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| ITEM | 105 Wattle Street, Mt Lewis |
| | Construction of eighty seven (87) villa homes with Community Title subdivision |
| FILE | DA-926/2012 (JRPP Reference: 2012SYW111) |
| ZONING | 2(a) – Residential A |
| DATE OF LODGEMENT | 19 November 2012 |
| APPLICANT | Statewide Planning Pty Ltd |
| OWNERS | Mt Lewis Estate Pty Ltd |
| ESTIMATED VALUE | \$20,711,320 |
| SITE AREA | 21,660 sq.m. |
| AUTHOR | Development Services |

SUMMARY REPORT

This matter is reported to the Sydney West Joint Regional Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated value of \$20,711,320 and exceeds the capital investment threshold for 'general development'.

DA-926/2012 proposes the construction of eighty seven (87) villa homes with community title subdivision.

The Development Application has been assessed against *Bankstown Local Environmental Plan 2001* and *Part D2 of Bankstown Development Control Plan 2005*. The application fails to comply in regards to density, height and setbacks. However, these variations are considered to be minor departures from the planning controls.

The application was notified on lodgment of the development application for a period of fourteen (14) days. A total of 2 objections including a petition containing eighteen (18) signatures were received during this period. The objections made against the proposed development raise concerns relating to health issues during asbestos removal, traffic and parking and loss of existing vegetation.

The proposed development responds appropriately to the relevant planning controls. There are some issues relating to site contamination requiring further investigation however, these outstanding matters are not considered to warrant refusal or deferral of the application and are able to be addressed without impacting significantly on the overall development scheme. Accordingly deferred commencement consent is recommended.

POLICY IMPACT

This matter has no direct policy implications. The proposed variations to the density, height and setbacks are appropriate in the context of the site, and would not set precedent for development elsewhere in the LGA.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that:

- A – The objection lodged pursuant to *State Environmental Planning Policy No. 1 – Development Standards* to the site area per villa prescribed by Clause 36A of the *Bankstown Local Environmental Plan 2001* be supported; and
- B – The application be approved on a deferred commencement basis, subject to the attached conditions, and the following specific deferred commencement requirements:

1. Sampling Analysis & Quality Plan

A Sampling Analysis & Quality Plan (SAQP) must be prepared by a suitably qualified and experienced environmental consultant. This SAQP shall address all outstanding issues as stipulated by the NSW EPA accredited site auditor, Rod Harwood, in the following documents;

- (a) “Non Statutory Audit Letter of Interim Advice 2, 81-83 & 105 Wattle Street, Punchbowl, Review of Updated Environmental Site Assessment and Remedial Action Plan” by Rod Harwood, Environmental Strategies, 17 February 2011 (Reference 10076 81-83 m&105 Wattle Street Punchbowl), and
- (b) “Statutory Audit Letter of Interim Advice 3, 81-83 & 105 Wattle Street, Punchbowl, response to clause 24, DA 926/2012” by Rod Harwood, Environmental Strategies, 26 February 2013 (Reference:10076a_IA3 – Response to Clause 24).
- (c) “Site Audit Statement No. 154A” by Rod Harwood, 5 July 2011.

- (d) "Site Audit Report SAN 154A, 81-83 & 105 Wattle Street, Punchbowl" by Rod Harwood, July 2011 (Reference 10076 SAR_v2 FINAL).

The SAQP must be submitted to Council and to the satisfaction of a NSW EPA accredited site auditor. The accredited site auditor shall review the SAQP and provide approval of the SAQP to Council in the form of a site audit interim advice or similar document. If the SAQP is not determined as appropriate by the accredited site auditor, then the auditor shall stipulate further requirements or conditions. The applicant must adhere to any additional requirements or conditions imposed by the accredited site auditor.

2. Additional Investigations

On completion of demolition, the additional site investigations as required by the NSW accredited site auditor, shall be undertaken in accordance with the Sampling Analysis & Quality Plan (SAQP) which has been approved by a NSW EPA accredited site auditor (as referred to in condition 1 above).

