

<b>ITEM</b>	<b>1 – 5 Marshall Street, Bankstown</b>
	<b>Demolition of existing dwellings, construction of a four (4) storey residential flat building containing thirty-two (32) apartments including basement and associated landscaping</b>
<b>FILE</b>	<b>DA-757/2014 (JRPP Ref. 2014SYW106)</b>
<b>ZONING</b>	<b>2(b) - Residential B</b>
<b>DATE OF LODGEMENT</b>	<b>1 August 2014</b>
<b>APPLICANT</b>	<b>TSA Management</b>
<b>OWNERS</b>	<b>Theodore Moulas and Evdoxia Moulas</b>
<b>ESTIMATED VALUE</b>	<b>\$7.9 million</b>
<b>SITE AREA</b>	<b>1,639m<sup>2</sup></b>
<b>AUTHOR</b>	<b>Development Services</b>

### **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 \$7.9 million and exceeds the capital investment threshold for '*private infrastructure and community facilities*'.

DA-757/2014 proposes to demolish all existing structures and construct a 4-storey residential flat building containing 32 units and a 33-space basement car park. The removal of 4 trees is also proposed. The application is lodged pursuant to the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, with 50% of the proposed units nominated as 'affordable housing'.

The Development Application has been assessed against *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development)*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *Greater Metropolitan Regional Environmental Plan No. 2*, *Bankstown Local Environmental Plan 2001*, *Draft Bankstown Local Environmental Plan 2014*, and Part D2 of *Bankstown Development Control Plan 2005*. The application fails to strictly comply with respect to building separation, deep soil zones, communal open space, unit design, and setbacks.

The application was advertised and notified upon lodgement for a period of 21 days. A total of 6 objections were received during this period including a petition with 27 signatories. The application was renotified for 14 days upon the lodgement of amended plans and additional information, with a total of 7 additional objections received, including a petition with 20 signatories. The objections made against the proposed development raise concerns relating to traffic and parking, built form, solar access, privacy, economic/property impacts, the potential historical significance of the site, health and safety issues, and environmental impacts.

### **POLICY IMPACT**

This matter has no direct policy implications.

### **FINANCIAL IMPACT**

This matter has no direct financial implications.

### **RECOMMENDATION**

It is recommended that the application be approved subject to the attached conditions.

## **DA-757/2014 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is known as 1 – 5 Marshall Street, Bankstown and is zoned 2(b) - Residential B. The consolidated development site has an area of 1,639m<sup>2</sup> and a frontage of 42m to Marshall Street.

The site contains three single-storey dwellings with outbuildings in the rear yards. A number of small trees stand on the site, with larger specimens toward the south-western corner.

Development to the south and to the west comprises a 3-storey residential flat building and 2-storey townhouses. Detached dwellings are located to the north and to the south-east, with public open space (Ruse Park) beyond Marshall Street to the east.

The site locality is illustrated in the aerial photo below.



## **PROPOSED DEVELOPMENT**

DA-757/2014 proposes the following works:

- Demolition of the existing dwellings and outbuildings.
- Removal of 4 trees.
- Construction of a 4-storey residential flat building incorporating affordable housing.
- Total of 32 units, all of which have 2 bedrooms.
- Basement car parking for 33 vehicles.

The application is lodged pursuant to the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, with 50% of the proposed units nominated as 'affordable housing'. Compliance with the relevant provisions of the SEPP is outlined later in this report.

## **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)]**

#### **Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment**

The subject site is located within the Georges River Catchment and accordingly GMREP No. 2 applies. The proposed works are consistent with the relevant planning principles outlined in the REP, and do not propose any of the specific development types listed under the '*planning control table*'.

### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

Division 1 of the SEPP applies to development for the purposes of '*residential flat buildings*' on land that is located in an '*accessible area*'. According to the definitions contained in the SEPP:

*'accessible area' means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

It has been demonstrated that the subject site is located within 250m of a bus stop that meets the required services. Accordingly Division 1 of the SEPP applies. Compliance with the relevant standards is outlined in the table below.

