

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	04 May 2023
DATE OF PANEL DECISION	04 May 2023
DATE OF PANEL MEETING	02 May 2023
PANEL MEMBERS	Garry Fielding, Graham Brown, Donna Rygate, Tracey Morris, George Weston
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 3 April 2023 (Assessment Report) and 28 April 2023 (Addendum Report).

MATTER DETERMINED

PPSWES-172 - DA 101/2022- Alterations and additions to existing educational establishment - Upgrade works to boarding facilities at Yanco Agricultural High School (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 dated 3 April 2023. The development application is a Crown development application and Addendum Report dated 28 April 2023 sought to address the embellishment of community facilities through an amendment to condition 14. Section 4.33(1)(b) of the Environmental Planning and Assessment Act 1979 relevantly provides that a condition cannot be imposed without the consent of the applicant, in this case. The amendment to condition 14, in a different form to that set out in the Addendum Report was addressed with the representative of the applicant, Mr Martin Lugod, who consented to the imposition of condition 14 in the form set out below.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report dated 3 April 2023 with the following amendment:

- Amend condition 14 to read as follows:
 14. The applicant shall pay a monetary contribution of \$117,430.00 for the embellishment of community facilities in the Leeton Shire, as volunteered in the correspondence received from School Infrastructure NSW dated 2 May 2023. The contribution shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council, with evidence of payment to Leeton Shire Council prior to the release of the Completion Certificate. The contributions will be adjusted in accordance with the Sydney All Groups Consumer Price Index as published by the Australian Bureau of Statistics at the time when payment is made.

(Reason: To allow embellishment of community facilities in Leeton Shire).

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	 Tracey Morris
Approved by email 2/5/2023	
George Weston	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-172 – Leeton Shire Council – DA 101/2022
2	PROPOSED DEVELOPMENT	Alterations and additions to existing educational establishment - Upgrade works to boarding facilities at Yanco Agricultural High School
3	STREET ADDRESS	259 Euroley Road, Yanco NSW 2730 – Lot 1 DP 795500
4	APPLICANT/OWNER	School Infrastructure NSW
5	TYPE OF REGIONAL DEVELOPMENT	Council related development 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 (Transport and Infrastructure) 2021 Leeton Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Leeton Comprehensive Development Control Plan 2022 Planning agreements: Nil Relevant 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 dated 3 April 2023 • Council's Addendum Report dated 28 April 2023 • Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Council and Applicant briefing: Tuesday, 2 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Tracey Morris, George Weston ○ <u>Council assessment staff</u>: Francois Van Der Berg, Ali Mehdi, Michael Carter (Consultant) ○ <u>Applicant representatives</u>: Martin Lugod, Sarah Kelly, Piers Hemphill, David Hull ○ Others: Sung Pak, Suzie Jattan (DPE)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report dated 3 April 2023, as amended.