

**MINUTES OF THE LOCAL PLANNING PANEL – 19 October 2022
THE HILLS SHIRE COUNCIL**

PRESENT:

Julie Walsh Chair
Peter Brennan Expert
Glennys James Expert

COUNCIL STAFF:

The Panel were briefed by Council staff on 19 October 2022.

Paul Osborne Manager Development Assessment
Ben Hawkins Manager Subdivision & Development Certification
Natalie Kastoun Senior Town Planner

MEETING COMMENCED: 1:06 PM

MEETING FINISHED: 1:33 PM

DECLARATIONS OF INTEREST: No conflicts declared.

**ITEM 1: DA 1414/2022/ZB - FACILITATING SUBDIVISION CREATING
THREE RESIDUE LOTS LOT 61 DP 737386, 55 COONARA
AVENUE, WEST PENNANT HILLS**

SPEAKERS (via MS Teams Conferencing)

Jan Primrose – Protect Your Suburban Environment
Katrina Emmet – Objector
John Inshaw – Gara Inc / Objector
(Jan Primrose spoke on behalf of John)
Adrian Checchin – Mirvac, Representing Applicant

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval.

PANEL'S DECISION

The Panel resolved to approve the application subject to the conditions contained in the Council report with condition 6 and 11 to be amended to read as follows:

6. Dedication of Land to the Minister administering the Environmental Planning and Assessment Act 1979

Lot two (in three parts) must be dedicated to the Minister administering the Environmental Planning and Assessment Act 1979 on this Plan of Subdivision.

11. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument, if applicable, must provide for the following.
Council's standard recitals must be used.

a) Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council’s Design Guidelines Subdivisions/ Developments.

b) Easement – Private Stormwater Drainage

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council’s Design Guidelines Subdivisions/ Developments.

c) Easement – Right of Access/ Easement for Services

A right of access/ easement for services must be created so that every lot has legal access as per Condition 4 above.

d) Restriction – Residue Lots

Lots 1 and 3 must be burdened with a restriction using the “residue lots” terms included in the standard recitals.

e) Dedication – the Minister administering the Environmental Planning and Assessment Act 1979

Lot two (in three parts) must be dedicated to the Minister administering the Environmental Planning and Assessment Act 1979 as per Condition 6 above.

REASONS

The Panel generally agrees with the Council Officer’s report. The Panel notes that:

- 1) The area of C2 zoned land being dedicated to the State Government is in accordance with the specific State Government requirements and the approval of this subdivision will facilitate the dedication of the land.
- 2) Fencing is more appropriately dealt with at subsequent development application stages, noting that the Forestry Commission has not indicated its preferred position in relation to that aspect.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The Development Application was notified to 289 properties and 13 submissions were received. The Panel considered the discussion of the submissions and the response thereto in the Council report and the oral submissions at the panel meeting in coming to its determination.

VOTING

Unanimous

ITEM 2: DA 130/2022/JPZ/A – SECTION 4.55(1A) MODIFICATION TO A SUBDIVISION CREATING SIX RESIDUE/ DEVELOPMENT LOTS, ONE STORMWATER MANAGEMENT LOT AND THREE ROAD WIDENING LOTS OVER TWO STAGES INCLUDING DEMOLITION, DAM DEWATERING AND NEW ROAD LOTS 1 TO 4 DP 237578, 33-39 TERRY ROAD, BOX HILL

SPEAKERS (via MS Teams Conferencing)

1. None registered

COUNCIL OFFICER’S RECOMMENDATION

The modification application to be approved subject to the following amended conditions.

THE DEFERRED COMMENCEMENT CONDITIONS HEADING AND CONDITION 1 UNDER THIS HEADING ARE DELETED:

1. Construction of the BH02A, BH02B, and Open Channel Requirements

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

1. Construction of the BH02A and BH02B as prepared for Council by JWP, Project Number 110630-02 Revision Various dated Various.
- B. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.
- C. Upon compliance with the requirements of Part A1 above, a full consent will be issued subject to the following conditions:

PANEL’S DECISION

The development application is approved in accordance with the recommendation in the Council Officer’s report.

REASONS

The panel generally agrees with the Council Officer’s report and is satisfied that the modification has minimal environmental impact and that the development as modified is substantially the same development as that originally approved.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The Development Application was notified, and no submissions were received.

VOTING

Unanimous

ITEM 3: DA 1829/2022/LD - TWO STOREY DWELLING, SECOND DRIVEWAY WITH HARDSTAND AREA AND RETAINING WALL – LOT 23 DP 228497, 4 KYWONG AVENUE, CASTLE HILL

SPEAKERS (via MS Teams Conferencing)

1. None Registered

COUNCIL OFFICER’S RECOMMENDATION

Approval subject to conditions as outlined in the report

PANEL’S DECISION

The development application is approved subject to the conditions contained in the Council Officer’s report

REASONS

The panel generally agrees with the council officer’s report

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The Development Application was notified, and no submissions were received.

VOTING

Unanimous

ITEM 4: **DA 121/2023/HA - HOME BUSINESS (FOOD PREPARATION)
- LOT 1045 DP 866389, NO. 32 DUNCRAIG DRIVE,
KELLYVILLE**

SPEAKERS (via MS Teams Conferencing)

1. None registered

COUNCIL OFFICER’S RECOMMENDATION

Approval subject to conditions as outlined in the report

PANEL’S DECISION

Approved subject to the conditions in the Council Officer’s report with correction to the lettering in Condition 11.

REASONS

The Panel generally agrees with the Council Officer’s report

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The Development Application was notified, and no objections were received.

VOTING

Unanimous

END MINUTES