STANDARD	PROPOSED	COMPLIES?
<b>Floor space ratio</b> Maximum 1.5:1 (an additional 0.5:1 permitted as 50% of the development is proposed for affordable housing).	1.43:1	Yes.
<b>Site area</b> Minimum 450m <sup>2</sup> .	1,639m <sup>2</sup>	Yes.
<b>Landscaped area</b> At least 30% of the site area.	30%	Yes.
<b>Deep soil zones</b> Not less than 15% of the site area with a minimum 3m dimension. At least 2/3 located at the rear of the site.	Deep soil for 17% of the site area, however only 12% has a width of 3m and only 5% is at the 'rear' of the site (i.e. behind the building line).	No. The proposed deep soil zone is concentrated toward the front of the site. However the overall % of the site area provided as a deep soil zone complies, and despite the non-compliant location it would still provide for genuine deep soil planting with associated environmental benefits. In addition to the deep soil zones, raised planter beds are proposed around the site boundaries, as part of the landscape treatment of the ground floor terraces.
<b>Solar access</b> Living rooms and private open spaces for a minimum 70% dwellings require 3 hours direct sunlight between 9am and 3pm at mid-winter.	72% of dwellings receive the required amount of sunlight.	Yes.
<b>Parking</b> Min. 32 spaces required (1 space per unit).	33 spaces.	Yes.
<b>Dwelling size</b> At least 70m <sup>2</sup> per dwelling.	Each dwelling has an area of 70m <sup>2</sup> .	Yes.

Division 1 of the SEPP also requires that the design of the proposed development be compatible with the character of the local area. The locality of the site is an area under transition. A number of detached dwellings exist, however the emerging development type is medium density residential, with examples of existing residential flat developments to the west and to the south of the site. The proposed development is consistent with this development type, whilst managing an appropriate impact on the existing residential dwellings.

## **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

SEPP No. 65 applies to residential flat buildings having 4 or more units and 3 or more storeys. Accordingly the SEPP applies, and an assessment against the Design Quality Principles and Residential Flat Design Code (RFDC) has been undertaken.

The proposed development is consistent with the Design Quality Principles and responds appropriately to the site's context. Moreover, the application generally conforms to the key '*rules of thumb*' contained in the Residential Flat Design Code, as outlined in the table below.

<b>'RULE OF THUMB'</b>	<b>PROPOSED</b>	<b>COMPLIES?</b>
<b>Building depth</b> 10m – 18m is appropriate. If greater than 18m then good solar access and ventilation must be achieved.	The development provides two building elements, connected by open walkways and stairs. The depth of each building element is 9m.	Yes.
<b>Building separation</b> 12m separation between buildings over 3 storeys and up to 4 storeys.	8.5m between the proposed balconies on the southern elevation and the existing residential flat building to the south, which increases to 10.5m when measured to the building wall.	No. However the proposed separation is considered reasonable for an infill site, and would still maintain an appropriate level of privacy and solar access. In addition, it has been demonstrated that an existing stand of mature trees on the neighbouring property can be retained, which would offer additional screening between the two buildings.
<b>Communal open space</b> 25% – 30% of the site area is to be communal open space.	Communal open space has not been provided.	No. The scale of the development (i.e. 32 units) does not warrant a dedicated communal open space area, particularly when accessibility to public open space is taken into account. The development site is located directly opposite Ruse Park, which is on the eastern side of Marshall Street.
<b>Apartment layout</b> Single aspect apartments should be no more than 8m from a window. Back of kitchen no more than 8m from a window.	Parts of the single aspect units are 9m from a window. All kitchens are within 9m of a window.	No. However the non-compliance is minor and the amenity intent of the code is still met.
<b>Apartment size</b> 1 bed – min. 50m <sup>2</sup> 2 bed – min. 70m <sup>2</sup> 3 bed – min. 95m <sup>2</sup>	All units have 2 bedrooms and an area of 70m <sup>2</sup> .	Yes.

