

DA NO: DA-2021/130

ADDRESS: 20 STRATHALLEN AVENUE, NORTHBRIDGE NSW 2063.

PROPOSAL: DEMOLISH EXISTING DWELLING AND CONSTRUCT THREE STOREY BOARDING HOUSE, ACCOMMODATING 10 BOARDING ROOMS, PRIVATE OPEN SPACE, COMMUNAL LIVING SPACE, STORAGE AREAS AND MOTORCYCLE AND BICYCLE PARKING.

RECOMMENDATION: REFUSAL

ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. SECTION 4.15 (79C) ASSESSMENT
5. REASONS FOR REFUSAL
6. NOTIFICATION MAP

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER

AUTHOR: ANA VISSARION – SENIOR DEVELOPMENT PLANNER

REPORT DATE: 18 JULY 2022

MEETING DATE: 26 JULY 2022

1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2021/130 to *'Demolish existing dwelling and construct three storey boarding house, accommodating 10 boarding rooms, private open space, communal living space, storage areas and motorcycle and bicycle parking'* at 20 Strathallen Avenue, NORTHBRIDGE.

The application is required to be referred to the WLPP for determination because twenty-five (25) unique submissions have been received objecting to the proposal.

2. OFFICER'S RECOMMENDATION

THAT the Willoughby Local Planning Panel:

2.1 Refuse Development Application DA-2021/130 to *'Demolish existing dwelling and construct three storey boarding house, accommodating 10 boarding rooms, private open space, communal living space, storage areas and motorcycle and bicycle parking'* at 20 Strathallen Avenue, NORTHBRIDGE NSW 2063 for the following reasons listed in Attachment 5 and summarised below:

2.1.1 The proposal disregards the immediate context of the site and its characteristics, especially the consequences deriving from no vehicular access from Strathallen Avenue, by proposing a scheme that is not supported by Transport for NSW (TfNSW) and by Council engineers in regard to vehicular access, traffic/ parking.

2.1.2 The proposal is incompatible with the character of the local area, failing to meet Clause 30A Character of local area in Division 3 Boarding Houses of the *State Environmental Planning Policy (Affordable Rental*

Housing) 2009 (AHSEPP) and failing to address other requirements of the AHSEPP in a satisfactory manner.

- 2.1.3 The proposed development does not satisfactory meet the relevant objectives of the R2 Low Density Residential.
- 2.1.4 The proposed development does not meet the intent and controls contained in the Willoughby Development Control Plan (WDCP), especially in Part C, Part D and Part G.2.
- 2.1.5 The proposal does not provide sufficient information in critical areas of the proposal.
- 2.1.6 Approval of the proposal would not be in the interest of the public and would establish an undesirable precedent.

3. BACKGROUND

The subject site is located on the southern, lower side of Strathallen Avenue, is irregular in shape, with a northern frontage to Strathallen Avenue. The site contains a part two storey dwelling house located approximately seven metres below the street level. Currently it is heavily vegetated and it is seen as a green canopy from the street.

Due to the location of the site at a bend in Strathallen Avenue, and due to steep topography, the site does not have an onsite vehicular arrangement or a vehicular crossing. Strathallen Avenue is a state classified road.

The surrounding area is characterised by detached residential dwellings located behind dense front landscaping.

A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

4. DISCUSSION

This development application was lodged with Willoughby Council on 10 May 2021, under the provision of the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)*.

The new *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* began on 26 November 2021, consolidates five (5) former housing-related policies and incorporates the repealed *AHSEPP provision in Division 2 Boarding houses*, however, it does that with a number of changes. *Schedule 7A Savings and transitional provisions* states in clause 2 *General savings provision*:

- (1) *This Policy does not apply to the following matters—*
 - (a) *a development application made, but not yet determined, on or before the commencement date,*
 - (...)
- (2) *The provisions of a repealed instrument, as in force immediately before the repeal of the repealed instrument, continue to apply to a matter referred to in subsection (1).*

Consequently, for the purpose of this assessment, provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)* apply.

Proposal consists of demolition of the existing building and construction of a boarding house with a built form stepped over three (3) levels, accommodating 10 boarding rooms, private open space, communal living space, storage areas, motorcycle and bicycle parking.

TABLE 1: DETAILS OF THE PROPOSAL		
Floor Level	Details by Level	Gross Floor Area
Floor Level -2 (RL 55.67 AHD)	4 x boarding rooms & ensuites	102m ²
Floor Level -1 (RL 58.87 AHD)	4 x boarding rooms & ensuites	95m ²
Ground Floor Level (RL 62.07 AHD)	Main entrance, 2 x boarding rooms with ensuites and communal living room	66m ²
TOTAL	10 boarding rooms	263m²

Extract from the Statement of Environmental Effects submitted

Strathallen Avenue classifies as a State Road. While the proposed development will not provide any onsite car parking, it did provide spaces for motorcycle and so, the application was referred to Transport for NSW (TfNSW).

The proposal complies with WLEP 2012 Height of buildings control of 8.5m and with the Floor space ratio (FSR) control of 0.43:1 that apply to the site.

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

The application was notified in accordance with WDCP controls from 25 May 2021 to 15 June 2021. Twenty-five (25) individual submissions have been received. All submissions are opposing the proposal. Planning matters raised in these submissions are similar to the matters raised in the body of this report and have been given due consideration. Further details are provided in **Attachment 3**.

An assessment of the proposal is provided in **Attachment 4**.