The results from the additional site investigations shall be submitted by the applicant to the satisfaction of a NSW EPA accredited site auditor. The accredited site auditor shall review the results and provide feedback and advice to the applicant and Council in the form of a site audit interim advice or similar document. The applicant must adhere to any additional requirements or conditions imposed by the accredited site auditor.

3. Amended Remedial Action Plan (RAP)

The Remedial Action Plan (RAP) "Remediation Action Plan, 81-83 & 105 Wattle Street, Mount Lewis" by Environmental Investigations, 4 February 2011 (Report No. E1317.1 AB) shall be amended and updated to address the findings of the additional site investigations undertaken. The Amended Remedial Action Plan (RAP) must be submitted to the satisfaction of Council and a NSW EPA accredited site auditor. The accredited site auditor shall review the Amended RAP and provide approval of the plan to Council in the form of a site audit interim advice or similar document. If the Amended RAP is not determined as appropriate by the accredited site auditor, then the auditor shall stipulate further requirements or conditions. The applicant must adhere to any additional requirements or conditions imposed by the accredited site auditor.

SECTION 79C ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 105 Wattle Street, Mt Lewis and is situated on the northern side of the street, west of its intersection with Waterloo Road. The site is an irregular allotment that is currently zoned 2(a) Residential A. It has an area of 21,660m², and frontages of 93.4m to Wattle Street and 35m to Waterloo Road.

The site contains an existing older style vacant industrial building formerly used for manufacturing and bleaching of carpets, clothing, towels and similar products (Supertex Industries, Jeldi Punchbowl Production Centre). A separate application for the demolition of all structures on the land has been approved by Council as a Complying Development. There is an existing patch of vegetation along the Wattle Street frontage. Existing vehicular access to the site is from both Wattle Street and Waterloo Road.

Development surrounding the site comprises a mix of residential and commercial/industrial uses. To the north is the Mt Lewis Bowling Club along the eastern part of the northern boundary and dwelling houses along the western part of the northern boundary. Land further north consists mainly of dwelling houses. To the south is Wattle Street along the western part of the boundary, industrial zoning along central part of southern boundary containing 2 dwelling houses and 5 industrial buildings and vacant industrial land along eastern part of the southern boundary. There are residential dwellings to the west. The eastern side of Waterloo Road has a fruit and vegetable shop on the Wattle Street corner with dwelling houses adjoining. The residential area surrounding the site contains a mixture of old and new dwellings.



PROPOSED DEVELOPMENT

DA-926/2012 proposes the following works:

- Construction of access roads, incorporating pedestrian footpaths, visitor parking and communal landscaped areas and road verges, and linking with Wattle Street and Waterloo Street.
- Construction of a total of 87 x 2 storey villas of integrated design involving 9 different dwelling types, comprising 21 x 4 bedrooms, 49 x 3 bedrooms and 17 x 2 bedrooms. The proposed dwellings are predominantly in the form of semi detached structures with 2 dwellings having a common wall and separated from other similar structures.
- Each dwelling is to have a separate driveway to the internal access roads, connecting to a single or double garage in the front of each dwelling. 2 groups of 2 dwellings fronting Wattle Street in the south-western corner of the site are to have rear lane access, and will present habitable rooms and front gardens to that street.
- Integrated landscaping treatment of front yards of dwellings and road verges and communal open space. Roads and verge landscaping has been designed to accommodate garbage collection vehicles.
- Community Title Subdivision

An overall site plan depicting the layout and a view from Wattle Street is produced below:



Overall Site Layout



View from Wattle Street

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 states that a regional panel may exercise the consent authority functions of the council, for the determination of applications for development of a class or description included in Schedule 4A of the EP&A Act.

Schedule 4A of the Act includes '*general development that has a capital investment value of more than \$20 million*'. The development has a value of \$20,711,320 and accordingly the development application is reported to the Sydney West JRPP for determination.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

BASIX certificates have been submitted with the application in accordance with the requirements of this SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP No. 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

The site has been used for commercial/ industrial activities from at least 1951 when a building was erected near the western boundary. The site history reveals that the site was originally used by the company Jeldi and then by Supertex between 1951 and 2011 for the manufacture of carpet, latex bath mats, towels, woollen under blankets and other textiles.

