

Date of Determination	11 August 2022
Panel Members	Marcia Doheny (Chair) Graham Brown (Independent Expert) Jennifer Bautovich (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 11 August 2022 opened at 5:00pm and closed at 5:28pm.

Papers circulated electronically on 2 August 2022.

MATTER DETERMINED

LDA2022/0003

Address: 396 Lane Cove Road, Macquarie Park

Proposal: Designated Development Application for the relocation and use of an existing operational helipad to be approximately 100m further east on the same site.

The following people addressed the meeting:

1. Michael Rowe, Ethos Urban (Planner) – on behalf of the applicant (to answer questions)
2. Stuart Vaughan, Winten Property Group (Tenant) – on behalf of the applicant (to answer questions)

PANEL CONSIDERATIONS AND DECISION

The Panel visited the site and 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 as described in Schedule 1, 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 relocation and continued use of the proposed helipad complement the operation of the retail and commercial uses on this site as approved in LDA2019/0028 and is not contrary to the objectives of the B3 Commercial Core zone under the Ryde Local Environmental Plan 2014.
- 2) The proposal benefits from existing use rights under Division 4.11 of the Environmental Planning and Assessment Act 1979 and is consistent with the relevant provisions of the Ryde Local Environmental Plan 2014 and Ryde Development Control Plan 2014, with minimal environmental impacts.
- 3) This application satisfies clause 4.12 of the Environmental Planning and Assessment Act 1979 and is accompanied by an Environmental Impact Statement EIS prepared by Ethos Urban that has been prepared in the form prescribed by clause 173 of the Environmental Planning and Assessment Regulations 2021 and which satisfy the matters detailed in the Environmental Assessment Requirements issued on behalf of the Planning Secretary.
- 4) The proposed development does not create unreasonable environmental impacts to existing adjoining development.
- 5) The proposal is not contrary to the public interest.
- 6) The site is still considered to be suitable for the continued use of a helipad.
- 7) No submissions have been received that would warrant the refusal of this application.

The Panel adopts the recommendation and reasons for approval as outlined in the Assessment Officer's report subject to amendments to the conditions as listed below.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments:

Condition 2. Consistency with previous development consent on this site. This development is required to be consistent with development consent LDA2019/0028 (as modified), approved on the subject site, for a retail and commercial development. The continued operation of the Helipad shall be privately operated by the landowner/tenants of the site and owner authorised third parties.

(Reason: To ensure consistency with approved development consents on this site).

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	
Marcia Doheny (Chair)	
Graham Brown	
Jennifer Bautovich	
Donna Gaskill	

SCHEDULE 1

1	DA No.	LDA2022/0003
2	Proposal	Designated Development Application for the relocation and use of an existing operational helipad to be approximately 100m further east on the same site
3	Street Address	396 Lane Cove Road, Macquarie Park
4	Applicant / Owner	Australand Industrial No. 122 Pty Limited
5	Reason for referral to RLPP	Sensitive Development – Designated Development
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Air Transport Act 1964 • Civil Aviation Safety Regulations 1998 • Designated Development Application – Division 4.3 of EP&A Act 1979 & Secretary’s Environmental Requirements • Existing Use Rights - Division 4.11 of EP&A Act 1979 • Matters for Consideration - Section 4.15(1) of EP&A Act 1979 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land State Environmental Planning Policy ○ Draft Environment State Environmental Planning Policy • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Matters prescribed by the Regulations: Section 60 of EP&A Regulation 2000 & Clause 3B of Schedule 2 of the EP&A (Savings, Transitional & Other Provisions) Regulation 2017 • 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 (Nil) • 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: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support - Nil ○ In objection - Nil ○ Council assessment officer - Nil

		<ul style="list-style-type: none"> ○ On behalf of the applicant - Michael Rowe, Stuart Vaughan
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: At the discretion of Panel members due to COVID-19 restrictions • Briefing: 11 August 2022 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Marica Doheny (Chair), Graham Brown, Jennifer Bautovich, Donna Gaskill ○ <u>Council assessment staff</u>: Sandra Bailey, Holly Charalambous, Madeline Thomas, Daniel Pearse, Jason Chanphakeo <ul style="list-style-type: none"> • Papers were circulated electronically on 2 August 2022
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 4 to the Council assessment report