Council requested additional information from the applicant, highlighting issues in regard to car parking, vehicular crossing, stormwater/ engineering, landscaping and other planning matters. In the effort to resolve some of these issues, the applicant submitted, for preliminary assessment by Council engineers, an amended scheme dated 19 April 2022, accommodating two (2) car spaces on the roof of the proposed building. At the same time, attempts were made by the applicant to apply for a vehicular crossing to the site. The scheme submitted was not supported by Council engineers and the vehicular crossing request was unsuccessful.

Further attempts from Council officers recommending withdrawal of the application remained unresponded to.

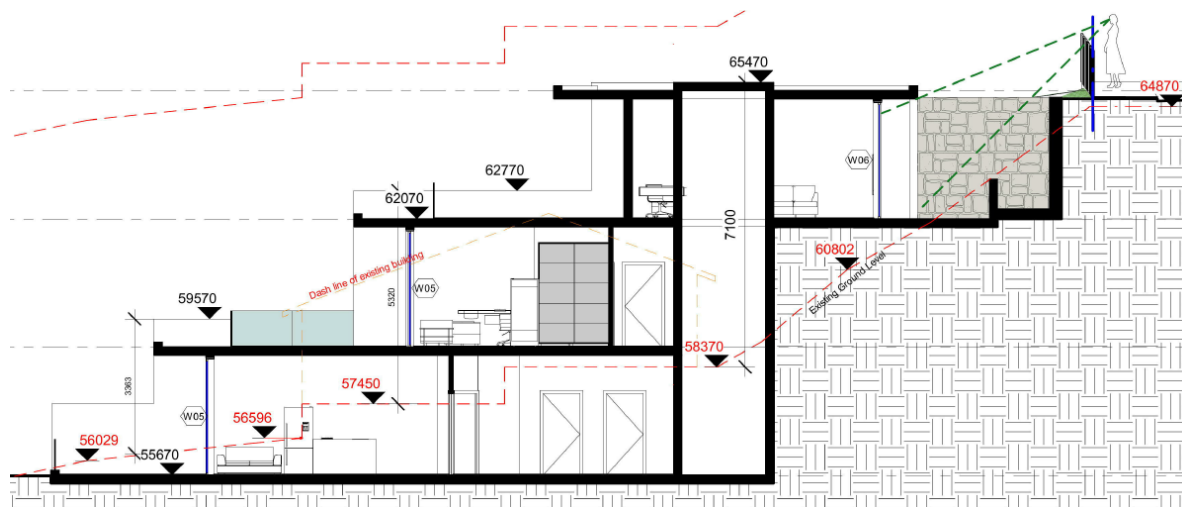
As the latest set of plans is incomplete, lacking more documentation than the original plans submitted, this assessment is focused on the original scheme submitted with the application.

This development application is recommended for refusal as it is an unsatisfactory proposal with regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act*, for the following reasons:

- It severely impacts the local tree canopy.

- It is incompatible with the local character and desired future character.
- It will have unacceptable environmental impacts on public domain.
- It will have unacceptable amenity impacts on the neighbouring properties.
- It does not comply with the relevant provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)*, *WLEP 2012* and *WDCP*.
- Submissions from TfNSW and public were not addressed by the applicant.
- There is insufficient information provided.

The front of the site is proposed to be occupied by pedestrian ramps that run parallel to the frontage and by a ramp for the motorcycle spaces. A narrow strip of landscape is located between the pedestrian ramp and the site front boundary. The proposed building and pathways forward to the building alignment are uncharacteristic for the streetscape and will appear as a large paved area at the level of the street, when seen from Strathallen Avenue.



Section provided with the application

The proposal will require removal of all trees on site (7) and one (1) public tree and the landscape plans do not provide sufficient replacement trees. Towards the front and sides of the site (north, east and west) there is insufficient space to accommodate trees to screen the proposed built form.

The subject site does not benefit from an existing vehicular crossing. No car spaces are proposed, contrary to applicable controls. However, two (2) motorcycle spaces are proposed, despite the fact that the motorcycles have no access from Strathallen Avenue other than the pedestrian access. TfNSW and Council engineers do not support the application.

With no vehicle access to the site, construction vehicles, emergency and delivery vehicles will not be able to access the site. Therefore, methods of construction of the proposal without having serious public impacts remain questionable. A Construction Management Plan has not been submitted.

Furthermore, there is no information submitted regarding potential traffic issues that might arise from requiring waste vehicles to stop in front of the subject site for pick-up of multiple bins, at a location that TfNSW describes as 'dangerous'.

The proposal will have unacceptable impacts to neighbouring properties, including acoustic impacts and visual dominance due to high walls on boundary and lack of tree canopy. As previously mentioned, on three sides (front, east and west) the proposal is deficient in

meaningful landscaping and, due to the characteristics of the proposal, landscaping can't be satisfactory conditioned.

Other than a chapter in the Acoustic Assessment, a Plan of Management hasn't been submitted, as required by WDCP controls.

Stormwater issues have not been solved to an acceptable level and Council engineers do not support the proposal and recommend refusal of the application.

The proposed development offers insufficient information. The submitted plans are not fully dimensioned to confirm compliance with the requirements of the *WDCP* and the Australian Standards.

The Acoustic Report accompanying the development application makes recommendations in order to achieve acceptable internal noise for lodgers and acceptable noise impacts to adjoining properties. It notes that 'windows and doors must be kept closed and all gaps must be sealed airtight' in order to achieve acceptable internal noise levels. Conversely, during operation of the boarding house, air-conditioning must not run during night time due to potential noise impacts on adjoining properties. The plans do not provide details regarding the location of air conditioning or ventilation. Disregarding these recommendations, a number of boarding rooms have the outdoor areas oriented towards side boundary.