<b>Balcony depth</b> Min. 2m depth to primary balconies.	Minimum balcony depth is 2m.	Yes.
<b>Floor to ceiling heights</b> Min. 3.3m ground floor and 2.7m for other floors. If variation is sought then satisfactory daylight access must be demonstrated.	All floors are 2.7m.	No. Ground floor height is only 2.7m, however a satisfactory level of solar access is achieved. Given the site orientation, an increase to the ground floor ceiling height would not have any solar benefit to the ground floor units.
<b>Internal circulation</b> Max. 8 units accessed from a single corridor.	Each floor has 8 units and all are accessed from the same corridor.	Yes
<b>Solar access</b> 70% of units should receive 3hrs solar access between 9am – 3pm midwinter.	72% of units receive the required amount of sunlight.	Yes.
<b>Natural ventilation</b> 60% of units to be naturally ventilated. 25% of kitchens to have access to natural ventilation.	All units achieve natural cross ventilation. All kitchens have access to an opening that can provide for natural ventilation.	Yes.

### **State Environmental Planning Policy (State and Regional Development) 2011**

According to SEPP (State and Regional Development), 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 '*private infrastructure and community facilities for the purposes of affordable housing over \$5 million*'. The proposed development falls within this category and has a value of \$7.9 million. Accordingly the application is reported to the Sydney West JRPP for determination.

## **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 concentrates a high density residential development in a location that is accessible to the Bankstown CBD. While representing the emerging form of development contemplated by Council's planning policies, it 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. This table shows that development for the purposes of a '*residential flat building*' is permitted with consent on land zoned 2(b) – Residential B.

- *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 proposed development is accessible to public transport and meets the required energy and water efficiency targets as illustrated in the submitted BASIX Certificate. The proposed removal of existing trees has been examined and is supported, and appropriate means of managing stormwater runoff have been incorporated.

- *Clause 20          Trees*

It is proposed to remove 4 existing trees from the development site. The trees proposed for removal have been examined as having only low to moderate retention value and are not environmentally significant species.

- *Clause 24          Airports*

The development site is subject to Bankstown Airport Limited's (BAL) obstacle limitation surface plan, which prescribes a maximum building height of 15.24m. The proposed development does not exceed this height.



- *Clause 30 Floor space ratios*

The LEP '*Floor Space Ratio Map*' prescribes a maximum floor space ratio of 1:1. However additional floor space ratio provisions are made in *State Environmental Planning Policy (Affordable Rental Housing) 2009*. As outlined earlier in this report, the proposed development complies with these provisions.

- *Clause 30B Height of buildings*

The LEP '*Height of Buildings Map*' prescribes a maximum building height of 13m. The proposed building complies with this height, except for the proposed lift over-run and car park exhaust riser. These building elements have been designed as 'architectural roof features' and are permitted to project above the maximum building height according to the provisions of Clause 30C which is discussed below.

- *Clause 30C Architectural roof features*

An 'architectural roof feature' may exceed the maximum building height, provided it meets certain design criteria. The roof feature must comprise a decorative element on the uppermost portion of a building, must not be an advertising structure, must not contain floor space (nor be capable of being converted to contain floor space), and must cause minimal overshadowing. The proposed lift over-run and car park exhaust riser have been designed to meet these requirements.

- *Clause 44 Objectives of the residential zones*

The proposed development is consistent with the objectives of the 2(b) – Residential B zone. It is compatible with surrounding buildings in terms of bulk and scale and contributes to a variety of housing types for Bankstown. Local amenity and environmental impacts have been appropriately managed, and the development incorporates a landscape treatment that complements the streetscape.

- *Clause 45 General restrictions on development*

Development in the 2(b) – Residential B zone must be compatible with the character and amenity of existing and likely future buildings on adjoining land in terms of bulk and scale, siting and landscaping, height, overshadowing, traffic and parking, privacy, stormwater, and dust generation. The proposed development would not have any unreasonable impacts on the adjoining properties, nor would it diminish the likelihood of future development on neighbouring sites to enjoy the same level of residential amenity.