Historical records held by Council noted that the storage and handling procedure for chemicals at the site were poor during most of the operating history of the factory.

Regular complaints were made over a long period of time regarding strong odours from the site. This suggests that there may have been relatively frequent spillages of chemicals stored on the site. Other reports document leaks of fuel and other products on to the ground surface and in to the stormwater system.

Several contaminated land investigations were undertaken at the site with various reports submitted by the applicant in support of the Rezoning Proposal, including an Environmental Assessment Report in 2009, Additional Environmental Site Assessment in 2011 and a Remediation Action Plan in 2011.

A Site Audit Statement and Site Audit Report were also prepared by NSW EPA Accredited Site Auditor, Rod Harwood on 5 July 2011. These documents were prepared at the time with the objective of determining whether the site could be made suitable for rezoning based on the proposal to provide a site suitable for residential use with accessible gardens. The Accredited Site Auditor concluded that the site could be made suitable for residential use with gardens and access to soil provided that the Remedial Action Plan (RAP) was amended to address a number of outstanding contaminated land matters.

These outstanding matters were presented by the Accredited Site Auditor as conditions no. 1 to 5, on the Site Audit Statement No 154A, dated 5 July 2011 as follows:

- Condition 1: This Site Audit Statement is read in conjunction with the Site Audit Report (10076SAR_v2 dated 5 July 2011)*
- Condition 2: Phytotoxicity exceedance are addressed to the satisfaction of the Auditor during site remediation to meet the Provisional phytotoxicity-based investigation levels identified in Column 5 of Appendix II of the NSW Guidelines for NSW Site Auditor Scheme 2nd Edition (2006);*
- Condition 3: Soil validation samples and groundwater samples are required to be analysed for VOCs including chlorinated solvents as these have been omitted by the consultant in some areas of the site; in addition, further monitoring of VOC in soil gas and groundwater may be required after demolition;*
- Condition 4: Additional delineation of process areas within the factory, including effluent collection systems, is carried out following demolition of the building; and*
- Condition 5: Any unexpected contamination is remediated in accordance with the RAP and to the satisfaction of the Auditor.*

More recently, a 'Statutory Audit Letter of Interim Advice 3' was prepared by the Accredited Site Auditor, Rod Harwood on 26 February 2013, and this letter provides formal documentation that the contaminated land matters are still outstanding. As a result, these contaminated land issues have been assessed by Council in close consultation with the Accredited Site Auditor. Based on the assessment, Council's Contaminated Lands Officer has recommended further testing and revised RAP prior to an operational consent being granted to the development.

It is considered that the site can be made suitable for the proposed development. However, as there are some elements of the investigation and RAP process which are yet to be finalised, it is considered appropriate to deal with these matters by way of a 'deferred commencement' consent.

Bankstown Local Environmental Plan 2001

The following clauses of the *Bankstown Local Environmental Plan 2001* were taken into consideration:

- *Clause 2 Objectives of this plan*

The proposed development is consistent with the objectives of the Bankstown LEP 2001. It is designed to achieve good urban design and remains compatible with the suburban character of the locality and would not have any unreasonable impact on neighbouring developments.

- *Clause 11 Development which is allowed or prohibited within a zone*

The table to Clause 11 sets out which development may be carried out in each zone. Villa homes are permissible on land zoned 2(a) with consent.

- *Clause 16 General objectives of these special provisions*

The proposed development appropriately addresses likely impacts relating to existing vegetation and stormwater management.

- *Clause 19 Ecologically sustainable development*

The subject site is accessible to public transport, and the proposed development meets the required energy and water efficiency targets as illustrated in the submitted BASIX Certificates. The proposed removal of existing vegetation has been assessed and supported by Council's Tree Management Officer, and appropriate means of managing stormwater runoff have been incorporated.

