

DATE OF DETERMINATION	21 September 2018
PANEL MEMBERS	Paul Mitchell (Acting Chair), Stuart McDonald, Kathie Collins and Chris Quilkey
APOLOGY	Mary-Lynne Taylor
DECLARATIONS OF INTEREST	Nil

Electronic meeting held between 7 September 2018 to 21 September 2018.

MATTER DETERMINED

2016SYW084 - LGA – Blacktown – DA16-03307 – Address – 138 Burdekin Road, Schofields (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 matters observed at the site inspection listed at item 8 in Schedule 1.

The panel resolved to approve the development application, as described in Schedule 1, pursuant to section 4.55 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.

1. The Panel uphold the requested variation to the height of buildings development standard in clause 4.3 of the Blacktown Local Environmental Plan 2015 using clause 4.6 because (a) the request is well founded, (b) adherence to the height standard is unnecessary in this instance as no adverse impacts will result from the height breach; (c) the breach is very minor in character and imperceptible because of its placement in the centre of the rooftop.
2. A residential flat building is permissible under the R3 Medium Residential Zoning of the site and satisfies the zone objectives outlined under the Sydney Region Growth Centres SEPP 2006.
3. The proposal generally complies with all applicable legislative and planning instrument requirements and to the extent that it does not, the variations are acceptable – in particular, building height and building and balcony setbacks.
4. Notification requirements were complied with and no objections were received.
5. The site is appropriate for the development, which has been designed to be compatible with existing and future surrounding land uses. The likely impacts of the development, including traffic, access, parking, noise, siting, design, bulk and scale, overshadowing, visual and acoustic privacy, contamination, waste management and storm water management,

have been satisfactorily addressed so that the proposed development will not result in unfavourable social, economic or environmental impacts.

6. The proposed development satisfies section 4.15 of the *Environmental Planning and Assessment Act 1979* and will contribute to housing in the North West Growth Centre. It is therefore in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Stuart McDonald
 Kathie Collins	 Chris Quilkey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW084 - LGA – Blacktown – DA16-03307
2	PROPOSED DEVELOPMENT	2 Residential flat buildings with basement parking and associated works
3	STREET ADDRESS	138 Burdekin Road, Schofields
4	APPLICANT/OWNER	Applicant – Blue Diamond Projects Pty Ltd Owner – B Kurtz and D J Humphries
5	TYPE OF REGIONAL DEVELOPMENT	CIV over 30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River - Sydney Environmental Planning Policy – (State and Regional Development) 2011 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development - State Environmental Planning Policy (Sydney Region Growth Centres) 2006

		• Blacktown City Council Growth Centre Precincts Development Control Plan 2018 • Draft environmental planning instruments: Nil • Development control plans: • Central City District Plan 2018 • Section 94 Community Facilities Plan Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: 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	• Council assessment report – August 2018 • Written submissions during public exhibition: 0
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Electronic meeting – 7 September 2018 to 21 September 2018.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report