- *Clause 46 Core residential development standards*

Land can only be developed for the purposes of a residential flat building if it has an area of at least 1,500m<sup>2</sup> and a width of not less than 30m at the front building line. The consolidated development site complies, with an area of 1,639m<sup>2</sup> and a width of 42m.

▪ *Clause 47 Isolation of allotments*

Development in the 2(b) – Residential B zone must not have the effect of isolating land so that it would have an area less than 1,200m<sup>2</sup> and a width less than 20m at the front building line. Land to the west and south-west has been developed for the purposes of townhouses and residential flat buildings. Land to the north comprises 2 ‘undeveloped’ properties. Although this land has an area of only 1,100m<sup>2</sup>, it has a width at the front building line of 23m and is therefore not isolated according to the provisions of this clause. Land to the south comprises 6 ‘undeveloped’ properties, and has an area of 2,580m<sup>2</sup> and a width at the front building line of 55m.

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

The draft *Bankstown Local Environmental Plan 2014* has been publicly exhibited and applies to the subject site, hence is a matter for consideration. While the draft instrument proposes the introduction of some additional provisions, in the most part, the draft LEP provides for an administrative conversion of BLEP 2001 to the standard instrument LEP template.

To give determinative weight to the specific provisions contained within the draft instrument would be premature given the stage at which the draft instrument is at. Nevertheless approval of the proposed development would not be inconsistent with the intent and purpose of these provisions.

**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*.

DCP CONTROL	PROPOSED	COMPLIES?
<b>Height (storeys)</b> Max. 4 storeys.	4 storeys	Yes.
<b>Height (metres)</b> Max. 13m.	The building reaches a height of 13m. However the lift over-run and carpark exhaust riser extend above the roof and reach heights of 13.8m and 13.4m respectively.	No. However roof features are permitted to exceed the maximum height according to Clause 30C of the LEP.
<b>Front setback</b> Min. 6m.	Proposed front setback ranges from 4m at the north-eastern corner to over 15m at the south-eastern corner.	No. However the non-complying part of the building is limited to a 5m section of the north-eastern corner and represents a minor, point encroachment. The remainder of the building exceeds the required setback and provides opportunities for deep soil landscaping.

<b>Side / rear setbacks</b> Min. 4.5m provided the average setback is 0.6m x building height.	Setback to the north (side) ranges from 4.5m to 9.5m. Setback to the south (side) and west (rear) is 4.5m.	No. However as discussed earlier in this report, satisfactory building separation is maintained to the south. In addition, there would be no unreasonable overshadowing or privacy impacts to the north or to the west. The proposed setbacks are comparable to a number of existing flat buildings in the locality.
<b>Basement setback</b> Min. 2m to side and rear boundaries.	2m to the southern boundary. Nil setback to the northern and western boundaries.	No. The proposed basement design has been reviewed by Council's engineers and is supported. It is recommended that a dilapidation report be required to ensure that structures on neighbouring properties are not impacted by excavation works.
<b>Driveway setback</b> Min. 1m.	8m.	Yes.
<b>Roof pitch</b> Max. 35 degrees.	Flat roof (1 degree pitch).	Yes.
<b>Car parking</b> Min. 44 spaces (1.2 spaces per 2-bedroom dwelling plus 1 visitor space per 5 dwellings)	33 spaces.	No. However the requirements of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> prevail over the DCP, and are complied with.

### **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.

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

The proposed development is permitted with consent at the subject site, and represents a built form that is compatible with the character of the surrounding locality. Environmental matters are appropriately addressed, with the proposed tree removal and stormwater design having been examined and supported.

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

The application was advertised and notified upon lodgement for a period of 21 days. A total of 6 objections were received during this period including a petition with 27 signatories. The application was renotified for 14 days upon the lodgement of amended plans and additional information, with a total of 7 additional objections received, including a petition with 20 signatories. The objections made against the proposed development raise concerns relating to traffic and parking, built form, solar access, privacy, economic/property impacts, the potential historical significance of the site, health and safety issues, and environmental impacts.