With no car parking available, pick-up of waste unclear, outdoor area unable to be used by all adult lodgers at the same time due to acoustic restrictions, and similarly, air-conditioning unable to run during the night, and with no clear management of the premises, the quality of the accommodation that can be achieved at this location is assessed as being unsatisfactory.

Assessment of the proposal for refusal is provided in **Attachments 2 and 4**.

The **plans** used for this assessment can be found in a file named **WLPP Plans** under the DA tracking functionality for this application on Council's website:

<https://eplanning.willoughby.nsw.gov.au/pages/xs.track/searchapplication.aspx?id=509963>

5. CONCLUSION

The new *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* began on 26 November 2021, after the application was lodged on 10 May 2021 and incorporates (with a number of changes) the repealed AHSEPP in *Division 2 Boarding houses*.

In accordance with *Schedule 7A Savings and transitional provisions* of the Housing SEPP, this assessment is made against the provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)*.

The Development Application DA-2021/130 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)*, *WLEP 2012*, *WDCP*, and other relevant codes and policies.

The proposal disregards the immediate context of the site and the characteristics of the larger Northbridge locality. Having regard to public submissions, the detrimental impacts expected to be generated by the proposal on the local context and on the amenity of the adjoining neighbours, and the insufficient information provided, the approval of the application is not considered to be in the public interest.

It is considered that the proposal is unacceptable in the particular location for the reasons discussed in this report and is recommended for refusal. The reasons for refusal are contained in **Attachment 5**.

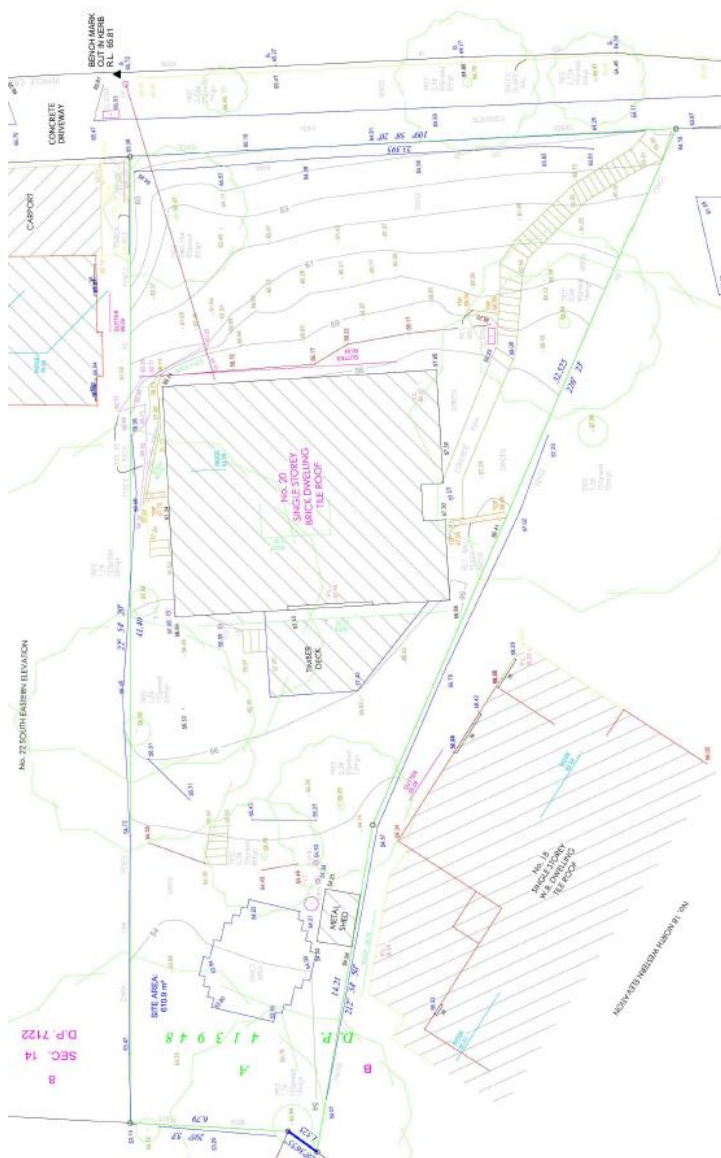
ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The subject site is Lot A in DP413948, located on the southern side of Strathallen Avenue, between Calbina Road and Marana Road.

The site is irregular in shape, with a northern frontage to Strathallen Avenue of approx. 23.39 metres, and rear southern boundary of approx. 8.31 metres. The total site area is 610.9m².

The site has an east to west fall of 1.2 metres along Strathallen Avenue. The site slopes steeply in the first seven metres adjoining the frontage and has a total north to south cross fall of approx. 11.56 metres.

Strathallen Avenue



Survey

The subject site is occupied by a part one and part two storey brick dwelling house with a pitched tiled roof. Due to the sloping topography of the area, the ground floor of the existing dwelling is located approximately seven metres below the street level and is not visible from Strathallen Avenue. The site is heavily vegetated within the front, side and rear setbacks and

is seen as a green canopy from the street. Stairs from the eastern end of the street boundary and near the eastern boundary currently provide access to the dwelling.

Due to the location of the site at a bend in Strathallen Avenue and due to steep topography, the site does not currently have vehicular arrangement and does not have a vehicular crossing. Therefore, currently there is no on-site parking.

