped timber fence is not required for the full length of the side boundaries and further that the setback to the car parking to the side boundary should be 5 metres as required in the DCP.
3. The proposed variations to the DCP are otherwise acceptable in the circumstances.
4. The Panel considers that the proposal is not inconsistent with other similar approvals granted by the Council in the RU6 Transition zone.
5. The Panel has imposed deferred commencement conditions and has amended other conditions to respond to some of the issues raised by the resident objectors.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The development application was notified to four properties for 14 days and 16 submissions were received. The written submissions were detailed in the report and a number of objectors addressed the panel orally. The Panel considers the submissions have been adequately addressed in the report, the further responses provided at the meeting and the amended conditions referred in the Reasons above.

VOTING

Unanimous

ITEM 2: DA 777/2022/HA – USE OF CASTLE HILL SHOWGROUND FOR THE STARDUST CIRCUS FOR A FIVE YEAR PERIOD – LOT 219 DP 752020, LOT 141 DP 1180973, LOT 61 DP 1249769, CASTLE HILL SHOWGROUND RESERVE NO 129, NO. 131 SHOWGROUND ROAD, CASTLE HILL

SPEAKERS

N/A

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval subject to conditions.

PANEL'S DECISION

The application is APPROVED subject to conditions as outlined in the Council report amended as follows (amendments highlighted):

2. Operational Requirements

This development consent permits the operation of a recreation facility (outdoor), being for the purpose of a circus event for a five (5) year period from the endorsed date of consent

(from 2022 to 2026). The circus event may occur for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

Sixty (60) days prior to the proposed use of the Showground for the circus event each year, the following is to be undertaken:

- i. Written approval for use of the Showground is to be obtained from Council's Venues Bookings Team.
- ii. A schedule of the proposed dates for operation of the circus event is to be submitted to Council's Venues Bookings Team.
- iii. A Certificate of Currency for Public liability Insurance (minimum liability of 20 million dollars), in favour of the operator of the circus event, must be submitted to Council's Venues Bookings Team.
- iv. Payment of any relevant fees to Council for the lease of the Showground. v. Payment of any relevant inspection fees to Council for the circus event, in accordance with Council fees and charges.

Once the above matters are satisfied, you will be advised if approval to allow the circus event to operate will be granted.

Please note that Council reserves the right to refuse the operation of the event if the abovementioned conditions have not been satisfied.

During the circus event, appropriately qualified traffic marshalls are to be provided to ensure that entry and exit to parking areas occurs in a safe manner (both prior to and following the circus event).

REASONS

The proposal satisfies the provisions of clause 2.8 of the Hills LEP 2019 regarding temporary use and will have acceptable environmental impacts.

The Panel has amended condition 2 for clarity.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

Notification of the development application was not required. One submission was received. The written submission was detailed in the report and the Panel considers the written submission has been adequately addressed in the report.

VOTING

Unanimous

ITEM 3: REVIEW OF DELEGATION FOR LEGAL MATTERS

SPEAKERS

N/A

COUNCIL OFFICER'S RECOMMENDATION

1. The report be noted.
2. The Local Planning Panel in accordance with the requirements of the Environmental Planning and Assessment Act 1979 delegates the Hills Shire Council the power to make determinations as consent authority under Section 4.56 in the same manner as 4.55 (2) of the Environmental Planning and Assessment Act 1979.

RESOLUTION

1. The Local Planning Panel in accordance with the requirements of the Environmental Planning and Assessment Act 1979 , delegates its functions as a consent authority in relation to legal proceedings arising from a decision of the Local Planning Panel (or a decision that would have ordinarily been required to be dealt with by the Local Planning Panel) to Council's General Manager, Group Manager-Development & Compliance and Corporate Lawyer for a period of 13 months from the date of this resolution subject to the following:
 - a) The Panel Chair be advised upon service of such legal proceedings on the Council;
 - b) Advice be provided to the Panel Chair regarding the Council response to such legal proceedings, including retention of expert witnesses;
 - c) A monthly report be provided to the Panel Chair as to the progress of such legal proceedings;
 - d) An overview be provided to the Panel Chair at the conclusion of such legal proceedings.
 - e) A report be provided to the Panel in 12 months time to consider whether the delegation is to be renewed.
2. The Local Planning Panel in accordance with the requirements of the Environmental Planning and Assessment Act 1979 delegates the Hills Shire Council the power to make determinations as consent authority under Section 4.56 in the same manner as 4.55 (2) of the Environmental Planning and Assessment Act 1979.

VOTING

Unanimous

END MINUTES