

Date of Determination	13 July 2023
Panel Members	Steve O'Connor (Chair) Jennifer Bautovich (Independent Expert) Jeremy Swan (Independent Expert) Anthony Panzarino (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held on 13 July 2023; opened at 5:00pm and closed at 5:40pm.
Papers were circulated electronically on 7 July 2023.

MATTER DETERMINED

11 Halifax Street, Macquarie Park - LDA2022/0314

Proposal: Site establishment and preparation works comprising excavation (for previously approved basement levels) and construction of shoring walls.

The following people addressed the Panel:

1. Liam Tully (submitter)
2. Murray Donaldson – Urbis Director (applicant)

PANEL CONSIDERATIONS 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 **defer** the development application for a supplementary report that considers the Voluntary Planning Agreement that is registered on the land.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to **defer** the application as the development assessment report failed to consider the Voluntary Planning Agreement that affects the land. In accordance with Section 4.15(1)(a)(iiia) of the Environmental Planning & Assessment Act 1979, the Local Planning Panel is required to take into consideration any planning agreement that has been entered into under Section 7.4.

A supplementary planning report is to be prepared to allow the application to be determined electronically via circulation of papers, as the Panel has already heard from all parties registered to speak in respect of this item.

CONDITIONS

Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel.

PANEL MEMBERS	
Steve O'Connor (Chair)	
Jennifer Bautovich	
Jeremy Swan	
Anthony Panzarino	

SCHEDULE 1

1	DA No.	LDA2022/0314
2	Proposal	Site establishment, preparation works comprising excavation of previously approved basement levels and construction of shoring walls.
3	Street Address	11 Halifax Street, Macquarie Park
4	Applicant / Owner	Urbis Pty Ltd / Greenland (Sydney)
5	Reason for referral to RLPP	Contentious Development – <i>Greater than 10 unique submissions received objecting to the proposal</i>
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Section 90 of Water Management Act 2000 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy Resilience and Hazards SEPP 2021 ○ State Environmental Planning Policy Biodiversity and Conservation SEPP 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2001</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 • 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 • Written submissions during public exhibition: 12 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support - Nil ○ In objection - Liam Tully ○ Council assessment officer - Nil ○ On behalf of the applicant - Murray Donaldson • Memo from the Executive Manager Development Assessment, dated 12 July 2023
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: At the discretion of Panel members • Briefing: 13 July 2023 Attendees: <ul style="list-style-type: none"> ○ <u>Panel</u>: Steve O'Connor (Chair), Jennifer Bautovich, Jeremy Swan, Donna Gaskill ○ <u>Council assessment staff</u>: Carine Elias, Sohail Faridy, Shannon Butler, Myra Malek • Papers were circulated electronically on 7 July 2023
9	Council Recommendation	Deferral
10	Draft Conditions	Not applicable