

**MINUTES OF THE LOCAL PLANNING PANEL – 18 MAY 2022  
THE HILLS SHIRE COUNCIL**

**PRESENT:**

Pamela Soon	Chair
Elizabeth Kinkade	Expert
Glennys James	Expert
Kaavya Karunatithi	Community Representative

**COUNCIL STAFF:**

Paul Osborne	Manager Development Assessment
Amanda Hawkins	Senior Town Planner

**MEETING COMMENCED:** 12:00 PM

**MEETING FINISHED:** 12:29 PM

**DECLARATIONS OF INTEREST:**

Nil Disclosed.

**ITEM 1: DA 855/2021/HC – CENTRE BASED CHILD CARE FACILITY  
ON APPROVED LOT 1 IN A SUBDIVISION OF LOT 216 DP  
654762, NO. 340 MAGUIRES ROAD MARAYLYA**

**SPEAKERS (via MS Teams Conferencing)**

1. Samuel Becke – Resident objector
2. Geoff Judd – Resident objector
3. Michelle Gosewinckel – Resident objector
4. Melissa Griffin-Hall – Resident objector
5. Grant Doulman – Resident objector
6. Anne Currenti – Resident objector
7. Ashlea Farrugia – Objector

**COUNCIL OFFICER'S RECOMMENDATION**

The application is recommended for refusal.

**PANEL'S DECISION**

The panel resolved to REFUSE the Development Application on the following grounds:

1. The proposed development has not adequately demonstrated compliance with Development Consent 2068/2018/ZB/A which provides the title restrictions the approved lot is burdened with. These restrictions relate to site access, a Vegetation Management Plan and Asset Protection Zones.  
(Section 4.15 (1) (b) and (c) of the Environmental Planning and Assessment Act 1979).

2. The applicant has not adequately demonstrated that the proposal complies with the provisions of the Child Care Planning Guideline as required by Clause 3.23 of State Environmental Planning Policy (Transport and Infrastructure) 2021.  
(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
3. The applicant has not adequately demonstrated that the proposal complies with the aims of Local Environmental Plan 2019. The proposed development is not considered to be orderly development that is in keeping with the character of the area. The applicant has failed to demonstrate that the proposed development and its required Asset Protection Zone are suitable for the subject site and will not cause adverse ecological impact on the Critically Endangered Ecological Community identified on the lot. The proposal is considered to be an overdevelopment of the site.  
(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
4. The applicant has not adequately demonstrated that the proposal complies with the objectives of the RU6 Transition zone as detailed in Local Environmental Plan 2019. The proposed development and its associated works will have a detrimental impact on the Critically Endangered Ecological Community identified on the lot. It will not protect or maintain the vegetation on either the subject lot or the adjoining lot which will be detrimental to the rural and scenic character of the land. The bulk and scale of the proposed development is excessive, is not site responsive and is considered to be an overdevelopment of the site.  
(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
5. The applicant has not adequately demonstrated that the proposal complies with Clause 7.4 – Terrestrial Biodiversity of Local Environmental Plan 2019.  
(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979)
6. The proposed development has not adequately demonstrated compliance with the statement of outcomes for new development, the site coverage control or the earthworks control detailed within Part 1: 2 – New Development of THDCP Part B Section 1 – Rural. The site coverage proposed is 4,300m<sup>2</sup> which significantly exceeds the maximum 2,500m<sup>2</sup> permitted.  
(Section 4.15 (1)(a)(iii), (b) and (c) of the Environmental Planning and Assessment Act 1979).
7. The proposed development has not adequately demonstrated compliance with the objectives and landscape provisions detailed within Clause 2.34(j) and (k) – Centre Based Child Care Facilities – Additional Controls of THDCP Part B, Section 6 – Business.  
(Section 4.15 (1)(a)(iii), (b) and (c) of the Environmental Planning and Assessment Act 1979).
8. The applicant has not submitted a detailed Landscape Plan prepared by a suitably qualified consultant in accordance with the aims, objectives and controls detailed within THDCP Part C Section 3 – Landscaping.  
(Section 4.15 (1)(a)(iii), (b) and (c) of the Environmental Planning and Assessment Act 1979).
9. The proposed development has not adequately demonstrated compliance with the aims, objectives and controls of Clauses 1.2 – Aims and Objectives of this Section of the DCP, Clause 2.7.2 – Parking Dimensions and Clause 2.9 – Loading and Delivery Requirements detailed within THDCP Part C Section 1 – Parking.

(Section 4.15 (1)(a)(iii), (b) and (c) of the Environmental Planning and Assessment Act 1979).

10. The applicant has not submitted sufficient information to demonstrate that the proposal complies with Australian Standard (AS) 2890.2:2018 – Parking Facilities – Off Street Commercial Service Vehicles.  
(Section 4.15 (1)(a)(iii), (b) and (c) of the Environmental Planning and Assessment Act 1979)
11. The applicant has not adequately responded to Council’s request for additional information and amendments to address concerns with site suitability and demonstrate that the proposal will not cause adverse environmental impact or provide satisfactory information including on the following issues:
  - compliance with the title restrictions for the approved lot and whether an amendment to the approved subdivision would be sought
  - bushfire affectation and asset protection zones
  - impact on vegetation both on the lot and the adjoining property (which was identified as a Critically Endangered Ecological Community)
  - site coverage
  - earthworks
  - stormwater management
  - potable water supply
  - wastewater and effluent disposal
  - building design and layout
  - landscaping
  - loading and delivery requirements
  - noise impacts
  - emergency evacuation
  - public infrastructure improvement works and traffic generation(Section 4.15 (1)(a)(iii), (b) and (c) of the Environmental Planning and Assessment Act 1979)
12. The application is not in the public interest.  
(Section 4.15 (1)(d) (e) of the Environmental Planning and Assessment Act 1979)

## **REASONS**

See above.

## **HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION**

The development application was notified to 31 properties for 14 days. 24 submissions were received and 1 petition containing 182 signatures.

## **VOTING**

Unanimous

**END MINUTES**