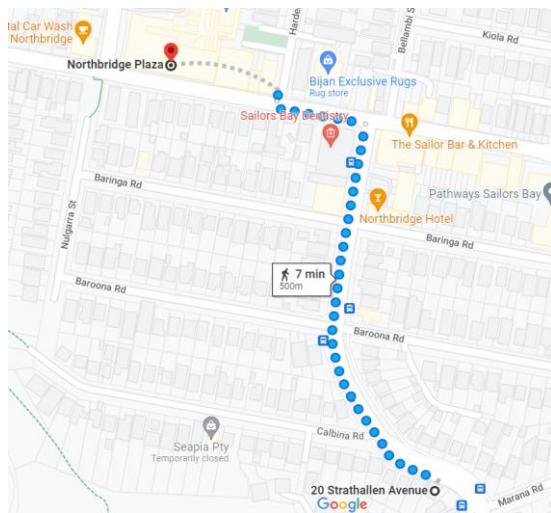
The surrounding area is characterised by detached dwellings, some with multiple levels, as a result of the steep topography which slopes down towards Flat Rock Creek. Dwellings on both sides of Strathallen Avenue are generally located behind dense front landscaping.



Site context - Exponare

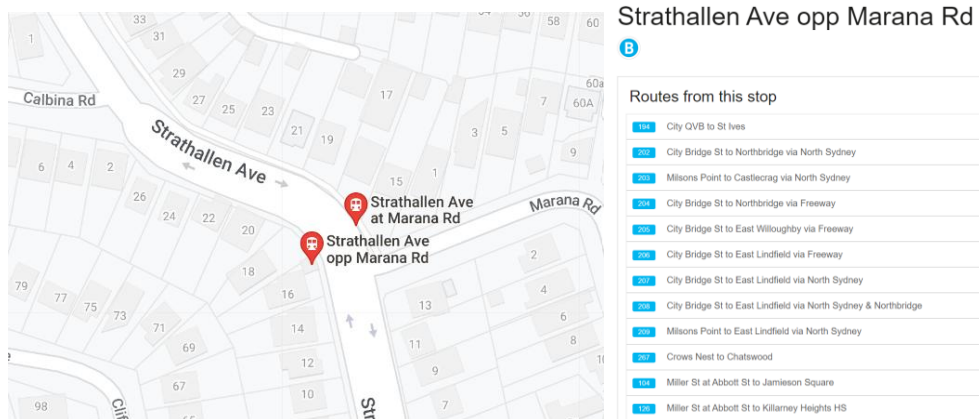
Dwellings on the southern side of Strathallen Avenue generally appear as single storey to the street or are not readily visible if located below street level, due to the sloping topography as is the subject site.

The subject site is located within 500m walking distance (7-10 minutes walking and 3-5 minutes by bus) to Northbridge Plaza.



Google Maps

The subject site is located within 50m walking distance of a public bus stop, used by numerous and regular bus services. However, there is no pedestrian crossing in the vicinity of the site that can facilitate easy access to the bus stop on the other side of the street. For the entire frontage of the subject property, there is a low metal bump fence, for vehicle and pedestrian safety.



Map showing bus stops in the vicinity of the site and part of the bus routes.



View along Strathallen Ave (looking South), taken in front of 22 Strathallen

ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS

Willoughby Local Environmental Plan 2012 Zoning	R2 Low Density Residential
Existing Use Rights	No
Additional Permitted Use	No
Conservation area	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	No
Natural Heritage Register	No
Bushfire Prone Area	No
Foreshore Protection Area	No
Flood related planning control	No
Adjacent to classified road	Yes
Road/lane widening	No
BASIX SEPP	Yes
Infrastructure SEPP – Road	Yes State Environmental Planning Policy (Transport and Infrastructure) 2021 which incorporates the provisions of the repealed State Environmental Planning Policy (Infrastructure) 2007 <i>2.119 Development with frontage to classified road & 2.120 Impact of road noise or vibration on non-road development</i>
Coastal Management SEPP	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Other relevant SEPPS	State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) (provisions currently incorporated with some changes in the new State Environmental Planning Policy (Housing) 2021 (Housing SEPP) - Division 2 Boarding houses State Environmental Planning Policy (Biodiversity and Conservation) 2021 – which incorporates the repealed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 State Environmental Planning Policy (Resilience and Hazards) 2021 – which incorporates the provisions of the repealed SEPP No 55 – Remediation of Land SEPP Building Sustainability Index: BASIX 2004 (The BASIX SEPP)
Relevant policies and resolutions	WDCP

Main Development Statistics				
		Proposed	Standard	Numerical Compliance
	Site Area	610.9m²	No change	
Willoughby Local Environmental Plan 2012 (WLEP 2012)				
CI.4.3	Height	7.1m	8.5m	Yes
CI.4.4 & CI. 4.4A	GFA	263m²	263m²	Yes
	FSR	0.43:1	0.43:1	
Willoughby Development Control Plan (WDCP)				
C.5	Water management	Insufficient information	Re-use and disposal of rainwater and stormwater	No
C.6	Access, Mobility and Adaptability	No car spaces proposed	1 accessible car space for a boarding house	No
C.9	Vegetation Management	All trees on site are to be removed plus one street tree	The proposed development is to be sited and designed to retain and minimise the impact on any trees or any other significant vegetation	No
D.1.2	Localities	Proposal deficient in landscaping to front, sides and overall, all trees on site removed...	Siting and design should observe controls for developing in Northbridge locality	No (*)
D.1.4	Character, Design, Streetscape and View Sharing	Objectives not met	Development to complement the desired future character of the streetscape, enhances landscape qualities of the area, attractive residential environment and residential amenity.	No
D.1.7	Building Envelopes and Setbacks	Inadequate setbacks for landscaping, encroachment into BHP	Setbacks to provide adequate space for landscaping, BHP at 45° from a height of 3.5m above natural ground level at the side boundaries	No

