

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Monday 7 August 2017
PANEL MEMBERS	Deborah Dearing (Chair), John Roseth, Sue Francis, Sarkis Yedelian
APOLOGIES	Bill Pickering, Roy Maggio
DECLARATIONS OF INTEREST	Sue Francis declared a non-pecuniary conflict as a current client is the landowner of adjoining property.

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 7 August 2017, opened at 12:00 pm and closed at 12:05 pm.

MATTER DETERMINED

2017SNH049 – Ryde – LDA2017/0192 at 6-8 Giffnock Avenue, Macquarie Park (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 reasons for the decision of the Panel were:

The Panel received two conflicting legal advices in relation to:

- the characterisation of the use as *high technology industry*
- the calculation of floor space and consequential FSR
- compliance of the development with the incentives provisions of clause 6.9 of Ryde LEP 2014
- the use of generators at the development, and consequential characterisation of the development and assessment under the *Protection of the Environment Operations Act 1997*

The objector did not attend the public meeting. The Panel accepts the applicant's legal advice, which was endorsed by council's General counsel.

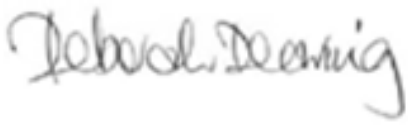


The proposed development is permitted under Council's planning controls and will positively contribute to the service of the surrounding businesses. It will provide a visually interesting building within the streetscape. The objectives of the Ryde LEP 2014 and Ryde DCP 2014 are achieved.

The development includes a 14.5 metre wide future road which will function as part of the future street network.

The issues raised in the one submission received have been satisfactorily addressed by the conditions of consent.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and Council memo dated 3 August 2017 (received 4 August 2017).

PANEL MEMBERS	
 Deborah Dearing (Chair)	 John Roseth
 Sarkis Yedelian	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH049 – Ryde – LDA2017/192
2	PROPOSED DEVELOPMENT	Consolidation and subdivision to create 2 lots and new road, and construction of an 8 storey building to be used as a data centre, with single level basement for 28 vehicles. The development involves tree removal, landscaping, 2.1m high fencing and installation of fuel tanks with a capacity of 320,000 litres.
3	STREET ADDRESS	6-8 Giffnock Avenue Macquarie Park
4	APPLICANT/OWNER	Next DC Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011; ○ State Environmental Planning Policy No.55 – Remediation of Land; ○ State Environmental Planning Policy (Infrastructure) 2007; ○ State Environmental Planning Policy No.33 – Hazardous and Offensive Development; ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 26 July 2017 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – [names of speakers] ○ Object – [names of speakers] ○ On behalf of the applicant – [names of speakers]
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 12 July 2017 • Final briefing meeting to discuss council's recommendation, 7 August 2017 at 10:45 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Deborah Dearing (Chair), John Roseth, Sue Francis, Sarkis Yedelian ○ <u>Council assessment staff</u>: Sandra McCarry, Sandra Bailey, Liz Coad, Rebecca Lockart, Daniel Pearce
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