- *Clause 20 Trees*

It is proposed to remove all vegetation currently existing on the site. A Tree Report including a flora and fauna survey was submitted with the application in support of the removal which included a survey of the trees on site. The report examined a total of 30 trees on the subject property. The report concluded:

There are no native plant communities on the subject site. None of the plant species described above are species which are presently of any conservation concern. All of the trees, appear to have been planted on the subject property during a number of planting episodes for residential gardens and landscaping purposes. They are comprised of a mixture of native species and introduced species from the USA and Europe. Many of them are common species that are often found in residential gardens, although some of the natives are not

known from the Sydney area. Therefore none of the tree species or individual trees are of any conservation significance.

Examination of all trees was also made for the presence of hollows which may act as roost sites for owls, bats and/or possums and the birds such as the Gang-gang Cockatoo (Cacatuidae) and other parrot species but no suitable hollows were found in any of the 18 trees examined during this study. The Eucalyptus specimens during flowering may act as temporary nectar sources for birds and possibly some common bat species flying intermittently through the area, but these trees are not regarded as important because of the low numbers represented on the site and/or infrequency of flowering. A number of the trees such as the various palms and younger trees worth retaining can be translocated easily to the same site or to other sites.

None of the trees are significant in terms of historical attributes or high aesthetic values.

Based on tree concerns, I see no impediments for the development proposal.

The proposed tree removal has been assessed by Council's Tree Management Officer and no objection has been raised to the removal subject to the following conditions:

- Replacement planting of endemic native trees and shrubs/undercover.
- Prior to removal, the trees will be required to be inspected for fauna and bird species which are nesting in any cavities of trees on site.

▪ *Clause 30 Floor space ratios*

The LEP floor space ratio map prescribes a maximum floor space ratio of 0.5:1 for this site. The proposed development has a floor space ratio of 0.5:1.

▪ *Clause 36A Special requirements for particular sites*

On 8 June 2012 Amendment 44 to the Bankstown Local Environmental Plan 2001 (BLEP) was gazetted. It had the effect of:

- rezoning the land from 4(b) – Light Industrial to 2(a) - Residential A
- restricting the maximum building height to 8.5m, and
- requiring remediation of the land in accordance with the requirements of SEPP 55.

Under Clause 36A(1):

- (1) Consent must not be granted for development of land specified in Column 1 of Schedule 9 unless the requirement relating to that development set out in Column 2 of that Schedule has been complied with.

Schedule 9 of the BLEP sets out controls for development on particular sites. The development site is subject to this Schedule, which states:

| | |
|--|---|
| Lot 1, DP 226324 (81 Wattle Street), Lot 2, DP 226324 (83 Wattle Street) and Lot 4, DP 541525 (105 Wattle Street), as shown distinctively coloured and edged heavy black on Sheet 3 of the map marked "Bankstown Local Environmental Plan 2001 (Amendment No 44)" (<i>the building height map</i>) | <p>The consent authority must be satisfied that:</p> <ul style="list-style-type: none"> (a) the site area per villa (excluding the area of access handles or rights of way for access) is not less than 250 square metres, and (b) the land is remediated in accordance with the requirements of <i>State Environmental Planning Policy No 55—Remediation of Land</i>, and (c) the height of any building on the land will not exceed the maximum height shown (in metres) for the land on the building height map above natural ground level. |
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(a) Site area per villa

The proposed development has a site area to villa ratio of 248.96m², which represents a variation of 0.4% to the BLEP provision.