D.1.8	Landscaping	218m ² provided	245.72m ² required	No
D.1.11	Privacy	The proposal has the potential to impact the amenity of neighbours in regard to noise. Amenity impacts arising from lack of on-site parking unaccounted for. No Plan of Management for the boarding house.	provide a reasonable level of privacy to the residents of existing adjoining dwellings	No
G.2	Boarding Houses	Permissible	Permissible with consent in R2 Low Density Residential zone	Yes
		Apart from acoustic considerations, a Plan of Management that details the operation and management of the boarding house has not been submitted	A Plan of Management is to be submitted with any Development Application for a boarding house	No
State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) - Division 3 Boarding houses (applicable in accordance with <i>Schedule 7A Savings and transitional provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i>)				
Cl. 29(2)	Standards that cannot be used to refuse consent	Proposal complies with the maximum floor space ratio (FSR) of 0.43:1 that applies to the site.	(1) Not to be refused on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than (a) the existing maximum floor space ratio (FSR) for any form of residential accommodation permitted on the land.	Yes & Noted - density and scale not a reason for refusal.
		Proposal sits under 8.5m at any point of the site	(2)(a) building height if the building height of all proposed	Yes & Noted – height not a reason for

			buildings is not more than the maximum building height permitted,	refusal.
		Area allocated for landscaping in the front setback is considered inadequate to provide for sufficient landscaping and canopy planting forward to the building frontage to allow compatibility with streetscape and locality	(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	No
		Communal living room receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Yes & Noted – solar access not a reason for refusal.
		Communal Living room of an area of 21m ² provided	(d) private open space if at least the following private open space areas are provided (other than the front setback area)— (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers, (ii) n/a	Yes & Noted – private open space not a reason for refusal.
		For 10 boarding rooms, at least 5 car spaces would be required; the development does not propose any car spaces	(e) parking if— (iia) in the case of development not carried out by or on behalf of a social housing provider—at least <i>0.5 parking spaces are provided</i>	No

			for each boarding room, and (iii) n/a,	
		Complies. Notwithstanding, due to dimensions, majority of boarding rooms have the minimum dimensions to accommodate two lodger, though only 2 rooms are stated to contain 2 lodgers each.	(f) accommodation size if each boarding room has a gross floor area (excluding kitchen & bathroom areas) of at least— (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.	Yes & Noted – Accommodation size not a reason for refusal.
		Kitchen or bathroom facilities are provided in each boarding room.	(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required	Yes & Noted – kitchen or bathroom facilities in each boarding room not a reason for refusal.
Cl. 30	Standards for boarding houses	provided	a) at least one communal living room will be provided	Yes
		no room above 25 sqm (excluding kitchen & bathroom areas)	b) no boarding room will have a gross floor area of more than 25 sqm (excluding kitchen & bathroom areas)	Yes
		8 x single lodger rooms 2 x two lodger rooms	c) max 2 adult lodgers per room	Yes
		Bathroom and kitchenette in each boarding room	d) adequate bathroom and kitchen facilities for the use of each lodger	Yes
		As only 12 lodgers, no boarding house manager proposed	e) 20 or more lodgers, a boarding room or on-site dwelling will be provided	Yes

			for a boarding house manager	
		n/a	f) repealed	-
		n/a	g) n/a	-
		2 motorcycle spaces 2 bicycle spaces, However, motorcycle spaces not accessible as no vehicular crossing	h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms	No
CI.30AA	Boarding houses in Zone R2 Low Density Residential	10 boarding rooms proposed	no more than 12 boarding rooms in R2	Yes
CI. 30A	Character of local area	The development disregards the character of the Northbridge locality, especially by adopting a design contrary to: <ul style="list-style-type: none"> maintain the predominance of natural soft landscaped areas on the site, retention of significant trees, avoiding large areas of driveways and paved surfaces at the street frontage) 	The proposed development must be compatible with the character of the local area	No (*)

(*) Compatibility of the sitting and design of the development with the *Character of local area* is assessed below:

30A Character of local area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

In assessing the character of local area, planning principles established by NSW Court judgments assist when making a planning decision. In this specific case, *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191* helped create the planning principle of "compatibility in the urban environment", defined as "*capability of existing together in harmony*".

<https://www.caselaw.nsw.gov.au/decision/549f88cd3004262463acf4e6>

Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact.

