

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Friday 21 December 2018
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Sue Francis, John Roseth, Linda McClure, Gail Giles-Gidney
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically between 14 December 2018 and 21 December 2018.

#### MATTER DETERMINED

2018SNH049 – Willoughby - DA2018/273 at 3 Broadcast Way Artarmon (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 and the matters observed at site inspections listed at item 8 in Schedule 1.

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 following reasons:

1. The proposal complies with the relevant planning controls.
2. The proposal provides a needed facility without having material adverse impact on its surroundings.
3. The Panel notes that there were no submissions in response to the exhibition of the application.






#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendment:

Condition 31 amended to read as follows:

*Upon completion of construction works, and prior to the issue of any occupation certificate, real world readings within the approved tenancy to be occupied must be conducted to confirm that there is no deviation from preliminary findings of the EME/EMI Analysis Report prepared by Kordia, dated 25 July 2018, Version 2 for the Gore Hill Technology Park, in respect to the relevant Australian Standards. Based upon the result of real world readings, mitigation strategies be developed for screening sensitive equipment if*

required. The real world readings and associated mitigation strategies must be documented and copies of the documents be provided to the principal certifying authority and Council.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	 Gail Giles-Gidney
 Linda McClure	

<b>SCHEDULE 1</b>		
<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	2018SNH049 – Willoughby – DA2018/273
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Construction of a high technology industrial building for use as a purpose built data centre.
<b>3</b>	<b>STREET ADDRESS</b>	3 Broadcast Way, Artarmon
<b>4</b>	<b>APPLICANT/OWNER</b>	Lindsay Bennelong Developments Pty Ltd
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	General development over \$30 million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ State Environmental Planning Policy No.55 Remediation of Land</li> <li>◦ State Environmental Planning Policy (Infrastructure) 2007</li> </ul> </li> <li>◦ State Environmental Planning Policy No.33 Hazardous and Offensive Development <ul style="list-style-type: none"> <li>◦ Willoughby Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Willoughby Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the Environmental Planning and Assessment Regulation 2000: Nil</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 Environmental Planning and Assessment Act 1979 or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 13 December 2018</li> <li>• Written submissions during public exhibition: nil</li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>• Briefing: 28 November 2018</li> <li>• Papers were circulated electronically: 14 December 2018</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report