Pursuant to *State Environmental Planning Policy No. 1 – Development Standards* the applicant has lodged an objection to the site area per villa control prescribed by the BLEP for this site. The objection submits that compliance with the maximum building heights would be unreasonable or unnecessary in this case for the following reasons:

- *The non-compliance is minor and directly attributable to mathematical rounding. The variation represents 0.5% of the total site area.*
- *The difference between 86 and 87 dwellings on the site would be indistinguishable in any practical sense, and has no apparent planning implications of any kind.*
- *The development site is large and has the capacity to accommodate a more intensive level of development than a regular allotment, as recognised in the site specific variation to the general standard.*
- *The proposal does not offend any of the objectives of the standard. In particular, in relation to the objectives cited above. Those objectives are oriented to small sites and seek consolidation to achieve a reasonable development platform. The proposal reasonably achieves a compatible form of development with the predominant single dwelling character of the locality, which end is unaffected by the total number of dwellings.*
- *Variation of the standard would be consistent with the objectives of the Act related to the economic use of the built environment. No adverse natural environmental consequences flow from the proposal.*
- *The variation of the standard is consistent with the Objectives of SEPP No. 1.*

The applicant's SEPP 1 objection is considered to be well-founded and is supported. The proposed development provides an appropriate arrangement of building forms that accommodate the allowable floor space without significantly compromising the amenity of the surrounding locality. The variation to the site area per villa is minor and would have minimal impact.

(b) Site Remediation

Site remediation has been discussed above. It is Council's assessment that subject to further investigation and submission of a revised Remedial Action Plan before issue of an operational consent, the site can be made suitable for residential use after remediation, thus satisfying the relevant provisions of SEPP 55.

(c) Building Height

The building height map for this site shows a permissible building height of 8.5m and the development satisfies this provision.

▪ *Clause 44 Objectives of the residential zones*

The proposed development is consistent with the objectives of the 2(a) Residential zone. It retains the general low-density scale and character of existing development in the surrounding area. It ensures there would be no unreasonable impacts on the amenity of the surrounding houses, and provides for safe and efficient vehicle access to the development site.

▪ *Clause 45 General restrictions on development*

The development comprises 2 storey duplex style villas which have a bulk, height and scale compatible with the character of existing and likely future buildings on the adjoining land given the varying zones and building styles that adjoin the site. The impact of the development in terms of traffic generation, car parking, stormwater drainage, privacy and overshadowing has been assessed and found to be satisfactory.

▪ *Clause 46 Core residential development standards*

The development satisfies the minimum site area and frontage required for a villa development. As provided by Clause 36A of the BLEP the site density for the site is 1 villa per 250m² of site area. The proposed density is 1 per 248.96m² per villa. A SEPP 1 objection has been lodged to vary this standard which is supported.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no draft EPI's applicable to the proposed development.

Development control plans [section 79C(1)(a)(iii)]

The following table provides a summary of the development application against the controls contained in Part D2 of *Bankstown Development Control Plan 2005*.

| STANDARD | PROPOSED | BDCP 2005 PART D2 | | LEP 2001 COMPLIANCE |
|---|---|---|---|---------------------|
| | | REQUIRED/PERMITTED | COMPLIANCE | |
| Allotment Area | 21,660m ² | 1200m ² (min) | Yes | Yes |
| Width - Wattle St - Waterloo Rd | 93.4m 35m | 20m (min) | Yes | Yes |
| Site Area per villa | 248.96m ² per villa | 250m ² per villa | No | No |
| Floor Space Ratio | 0.5:1 | 0.5:1 (max) | Yes | Yes |
| Height | Front villa – 2 storey Rear villas – 1 storey + loft | 2 storey throughout | No | N/A |
| Primary Setback • Wattle St - Ground Fl - First Fl • Waterloo Rd - Ground Fl - First Fl | 5.53m 6.6m 5.6m 6.5m | Ground Floor – 5.5m First Floor – 6.5m | Yes Yes Yes Yes | |
| Side Setback (Front Villas) Wattle St Waterloo Rd | Wall height < 6m 2.5m to west 10m to east 8.5m to north 13.5m to south | Min 900mm (Wall height < 6 m) to one side and for other side - 4.5m for a building wall containing a living area window and 2.5m for all other building walls | Yes | |
| Side and Rear Setback (rear villas) | >4.5m for a building wall containing a living area window For other wall/window: >2.5m except for: Villa 24 – 1.574m to north Villa 37 – 1.038m to north Villa 61- 0.921m to south & 1.8m to east | 4.5m for a building wall containing a living area window 2.5m for all other building walls | Yes No | |
| Setback from the boundary of 91-103 Wattle St | 10m | 10m | Yes | |
| Roof Pitch | 25° to all villas | Min 25° – Max 35° | Yes | |
| Private Open Space | All units have minimum 60m ² with 5m or more width throughout | Min 60m ² with 5m width throughout | Yes | |
| Car parking - Residential: - Visitors: Total provided: | 160 spaces 25 visitor spaces 185 spaces | 2 spacer per 4BR & 3BR villa and 1.5 space per 2BR villa 165 spaces 17 spaces 182 spaces | Yes (subject to a condition requiring 165 spaces for residents) | |
| Adaptable Housing | 9 villas | 9 villas @ 1 villa 10 villas | Yes | N/A |