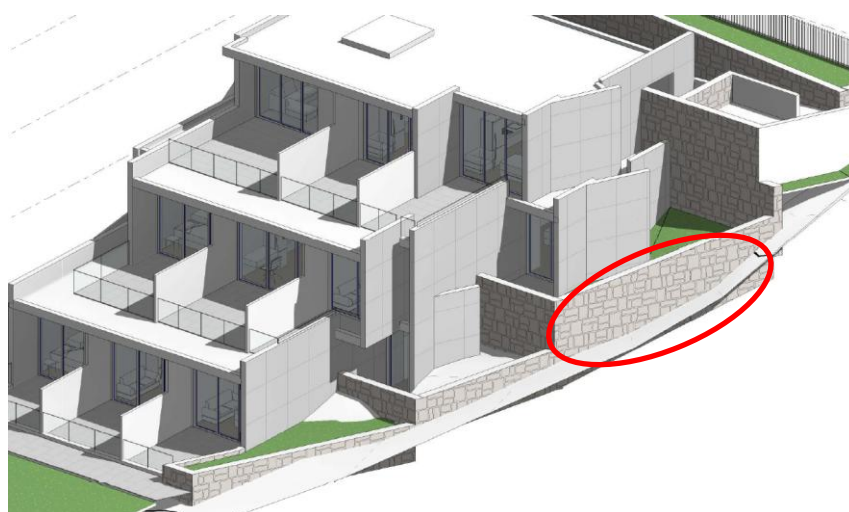
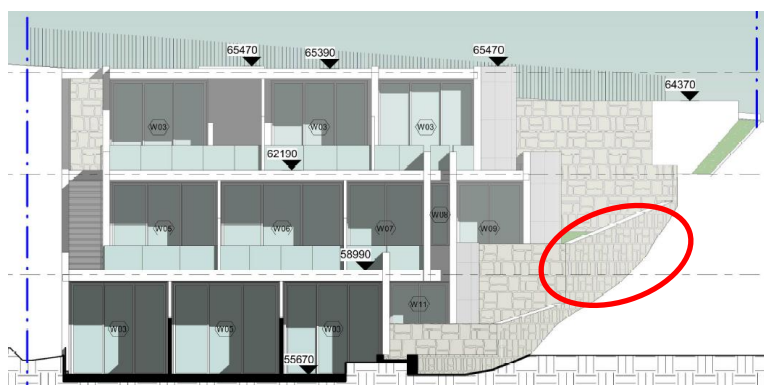
To test whether a proposal is compatible with its context and whether it meets the "*local character*" test, two questions should be asked:

- Are the proposal's physical impacts on surrounding developments acceptable?

(Physical impacts include noise, overlooking, overshadowing and constraining development potential etc)

No.

- A. The proposal provides a sense of enclosure due to the high walls proposed on boundary. The height of these walls is above an expected height of 1.8m for a side fence, but exact dimensions were not provided with the application.



Example showing Eastern wall on boundary

	<p>B. The proposal has the potential to impact the amenity of neighbours in regard to noise. An Acoustic Report prepared by Blackett Acoustics has been submitted. The report concludes at p21 and p27:</p> <p><i>In order to maintain the residential amenity within the boarding house and the surrounding residential receivers, it is recommended that the outdoor communal area cease use after 10:00 pm on a daily basis.</i></p> <p>Additional rules recommended within the report:</p> <p>A maximum of 10 residents are allowed at any time in the outdoor area on ground level.</p> <p><i>Consideration must be shown to other lodgers and neighbouring premises by keeping the noise to a minimum. Television and radio volumes must be kept low. No excessive noise is permitted in the communal areas.</i></p> <p><i>All rooms are for residential purposes only and must not be used of any other purpose and house rules have a NO PARTY POLICY.</i></p> <p><i>Lodgers are not permitted to keep any animals.</i></p> <p>The external areas are not to be used for gathering after 10:00 pm.</p> <p>Air-conditioning units are not to be used during the night-time period (between 10.00pm and 7.00am).</p> <p>Only subject to the recommended measures the application appears to comply with NSW Noise Policies.</p> <p>It should be noted that, despite the fact that the location is noise sensitive, a number of boarding rooms have the outdoor area oriented towards side boundary. The plans do not show the exact location of the air conditioning units.</p> <p>While the assessment and conclusions are noted and some appear to be common sense, enforcement is unlikely to be realistic, especially in the absence of a comprehensive Plan of Management.</p> <p>C. Given that the subject site does not benefit from a vehicular crossing, traffic and parking impacts on the larger community arising from the development are insufficiently considered.</p>
<ul style="list-style-type: none"> Is the proposal's appearance in harmony with the buildings around it and the character of the street? 	<p>No.</p> <p>The area is characterised by single detached dwellings with large front and rear setbacks and low fencing to the street. The typical site contains natural landscaped areas with mature tree canopy mostly located forward to the dwelling and in the back yard.</p>

(harmony is given by the relationship of built form to the surrounding space and is created by building height, setbacks and landscaping, architectural style and materials).

The qualities and characteristics of the streetscape and Northbridge locality (for residential areas with a subdivision pattern following the topography of the land) are insufficiently observed by the proposal, specifically:

- The proposal does not maintain the predominance of natural soft landscaped areas on the site:
 - front setback does not provide adequate space for landscaping and/or tree planting and so, the landscape treatment of the front setback is unsatisfactory,
 - side setbacks do not provide adequate space for landscaping and/or tree planting, with private terraces oriented towards the eastern side boundary and common circulation and steps with nil setback to the western boundary.



- The proposal does not maintain the front setback of the existing building, despite the fact that the location of dwelling that currently exists on site appears to have been well planned at the time of construction, with setbacks progressively increasing from west towards east.



Footprint of existing dwelling on site and adjoining dwellings

- There are no details submitted for the front fence.
- All trees on site are to be removed and one street tree is to be removed.