### **Traffic and Parking**

- *Marshall Street would be congested with traffic during peak periods. Would become an accident black spot as residents of the development attempt to leave and enter the property.*
- *The surrounding streets are constantly congested with cars parked on the street. Even in affordable housing conditions, residents still own vehicles, most of the time it is multiple. Imagine adding an extra 60 – 100 cars (for residents and visitors) to Marshall Street as well as surrounding streets.*
- *Many existing residents illegally park on kerbs and partially block driveways in order to park overnight. The situation for Dellwood Street residents will get worse as they will not be able to park in Marshall Street as residents of the development will already use this street.*
- *Suggest the proposed development provide at least 50% of its units with two car spaces to ease the parking demand and minimise illegal parking.*
- *The applicant states that “The kerbside length on both sides of Marshall Street was found to accommodate approximately 37 spaces (14 on the west side and 23 on the east side)”. Yet they provide no proof in diagram form and they completely ignore no stopping zones and driveways.*
- *Parking will also affect cars trying to turn out of Dellwood Street into Marshall Street as it is a sharp corner and difficult to see oncoming cars.*
- *Parking in this area is already a problem with a lot of cars being parked on footpaths because of the lack of spaces available. This problem will only get worse as most residents own more than 1 car, plus visitors.*
- *There is a children’s play area in the nearby park opposite Marshall Street in which the increased traffic could put their safety at risk.*
- *Traffic congestion in Marshall Street increases the amount of pollution residents endure. The proposed development would add to this pollution.*
- *Garbage collection from the development would hold up traffic further on Marshall Street as it is so close to the intersection of Marshall Street and Macauley Avenue.*
- *Residents of the proposed development and their visitors will need space to park. This would cause chaos during peak traffic, narrow the driving lanes for traffic leaving and entering Marshall Street, reduce available parking for others, increase the difficulty of leaving the proposed development’s driveway to get into Marshall Street, and cars crowding due to it being so close to an intersection.*
- *The roads and footpaths will degrade at a faster rate due to higher usage, and more maintenance will be required.*

### Comment

The proposed development is subject to the provisions of *State Environmental Planning Policy (Affordable Rental Housing)*, including those relating to car parking. According to the SEPP, a minimum parking rate of 1 space per unit applies. The proposal provides 33 spaces for 32 units and complies. It must therefore be accepted that the proposed car parking provision is appropriate.

The development application was accompanied by a Traffic Impact Assessment prepared by a qualified traffic engineer. This assessment examines the impacts of the proposed development on the local road network, the site's access to public transport, and the driveway and car park design. The assessment also provides traffic generation estimates and an intersection analysis, and finds that:

- Traffic from the proposed development can be absorbed by the surrounding road network;
- The increase in the peak hourly vehicle trips (increase by 1 trip every 4 – 5 minutes) is unlikely to have an adverse impact on the functionality of nearby intersections;
- Sightlines in both directions for vehicles travelling out of Dellwood Street onto Marshall Street would not be affected by the proposal;
- The additional peak hour vehicle trips (13) represents 2% of the existing traffic, which is relatively minor; and
- Existing pedestrian footpaths and pedestrian phases at the intersection of Marshall Street and Macauley Avenue would not be modified or jeopardised as a result of the proposal.

Given the scale of the development, it is not expected that there would be any additional impact on road/footpath condition and garbage collection, beyond what might currently be experienced.

### **Built form**

- *It is recommended that the basement setback be amended to 2m, and the balconies setback be amended to 4.5m, and the building average setback be amended to 7.8m.*
- *Excessive bulk and scale. The 4 storey building completely dominates the area.*
- *Size of the building is not in keeping with the locality and buildings in the area.*
- *The development would not 'fit in' with surrounding buildings due to it being higher than most (majority are 3 storey buildings).*

### Comment

As noted earlier in this report, the proposed setbacks do not strictly comply with the provisions of Council's DCP. However the proposed building separation is deemed appropriate in the context of the site, and the proposed setbacks are comparable to a number of existing flat buildings in the locality.