As the above table demonstrates, the Development Application is seeking variations to the site area per villa, building height and side/rear setback.

Site Area per Villa

The development proposes a variation to the 'site area per villa' control in the BLEP. The variation has been discussed above and considered reasonable in this instance.

Building Height

Clause 4.6 of Part D2 of BDCP 2005 stipulates the height limit for villa homes as follows:

- (a) 2 storeys for a front dwelling facing the street; and
- (b) single storey for the remaining dwellings at the rear

The proposed development is two storey throughout the site and thus breaches the height provision in the BDCP.

The applicant has submitted the following justification for seeking variation to the height control:

A variation to the DCP villa height standards is justified in the circumstances because: –

- *Each villa in the development presents to the road from which it obtains access (apart from the otherwise complying 4 villas fronting Wattle Street). The fact that the road is private rather than public has no significance in terms of the urban design objectives and standards of the DCP.*
- *The corollary is that the development does not involve dwellings running down a suburban lot and affecting private rear yard space of adjoining dwellings to the extent that building height needs to be restricted.*
- *The proposal is essentially inward looking. 6 dwellings adjoining the western site boundary have rear yard space that would be capable of being overlooked by the upper levels of villas in the proposal. A further 4 dwellings off Goodwin Avenue adjoining part of the northern site boundary have rear yards facing the subject road, but these are separated by the internal road or face the side of a villa, with only a partial opportunity for overlooking.*
- *The villas adjoining rear yards are set back by 9-10m from the boundary, which is a substantially greater distance than would typically be found in a conventional villa development. The rear elevation of the upper level of villas comprises bedroom windows. There are no balconies or the like that would overlook adjoining dwellings. It is generally accepted that potential overlooking from a bedroom window is a substantially lesser issue than from a living area, balcony or the like.*
- *The orientation of the proposed development combined with the rear setbacks, minimises any unreasonable shadow impacts related to building height.*
- *2 storey new dwellings are a prominent characteristic of the surrounding residential area. To that extent the proposed building height is characteristic of the context, and not inconsistent with the objectives for height controls generally.*

Comment: In light of the above and in view that Part D2 of BDCP has recently been amended (amendments adopted on 18 April 2013) to allow, specific to sites zoned 2(b) Residential and the subject site, “... *dwellingings at the rear to have up to 2 storeys throughout this site*” the proposed variation is acceptable in this instance.

Setbacks

The BDCP requires a 4.5m setback to living area windows and 2.5m setback to other walls/windows from the side and rear boundaries. The proposed development does not comply with these setbacks in 3 separate locations.

Villas 24 and 37 are located 1.574m and 1.038m respectively from the northern boundary. On the northern façade of each of these villas there is a bathroom window at the ground floor and a bedroom and a stair lobby window at the first floor. A window shown on living area in villa 37 marked ‘1500H Sill Height’ is not shown on its northern elevation. As the proposed windows are considered ‘other windows’, a 2.5m setback would be required. However, a variation to the setback is considered reasonable in this instance given its northerly orientation and absence of any large windows overlooking the neighbours to the north. A condition is to be imposed requiring the north facing first floor windows, being that adjacent to the stairs and off the bedroom, to have a minimum sill height of 1.5 metres and to address the discrepancy between the ground floor plan and the north elevation for villa 37.