	<p>To compensate for the tree loss, minimum 21 trees should be provided as part of the proposal, while the proposal includes only 4 trees with a mature height of over 4m. The natural landscape characteristics of the locality are not maintained.</p> <ul style="list-style-type: none"> • The proposal to build pedestrian ramps within the front setback, for the entire length of the setback, will appear as a large concreted area at the street frontage. • The proposal disregards the existing characteristics of Strathallen Avenue: <ul style="list-style-type: none"> ○ by proposed scheme is not endorsed by TfNSW and by Council in regard to traffic/ parking. ○ With no vehicle crossing approved and no vehicle access on the site, construction of the proposal is questionable. A Construction Management Plan has not been submitted. ○ Furthermore, the operational waste management plan submitted with the application offered insufficient information regarding the traffic issues that might be raised by waste vehicles stopping in front of the subject site for pick-up of multiple bins, at a location that TfNSW describes as '<i>dangerous</i>'.
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It is concluded that the development will adversely impact on surrounding developments and be detrimental to the character of the street and of the locality. Consequently, the proposal is incompatible with the character of the local area, failing to meet **Clause 30A Character of local area** in Division 3 Boarding Houses of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP).

Referrals

TfNSW	<p>The application was referred for concurrence to TfNSW, as required by section 138(2) of the Roads Act.</p> <p>The application did not receive support and following comments were made (extract):</p> <p><i>It is TfNSW understanding that there is no proposed vehicular access arrangement on Strathallen Avenue for TfNSW to consider under the Roads Act, 1993.</i></p> <p><i>However on-site motorcycle parking is proposed for this development and it is not clear how motorcycles will be accessing the proposed parking via a pedestrian access from Strathallen Avenue.</i></p> <p><i>(...)</i></p> <p><i>The sharp curve(s) and the change in grade makes the location quite dangerous, making it very difficult to provide construction vehicle access or a temporary work zone within the road reserve.</i></p> <p><i>TfNSW requests detailed supporting information.</i></p> <p><i>(...)</i></p> <p><i>TfNSW does not support this application in its current form.</i></p>
Building services	No objection and conditions provided.
Engineering	<p>Council's Engineer does not support the application and part of the comments made at the time include:</p> <p><i>A stormwater management plan has not been submitted with this application. The development exceeds 300m² and is considered a major development, as such stormwater runoff needs to be managed through an on-site detention system (OSD). Given the site falls away from Strathallen Avenue, outlet from the OSD shall drain through the stormwater system via a downstream drainage easement. A stormwater management plan prepared by a suitably qualified civil engineer complying with these requirements, the WDCP Part C5 and Technical Standard No. 1 shall be submitted to Council for assessment.</i></p> <p><i>With regards to vehicular access and parking arrangements, the site is located on Strathallen Avenue which is a State Road managed by TfNSW.</i></p> <p><i>There is currently no provision for vehicular access to provide on-site parking and/or access by service and delivery vehicles. Please refer to Council's Traffic Engineer comments for more details, vehicular access to facilitate the motorcycle parking has not been provided at this stage.</i></p> <p><i>Given the submitted plans would require significant modifications to address the above issues, it is recommended the application be refused.</i></p> <p>Following submission of amended plans that propose car parking for two (2) vehicles on the roof of the building, the engineers re-iterated</p>

	that the application can't be supported as the scheme is not realistic, does not comply with the standards and lacks critical details, and the application should be refused/ withdrawn.
Traffic	<p>Council's Traffic Engineer does not support the application and part of the comments made at the time are included below:</p> <ul style="list-style-type: none"> • <i>A Traffic Study is to be undertaken by a traffic consultant because the location is on a State Road and on a bend which means that motor vehicle access will need careful consideration and approval by TfNSW and Council.</i> • <i>At this time only motor bike and bicycle parking is provided as part of the DA. The DA should meet Council's DCP for all on-site parking needs for all motor vehicle types.</i> <p><i>It is noted that factors such as the location of the DA along a curve of a State Road may influence whether motor vehicle parking i.e. motor cars and trucks should be provided on site.</i></p> <ul style="list-style-type: none"> • <i>Only motor bike parking is provided on site at this time.</i> • <i>There is no access driveway provided as part of the DA at this time. It is considered that a driveway between Strathallen Avenue and the DA is required to support as a minimum the safe movement of motor bikes to/ from Strathallen Avenue - motor bikes must not use driveways of adjacent properties and the footpath to access the site.</i> • <i>No disabled parking space is provided on site, the provision of this type of parking for the DA should meet Council's DCP.</i>
Waste	Comments not received.
Landscape	<p>Council's Landscape Architect does not support the application and part of the comments made are included below:</p> <ul style="list-style-type: none"> • <i>The Arborist's Report indicates that all trees on site are to be removed and one street tree is to be removed. Two of the trees on site to be removed are exempt from requiring Council approval to remove with 7 non-exempt trees to be removed. WDCP C9 Vegetation Management requires that where trees are approved for removal, replacement is required at a rate of 3:1. Therefore it would be anticipated that 21 trees capable of attaining a minimum height of 4m would be provided as part of the proposal.</i> • <i>The Arborist's report also indicates that no levels were indicated adjacent to Tree 5 on the adjoining property. All external level changes and proposed external finished levels are to be provided to enable actual impacts to be assessed.</i> • <i>Concern is also raised regarding the front landscape setback treatment, which appears dominated by an access ramp. Little space for soft landscape is apparent in the front setback, which is a significant difference to the existing treatment on the site, raising issues of streetscape character compatibility.</i> • <i>A Landscape Plan prepared by a suitably qualified landscape consultant is required to be provided to address the issues raised above.</i> • <i>At this stage the proposal is not able to be supported due to</i>