The proposed development seeks to utilise the provisions of *State Environmental Planning Policy (Affordable Rental Housing)*, which allows a higher floor space ratio than that prescribed under the LEP. Despite the higher floor space allowance, the SEPP still requires development to be compatible with the character of the local area. The emerging development type in the surrounding area is high density residential, with examples of existing residential flat developments to the west and to the south of the site. The proposal is consistent with this development type, and the provisions of the *Bankstown Local Environmental Plan* and *Bankstown Development Control Plan* which allow for 4 storey buildings.

### **Solar Access**

- *The 4 storey building would block the sun of many adjacent properties. Some areas would receive no sun throughout the day. Could lead to health issues and structural issues due to mould.*
- *The development would completely overshadow No. 16 Dellwood Street.*
- *Overshadowing will cause mould and block all of the light.*
- *From 9am to 3pm, a time that encompasses the strongest light during the day, will not be realized for my family or my neighbours.*
- *The four storey proposed project will completely overshadow my unit so that will make me live in a dark and gloomy environment.*

### **Comment**

The proposed development would cast shadows over neighbouring properties to the south (No. 7 Marshall Street and No. 16 – 20 Dellwood Street) and to the west (No. 60 Macauley Avenue).

The northern elevation of the flat building at No. 16 – 20 Dellwood Street contains kitchen, bathroom and laundry windows. Although these windows would be impacted, the affected units have living areas that face east and west, which would still receive at least 3 hours of sunlight from 8am to 4pm. It is also noted that the existing stand of trees close to the property boundary would cause filtered shadows to be cast over the neighbouring building.

Because of its splayed frontage, the dwelling at No. 7 Marshall Street is located forward of the front building line of the proposed development. Accordingly, shadows from the proposal would not fall over the dwelling or its private open space area until midday.

Shadows to the west would fall primarily over the driveway and garage areas of the neighbouring townhouse development, and not over private courtyard areas. Solar access to this property would remain unchanged from mid-morning.

### **Privacy**

- *Overlooking into No. 58 Macauley Avenue.*
- *We will have a lack of privacy due to balconies/windows overlooking our property.*
- *Privacy and security will be compromised with the 4 storey construction and overlooking windows down into the garden.*
- *Concerns about the privacy screen, specifically what type of materials or plants and what height they will be?*
- *The balconies and windows of the proposed project face against my kitchen, bathroom and laundry. I will be overlooked and lose privacy.*
- *The applicant should provide a section showing the proposed levels of the private open spaces with the relation to the existing surrounding dwellings.*

The proposed development incorporates balconies that face toward the neighbouring properties to the north, to the west, and to the south. The greatest potential for privacy impacts is to the private open space areas of the dwellings to the north. Views to the west are primarily over the driveway and garages areas of the neighbouring townhouses, while views to the south are over common areas and the kitchen, bathroom and laundry of the neighbouring residential units. Each of the proposed balconies are provided with solid balustrades, and privacy screens to a height of 1.8m above the balcony floor level. The proposed screens are designed as operable, aluminium louvres, set at an angle that allows solar penetration to the balcony, while minimising the potential for overlooking into neighbouring properties. No significant or unreasonable overlooking is expected as a result of these measures. Proposed ground floor terraces are within 600mm of natural ground level at the highest point, at which an existing outbuilding is located on the neighbouring property to the north.

### **Economic / Property Impact**

- *Having too many residents and too much traffic without sufficient car spaces would depreciate the value of surrounding properties.*
- *The development would unreasonably restrict the redevelopment potential of No. 58 and No. 56 Macauley Avenue.*

### **Comment**

The proposed development makes provision for car parking that is sufficient to meet the requirements of *State Environmental Planning Policy (Affordable Rental Housing)*. In addition, the requirements of Clause 47 of the *Bankstown Local Environmental Plan*, which requires a consideration of whether the proposed development would 'isolate' any adjoining land and unreasonably impact the potential for redevelopment, have been met. It therefore cannot be reasonably held that the proposed development would have any direct impact on the development potential or value of neighbouring properties.