The encroachment by villa 61 within the setback is a corner encroachment and would have minimal impact on any future development on the adjoining large site.

Planning agreements [section 79C(1)(a)(iiia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

The likely impacts of the development [section 79C(1)(b)]

As discussed in this report, the proposed development is acceptable with regard to its likely environmental, social and economic impacts on the locality. The following aspects of the development required further assessment:

Traffic and Parking

A traffic and parking assessment has been undertaken by the applicant. This assessment examines the existing traffic conditions and assesses the transport implications of the proposed development. Traffic flows on Wattle Street and Waterloo Road, as well as the operation of their intersection, have been analysed.

The proposed development is likely to generate 74 vehicles per hour in the AM peak and PM peak. An analysis of the intersection of Wattle Street and Waterloo Road carried out by the applicant's Traffic Consultant concluded that *"... the intersection will continue to operate satisfactorily under the 'existing plus development' scenario, with a Level of Service B during both peak periods and with moderate delays. The proposed development will therefore have minimal impact on the intersection of Waterloo Road and Wattle Street or the surrounding road network and can operate without any changes"*.

Council's Traffic Engineer has assessed the proposal and determined that in order to manage both the merging conflict in Waterloo Road and Wattle Street, the left in/left out access in Waterloo Road and to avoid undesirable detour due to trip length around local residential roads, consideration be given to a U-Turn manoeuvre as part of the Right Turn phase at the north approach of the signalised intersection of Waterloo Road and Wattle Street. However this option was not accepted by Roads and Maritime Services (RMS). The RMS advised:

"... this modification to the existing signalised intersection will not be supported on the basis that this intersection is currently over saturated in the peak periods, particularly during the afternoon school pick up period and the proposed modification will add to existing delays."

As a result ..., an alternative access option should be considered in consultation with Council, such as a mountable roundabout at the Catherine Street intersection on Wattle Street. However, RMS remains of the view that the access arrangement as currently proposed (left in/left out only on Wattle Street and Waterloo Road) is acceptable."

In light of the above, conditions have been incorporated requiring the construction of a roundabout at the intersection of Wattle Street and Catherine Street and restricting vehicle movements from the site to left-in/left-out only on both Wattle Street and Waterloo Road. The construction of the roundabout will allow the residents of Catherine Street to turn right while restricting the vehicular movements to and from the site to left-in /left-out only as per the following condition:

The applicant shall construct a roundabout at the intersection of Wattle Street & Catherine Street, Punchbowl. The design shall incorporate a left-in left-out arrangement at the Wattle Street access to the development by extending the roundabout western leg splitter island. The design of the roundabout including the extended splitter island will be done to the satisfaction of Council's Traffic Engineer, prior to the design being presented to the Bankstown Traffic Committee for review.

Safety, security & crime prevention

The application was referred to Council's Community and Development Unit and Bankstown Police. The Bankstown Local Area Command has advised that it has conducted a Safer by Design Crime Risk Evaluation and identified an overall crime risk as **medium**, on a sliding scale of low, medium and high crime risk. The Police have recommended conditions that cover the following Technical/Mechanical (CEPTED) treatment options for the development in order to reduce opportunities for crime.

- CCTV (Closed Circuit Television)
- Lighting
- Signage
- Access Control
- Sightlines

These matters are such that it can be dealt with during the building design/construction phase and conditions are to be imposed to this effect.

Waste Collection

The proposed layout allows for each villa in the development to have separate individual bins. The internal roads have been designed to accommodate the service vehicles likely to frequent the site for garbage pick up. The design has been reviewed by Council's Waste Area Team and deemed acceptable. A condition will be imposed requiring the owner to indemnify Council or its contractors for any damages caused during the service.

Suitability of the site [section 79C(1)(c)]

The proposed development is permitted with consent at the subject site. The variations to height and setbacks are acceptable in the context of the development. The proposal represents an appropriate built form, and operational matters have been adequately addressed. Whilst some aspects of site contamination require further investigation there is sufficient information to conclude that the site can be made suitable for residential use, after remediation.

