

**MINUTES OF THE LOCAL PLANNING PANEL – 20 JULY 2022
THE HILLS SHIRE COUNCIL**

PRESENT:

Julie Walsh	Chair
Lindsay Fletcher	Expert
Chris Young	Expert
Ken Willimott	Community Representative

COUNCIL STAFF:

The Panel were briefed by Council staff on 20 July 2022.

Paul Osborne	Manager Development Assessment
Claro Patag	Senior Town Planner
Isaac Camilleri	Senior Town Planner
Madison Morris	Senior Town Planner

DECLARATIONS OF INTEREST:

Nil Disclosed.

ITEM 1: DA 1502/2022/HA – PROPOSED CONSTRUCTION OF A 56-PLACE CENTRE-BASED CHILD CARE FACILITY – LOT 101 DP 528895, CE GINA, 198 EXCELSIOR AVENUE CASTLE HILL

SPEAKERS (via MS Teams Conferencing)

1. Sung Leung, Objector
2. Rory O'Connor, Objector
3. Partick O'Connor, Objector
4. Kyle O'Connor, Objector
5. Grahame Rosolen, Objector
6. Dan Dima, Objector
7. Paul Young, Objector
8. Raymond Georges, Representing Applicant

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for refusal.

PANEL'S DECISION

The panel resolved to REFUSE the application on the following grounds:

1. The proposal does not comply with the State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 3 Educational Establishments and Child Care Facilities) and Child Care Planning Guideline provisions in relation to suitability of the site, compatibility with the character of adjoining and surrounding residential uses and streetscape, landscaping, traffic and noise impacts.

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

2. The proposal has inadequate off-street parking provision as prescribed in The Hills Development Control Plan 2012 Part C Section 1 – Parking and called for in the Child Care Planning Guideline.
(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)
3. The proposed development does not comply with the required setbacks for basement parking as it is not set back the same distance as the building above as prescribed in The Hills Development Control Plan 2012 Part C Section 1 – Parking and called for in the Child Care Planning Guideline.
(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)
4. Insufficient environmental health, landscaping/trees, traffic and engineering information has been provided by the applicant to allow for a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development.
(Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act, 1979).
5. The development is considered not to be in the public interest as it does not satisfy the relevant provisions outlined in (1) above and the number of submissions received to the Development Application.
(Section 4.15(1)(a)(i), (d) and (e) of the Environmental Planning and Assessment Act, 1979).
6. The proposal is an overdevelopment having regard to the proposed number of children, the constraints of the site and the character of the area.

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 to 40 properties for 14 days. 55 submissions were received. The submissions were summarised and dealt with in the Council Officer's report and have been taken into account along with the oral submissions in the refusal of the application.

VOTING

Unanimous

ITEM 2: DA 1649/2021/HA - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A CENTRE BASED CHILD CARE FACILITY - LOT 824 DP 862298, NO. 51 THE PARKWAY, BEAUMONT HILLS

SPEAKERS (via MS Teams Conferencing)

1. Gajun Ganendran, Objector
2. Lyn Cole, Objector (Apologies - written submission provided to Panel)
3. Trebor Dunbar, Planning Consultant on behalf of 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 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 on two occasions for 14 days the first being to 9 properties and the second being to 23 properties. During the first notification period 23 submissions were received and during the second notification period 19 (inclusive of 10 lodged as a petition) were received. The submissions were summarised and dealt with in the Council Officer's report and have been taken into account along with the oral submissions in the approval of the application.

VOTING

Unanimous

ITEM 3: DA 1741/2022/HA – OCCUPATION OF UNIT 5 FOR A TUTORING COLLEGE - LOT 4 DP 20042, 269-271 OLD NORTHERN ROAD CASTLE HILL

SPEAKERS (via MS Teams Conferencing)

NIL

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval.

PANEL'S DECISION

The panel resolved to APPROVE the application subject to the conditions 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 to 2 properties for 14 days. Nil submissions were received.

VOTING

Unanimous

END MINUTES