

DATE OF DETERMINATION	13 December 2016
PANEL MEMBERS	Renata Brooks (Chair), John Griffin, Mr Chris Berry, Cr William West
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Hilltops Council, Harden Office, 3 East Street Harden on Tuesday, 13 December 2016, opened at 11:00AM and closed at 12:00PM.

MATTER DETERMINED

2016STH022 – Hilltops - DA2016-048 AT Lot 1 DP819483, Lot 170 DP753607, Lot 1 DP1099050 and Lot 2 DP1189121 Cunningar Road, Cunningar (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

The Panel considers the application has significant potential economic benefits and that the proposed conditions address potential social and environmental impacts, particularly safety for road users.

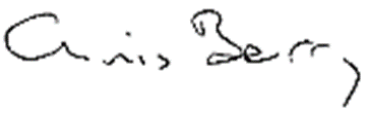
The application as conditioned is consistent with relevant plans and instruments.

CONDITIONS

The panel resolved unanimously to accept the recommendation of the Council Assessment Report to approve the development application, subject to the conditions recommended in the report, except as below.

1. In Condition 4 the words “other than low intensity security lighting” are deleted to provide more flexibility to achieve the required road safety outcome given the 24 hour operation of the site.
2. New conditions are added for implementation of a complaints register and complaint contact details as follows to address the concerns raised in the public submission:
 - a) The applicant shall provide the following on the applicant’s internet site and on a sign at the entry point to the site detailing the following:
 - A telephone number on which complaints about the operation on the site may be registered;
 - A postal address to which written complaints may be sent; and
 - An email address to which electronic complaints may be transmitted.
 - b) The applicant shall record details of all complaints received (as defined above) through the means of a complaints register. The register shall be made available for inspection by Council upon request. The register shall record, but not necessarily be limited to:
 - The date and time, where relevant, of the complaint;
 - The means by which the complaint was made (telephone, email, electronic);

- Any personal details of the complainant that were provided, or if no details were provided, a note to that effect
 - The nature of the complaint
 - Any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.
3. In Condition 12(f) the words “covering of loads and awareness of school bus timetables etc.” are inserted to ensure these matters are covered in the Drivers Code of Conduct.
 4. In Condition 12 the words “details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the development” are added as item (g).
 5. In Condition 30 the words “7.00am to 7.00pm” replace the words “7.00am to 5.30pm” to provide for increased flexibility and potentially more rapid completion of the project.
 6. New condition is added as follows for a suitably sized, dedicated water tank fitted with storz valve for the purpose of firefighting:
 - a) For the purposes of firefighting the applicant shall install a suitably sized, dedicated water tank fitted with storz valve to permit the connection of emergency fire fighting vehicles. The tank shall be connected to the reticulated mains with a non-return valve and float system to ensure adequate supply at all times.
 7. Renumber the conditions of consent and references accordingly.

PANEL MEMBERS	
 Renata Brooks (Chair)	 John Griffin
 Mr Chris Berry	 Cr William West

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH022 – Hilltops - DA2016-048
2	PROPOSED DEVELOPMENT	Upgrade of existing out loading facilities at GrainCorp's grain storage and receival site including: upgrade and extend existing rail siding, construct new 1,000 tonne grain storage bin, construct new 1,000tph loading chute, construct grain conveyor system, and culvert extension.
3	STREET ADDRESS	Lot 1 DP819483, Lot 1 DP1099050, Lot 2 DP1189921, Lot 1 DP170420, Lot 1 DP661559, Lots 6 and 7 DP133426, Lot 170 DP753607 and Lot 702 DP96079, 'Cunningar Silos' Cunningar Road, Cunningar.
4	APPLICANT: OWNER:	GrainCorp Operations Ltd. GrainCorp Operations Ltd, Transport for NSW, Peter Holding and Crown Land.
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - SEPP 33 Hazardous and Offensive Development - SEPP 55 Remediation of Land - SEPP Infrastructure 2007 - SEPP State and Regional Development 2011 - Harden Local Environmental Plan 2011 - Demolition of Building AS2601 - Draft environmental planning instruments: Nil - Development control plans: Nil - Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 28 November 2016 - Written submissions during public exhibition: 5 - Verbal submissions at the panel meeting: - Support – Ross Flannery - Object – Nil - On behalf of the applicant – Amalie Smith, Nick May
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site visit and briefing meeting on 13 December 2016
9	COUNCIL RECOMMENDATION	Approval subject to the conditions in Attachment 6
10	DRAFT CONDITIONS	Attached to the council assessment report