Submissions [section 79C(1)(d)]

The application was notified on lodgment of the development application for a period of fourteen (14) days. A total of 2 objections including a petition containing eighteen(18) signatures were received during this period.

The objections made against the proposed development raise concerns relating to health issues during asbestos removal, traffic and parking and loss of existing vegetation. These issues are summarised and discussed below.

Traffic

- *It is implied in the DA that traffic entering/exiting the proposed development site will have minimal effect on the traffic in Wattle Street and surrounding area. One has only to observe the traffic crawling up and down Wattle Street as early as 3.30pm of an afternoon to realise that any additional traffic will add to this existing traffic crawl.*
- *Traffic is often seen queued across Catherine Street intersection, making it extremely difficult to make a right turn exiting from Catherine Street into Wattle Street. Concerned that the proposed extension and widening on the median strip in Wattle Street does not infringe on ability to turn right from Catherine Street into Wattle Street.*
- *An existing traffic hazard is the difficulty in making a right hand turn exiting Waterloo Road into Wattle Street. It often takes two or three changes of traffic lights to exit into Wattle Street around 3-4pm each week day.*

Comment:

The traffic impact from the development has been discussed above. From the assessment it is concluded that subject to the construction of a roundabout at the intersection of Catherine Street and Wattle Street and restricting vehicle movements to and from the development site to left-in/left-out only the traffic generated from the development should not have significant impact on the surrounding roads and intersections.

Parking

- *The DA implies that onsite parking is based on two vehicles per Villa site, from experience a walk down Catherine Street will show three and sometimes four cars owned by some residents of the property with cars often parked on the nature strip. Surely this implies that there will not be sufficient parking space on the development site to meet all contingencies and there will be an overflow into surrounding streets.*

Comment

The development provides car parking in excess of Council's requirements and deemed acceptable with regard to on site parking.

Existing Tree Preservation

There are two stands of native eucalypt trees which have reached maturity after some 25-30 odd years. These trees are home to magpies, currawongs, wattle birds and New Holland honeyeaters, just to mention a few. It would be an act of environmental vandalism to see all of the beautiful trees destroyed with resultant loss of wild life habitat.

Comment

Council's Tree Management Officer has assessed the removal of vegetation and advised "... the trees on site are planted specimens. There is only one (1) *Eucalyptus punctata* which is not considered significant. Replacement planting of endemic native trees shrubs/ground cover will be required. No threatened species appear on site. Prior to removal, the trees will be required to be inspected for fauna and bird species which are nesting in any cavities of trees on site".

The replacement planting and inspection for fauna and bird species prior to removal has been addressed through conditions of consent.

Health hazards to residents from asbestos fibres during the demolition

- *How can residents be sure that the demolition staff are dismantling and removing asbestos materials in accordance with the laid down guidelines and there are no airborne fibres present during this process?*
- *We as a community are concerned about the dangers of asbestos surrounding our homes.*

Comment:

A Complying Development Certificate was issued by Council on 13 September 2012 for the demolition of existing industrial buildings on site. The CDC includes specific conditions regarding removal of bonded asbestos material and friable asbestos material:

- (a) *Building or demolition work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001.*
- (b) *The person having the benefit of the complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences.*
- (c) *Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.*

Note. Demolition undertaken in relation to complying development must be carried out in accordance with Australian Standard AS 2601—2001, Demolition of structures.

The public interest [section 79C(1)(e)]

The proposed development would not contravene the public interest. The proposed development responds appropriately to the controls contained in the *Bankstown Local Environmental Plan 2001* and *Bankstown Development Control Plan 2005*. Matters raised in public submissions have been satisfactorily addressed, and there would be no unreasonable impacts on the locality.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *Bankstown Local Environmental Plan 2001* and *Bankstown Development Control Plan 2005*.

The proposed development represents an appropriate built form for the site. Relevant planning controls have been appropriately responded to and no significant or unresolved matters have been raised in public submissions.

Approval of this application would facilitate the development of a dilapidated site, without having any unacceptable or unreasonable impacts on the surrounding locality.