### **Potential Historical Significance**

- *The development would entail the destruction of the former home of Prime Minister Paul Keating. This house is of significant historical value.*

#### **Comment**

The existing fibro and tile dwelling at No. 3 Marshall Street is the former home of Paul Keating, Prime Minister of Australia from 1991 to 1996. It was identified in the 1998 review of the 1988 Bankstown Heritage Study as a potential heritage item, however was removed from the draft LEP list by Council following objections from the owner. Schedule 6 of the current *Bankstown Local Environmental Plan 2001* lists all heritage items in the Bankstown LGA. The dwelling at No. 3 Marshall Street is not listed, nor is it listed in the *Draft Bankstown Local Environmental Plan 2014*. Accordingly, the heritage provisions contained in Part 5 of the LEP do not apply.

### **Health and Safety Issues**

- *Health concerns about the location of the bin collection proposed and the inevitable unpleasant odours and smells from the rubbish gathered in this central location.*
- *The proposed buildings parking spaces are open area and just behind the boundaries. As the distance is too close to our building, noise from the parking area, balconies and windows will cause disturbance and lead to health issues such as sleep disorder and stress.*
- *Demolition, underground digging and construction will cause enormous amounts of dust and other pollution, which is of health concern, particularly those residents suffering from asthma, sinus and other allergies.*
- *The number of trucks entering and exiting the street during construction raises a number of safety concerns particularly regarding children walking to and from school, young families and elderly residents.*
- *The houses at 1, 3 and 5 Marshall Street are of the construction age where asbestos was used. This raises serious safety issues. Residents are very concerned on how the asbestos will be dealt with.*

#### **Comment**

Potential construction impacts of the development (including noise, dust, traffic management, stormwater runoff and the removal and management of asbestos) are addressed by recommended conditions of consent. A condition has also been recommended that requires the preparation of a dilapidation report with respect to excavation work and structures on neighbouring properties.

The proposed bin storage area is located in the basement. The area proposed at ground level is for the temporary storage of bins on the day of collection. Due to the limited period of bin storage in this location, adverse or unacceptable odour or health impacts are not expected.



### **Environmental Impacts**

- *Cutting the existing trees that border the two properties will not be beneficial to the environment including birds, or the privacy of residents facing the proposal.*
- *The proposed development will cause a severe disruption to the parklands directly adjacent on the east side. The fauna of the parklands will be greatly disturbed during construction and due to the high density of the development*
- *Destruction of the natural habitat including native birds and bats.*

### **Comment**

It is proposed to remove 4 existing trees from the development site. Of these, 2 are located in the south-western corner of the development site, with the other 2 trees at the Marshall Street frontage. The trees proposed for removal have been examined as having only low to moderate retention value and are not environmentally significant species. A stand of existing trees along the boundary of the adjoining site to the south can be retained, and would maintain a substantive portion of the existing vegetated privacy buffer. It cannot be reasonably held that the proposed development would have any adverse impact on the flora or fauna in Ruse Park, which is located to the east of the site beyond Marshall Street.

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

The proposed development would not contravene the public interest. The proposed development responds appropriately to the requirements of *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the *SEPP 65 Residential Flat Design Code*, as well as the relevant standards and controls contained in the *Bankstown Local Environmental Plan 2001* and the *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 Section 79C of the *Environmental Planning and Assessment Act 1979* and the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development)*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *Greater Metropolitan Regional Environmental Plan No. 2*, *Bankstown Local Environmental Plan 2001*, and *Bankstown Development Control Plan 2005*.

The proposed development represents an appropriate built form for the site and the relevant planning controls have been appropriately responded to. No significant, unresolved matters have been raised in public submissions, and the proposal would not have any unacceptable or unreasonable impacts on the surrounding locality.