

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	4 March 2024
DATE OF PANEL DECISION	4 March 2024
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Jarrod Murphy, Brent Woodhams
APOLOGIES	Steve Murray
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 February 2024.

MATTER DETERMINED

PPSSCC-482 – The Hills Shire – 103/2024/JP – Fontana Drive, Gables - Medical Centre and Centre Based Child Care Facility for 102 Children on Proposed Lot 62 (proposed under Development Application 1118/2023/JP). The proposal is defined as Integrated Development under the Provisions of Clause 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the Rural Fire Service under the Rural Fires Act, 1997.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the The Hills Local Environmental Plan 2019 (LEP), that has demonstrated that:

- a) compliance with cl. 4.4 (Floor Space Ratio) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.4 (Floor Space Ratio) of the LEP and the objectives for development in the E1 Local Centre zone; and
- c) the concurrence of the Secretary has been assumed.

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 uphold the cl 4.6 variation to Floor Space Ratio and 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, issues raised in submissions 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 (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, LEP 2019, and The Hills Development Control Plan 2012 and is considered satisfactory.





It is considered that the applicant's Clause 4.6 written request to vary The Hills LEP 2019 development standards at Clause 4.4 be supported as they have adequately justified the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variations can be supported as compliance with the standards are unreasonable or unnecessary in these instances and the proposal results in better environmental planning outcomes as outlined in this report.

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) 	David Ryan 
Brent Woodhams 	Jarrold Murphy 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-482 – The Hills Shire – 103/2024/JP
2	PROPOSED DEVELOPMENT	Medical Centre and Centre Based Child Care Facility for 102 Children on Proposed Lot 62 (proposed under Development Application 1118/2023/JP). The proposal is defined as Integrated Development under the Provisions of Clause 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the Rural Fire Service under the Rural Fires Act, 1997
3	STREET ADDRESS	Fontana Drive, Gables
4	APPLICANT/OWNER	Applicant: Stockland Development Pty Limited Owner: 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"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 The Hills Local Environmental Plan 2019 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> The Hills Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: 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	<ul style="list-style-type: none"> Council assessment report: 20 February 2024 Clause 4.6 variation request - 4.4 Floor Space Ratio Written submissions during public exhibition: NIL
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 2 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Brent Woodhams, Jarrod Murphy <u>Council assessment staff</u>: Robert Buckham, Paul Osborne, Cameron McKenzie <u>Applicant representatives</u>: Dylan Bull, Phil Newton, Peter Lawrence, Sandy So, Daniel Covarrubias
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report