

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	22 September 2023
<b>DATE OF PANEL DECISION</b>	21 September 2023
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Steve Murray, Brent Woodhams and Jarrod Murphy
<b>APOLOGIES</b>	David Ryan
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 14 September 2023.

#### MATTER DETERMINED

PPSSCC-400 – The Hills – 730/2023/JP at 95 Fontana Drive, Gables– educational establishment (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 briefings listed at item 8 in Schedule 1.

#### Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report, replicated as follows:

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

#### CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

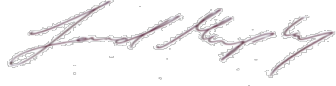
PANEL MEMBERS



Abigail Goldberg (Chair)



Steve Murray



Jarrod Murphy



Brent Woodhams

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-400 – The Hills – DA 730/2023/JP
2	PROPOSED DEVELOPMENT	Educational Establishment for 80 Students and 30 Staff and Associated Works
3	STREET ADDRESS	Lot 10 DP 1286147, 95 Fontana Drive Gables
4	APPLICANT OWNER	Autism Spectrum Australia (Aspect) Minister for Early Education and Early Learning and AW Bidco 4 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Industry and Employment) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ The Hills Local Environmental Plan 2019</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ The Hills Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 30 August 2023</li> <li>• Written submissions during public exhibition: nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 2 March 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Brent Woodhams and Jarrod Murphy</li> <li>○ <u>Applicant representatives</u>: Kathryn Wilson, Chris White, Henry Burnett, Kathy Gresham, Guy Frostick and Scott Brown</li> <li>○ <u>Council assessment staff</u>: Eamon Murphy and Paul Osborne</li> <li>○ <u>Department staff</u>: Kate McKinnon, Jordan Clarkson and Sharon Edwards</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report