



Your Reference: 2013SYW055
Our Reference: DA/634/2012
Contact: Kate Lafferty
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Suzie Jattan
Senior Project Officer
The Panel Secretariat
Sydney West Joint Regional Planning Panels
Department of Planning
GPO Box 3415
SYDNEY NSW 2001

30 July 2013

Dear Madam,

Application No.: DA/634/2012
Property: Lot 50 DP 35665, Cor Lot 52 DP 35665 Curv Cor
8-12 Bungaree Road, TOONGABBIE NSW 2146

I make reference to the referral of the above application to the JRPP Panel Secretariat on 29 May 2013 and your request for a cover report on the application on 29 July 2013. This cover report is attached below.

COVER REPORT

DA/634/2012 – 8-12 BUNGAREE ROAD, TOONGABBIE

DA/634/2012 seeks development consent for the demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP.

The development application was assessed, and a report of the Manager Development & Traffic Services was prepared for the Council (Development) at its meeting of 13 May 2013 (Attachment A) with the following recommendation:

- A. That the development application DA/634/2012 for the demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP at 8-12 Bungaree Road, Toongabbie be DEFERRED and the following course of action be adopted by the Council:**
- (a) That the applicant be advised that the application is acceptable to Council subject to the imposition of the conditions listed below.**
 - (b) That the applicant be requested to advise Council in writing of their agreement to the imposition of the conditions listed below (subject to minor change if appropriate) within a period of one (1) month from the date of Council's notification.**

- (c) That upon receipt by the Council of the written agreement of the applicant, delegated authority be granted to the Manager, Development & Traffic Services to determine the application. The consent shall be granted for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination.***

- B. Further, that the objectors and the head petitioner be advised of Council's determination of the application.***

A memo dated 6 May 2013 (Attachment B) was forwarded to Council prior to the meeting, amending the recommendation of the application. This was due to agreement to conditions to be imposed between the Council Officers and the applicant.

The memo contained the following modified recommendation:

- (a) That the development application DA/634/2012 for the demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP on land at 8-12 Bungaree Road, Toongabbie be APPROVED subject to conditions of consent as contained within Attachment 1 to this memorandum.***
- (b) Further, that the objectors and the head petitioner be advised of Council's determination of the application.***

Council at its meeting on 13 May 2013 resolved to seek the Minister's refusal of the proposed development (Attachment C). Council's reasons for refusal are as follows:

1. The proposal will result in unacceptable overlooking opportunities from the first floor private open space areas and primary living areas towards adjoining low density properties.
2. The built form of the development is out of character with the surrounding low density dwellings that are predominantly single storey in scale. A two storey terrace housing development would be more consistent with the desired future character for the area
3. The density of the development is excessive.
4. The development does not provide satisfactory access for the mobility impaired to the first floor of the development.
5. The River Peppermint tree on the site may be a hazard.
6. The development will result in an unacceptable increase in on street car parking.
7. The garbage bin bays are inappropriately located.
8. As evidenced by the strong submissions to the proposal, the development is not in the public interest.

In accordance with Section 89 of the Environmental Planning and Assessment Act 1979, as the development application has been made on behalf of the Crown, a consent authority must not refuse its consent to a Crown development application, except with the approval of the Minister, and a Crown development application must

not be referred to the Minister unless it is first referred to the applicable regional panel.

Recommendation

That Development Application DA/634/2012 which seeks development consent for the demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP on land at 8-12 Bungaree Road, Toongabbie **be refused** by the Joint Regional Planning Panel.

If you have any questions or require any further information in relation to the application please contact me on 9806 5620.

Yours faithfully



Bradley Delapierre
Team Leader
Development Assessment Services

Attachments:

- A. Section 79C report considered by the Council at its meeting on 13 May 2013.
- B. Memo with amended Recommendation considered by the Council at its meeting on 13 May 2013.
- C. Council resolution of the matter at its meeting on 13 May 2013.