	<i>insufficient information to enable assessment.</i>																																																		
Contributions	<p>Contribution condition imposed and following calculation provided:</p> <p><i>In accordance with Table 1 and cl 2.8 of Willoughby Local Infrastructure Contributions Plan 2019, s7.11 contribution applies as demonstrated below:</i></p> <table> <tr> <th>S7.11 Calculation</th><th>Qty</th><th colspan="2">Proposal - Calculation</th></tr> <tr> <th>Dwellings / Residents Proposed</th><th></th><th>dwelling rate</th><th>Contributions (\$)</th></tr> <tr> <td>Per resident (for boarding house rate)</td><td>12</td><td>x \$7,333.77</td><td>\$88,005.24</td></tr> <tr> <td>1 bedroom dwelling</td><td>0</td><td>x \$11,045.36</td><td>-</td></tr> <tr> <td>2 bedroom dwelling</td><td>0</td><td>x \$15,544.09</td><td>-</td></tr> <tr> <td>3 or more bedroom dwelling</td><td>0</td><td>x \$20,000.00</td><td>-</td></tr> <tr> <td></td><td>12</td><td>Subtotal</td><td>\$88,005.24</td></tr> </table> <p>In accordance with CI 2.9.1 of WLIC Plan, the following credits are given for this development:</p> <table> <tr> <th colspan="2">Credits for demolishing existing structures</th><th colspan="2">Credits - Calculation</th></tr> <tr> <th></th><th></th><th>dwelling rate</th><th>Contributions (\$)</th></tr> <tr> <td>existing dwelling containing > 3-bedrooms</td><td>1</td><td>x \$20,000</td><td></td></tr> <tr> <td></td><td></td><td>Less</td><td>\$20,000</td></tr> <tr> <td>s7.11 yield amount (with credits given): (i.e. \$88,005.24 minus \$20,000)</td><td>TOTAL</td><td></td><td>\$68,005.24</td></tr> </table>			S7.11 Calculation	Qty	Proposal - Calculation		Dwellings / Residents Proposed		dwelling rate	Contributions (\$)	Per resident (for boarding house rate)	12	x \$7,333.77	\$88,005.24	1 bedroom dwelling	0	x \$11,045.36	-	2 bedroom dwelling	0	x \$15,544.09	-	3 or more bedroom dwelling	0	x \$20,000.00	-		12	Subtotal	\$88,005.24	Credits for demolishing existing structures		Credits - Calculation				dwelling rate	Contributions (\$)	existing dwelling containing > 3-bedrooms	1	x \$20,000				Less	\$20,000	s7.11 yield amount (with credits given): (i.e. \$88,005.24 minus \$20,000)	TOTAL		\$68,005.24
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ATTACHMENT 3: SUBMISSIONS TABLE

The application was notified in accordance with WDCP controls from 25 May 2021 to 15 June 2021. Twenty-five (25) individual submissions objecting to the proposal have been received.

The below table provides the issues raised by the objectors and Council's response.

The submissions raised issues which include:

- Strathallen Ave is an extremely busy road and the property is located on a blind corner.
- With no clear parking (proposal falls short of the five spaces required), people will start parking illegally.
- Tenants and their visitors will park in the neighbouring streets. Parking is a current issue on Strathallen Ave and in the surrounding streets.
- In the vicinity of the site there is only one bus stop for buses travelling North. There is a bus stop on the Eastern side of the road for travel in the Southern direction, however there are no safe locations to cross Strathallen Ave until Sailors Bay Rd. During peak periods, the flow of traffic is constant. There is no pedestrian crossing in the vicinity of the site.
- Proposal is for use of the footpath for bikes and motorcycles and this will cause accidents.
- Potential unsafe entry and exit to the main road and is particularly in the line of a bus stop and buses moving along this point.
- Significant risks during construction. Trucks and machinery will be parked for long periods of time on neighbouring streets.
- Deliveries and construction should not disturb the road and the public footpath.
- The site is situated on a blind uphill corner of a major thoroughfare. Enabling any vehicular access (even for motorcycles) would be extremely dangerous.
- It is unclear how police / fire / ambulance or essential services vehicles would access the boarding house in the event of an emergency.
- No onsite car parking.
- The site is totally unsuitable for the proposed purpose due to steep slope and no vehicular access. The roadway and public pathways to the site have significant slope and do not provide equitable access to the site.
- The proposed building is also out of character with the surrounding area.
- Significant adverse amenity impacts on neighbouring properties and on the local character of Strathallen Avenue.
- Noise would be another factor to take into consideration.
- Drainage. SEE does not demonstrate how such a steep site, without fall to the street and no service easements can be serviced.
- Inadequate waste management solutions especially if vehicles can't access the site. The waste from a dwelling house can be collected much more quickly so as to minimise the time the garbage vehicle stands in the left lane.
- Removal of old growth trees and canopy. If there are trees on site with high retention value, then everything must be done to retain those trees and if that means amending the design to suit, then that needs to be investigated.
- The Plan of Management (PoM) is a highly relevant document but not available. It is unclear how matters will be managed and monitored.

- No Construction Management Plan.
- Front setback has a footpath ramp and another footpath ramp and handrails, all within what looks like less than 1.0m. Side setbacks not sufficient.
- This proposal is putting a big box on the land and this is not in keeping with the current streetscape. Proposal is out of character. General lack of design excellence.
- Many issues can't be adequately addressed by conditions of consent.
- Ongoing regular inspection should ensure the boarding house will continue to comply, if proposal approved.
- Approving this proposal will be inconsistent with the approach Council took on other applications. Approving this proposal will create a precedent.

Response

The comments and objections within the submissions were noted and have been given due consideration.

Matters raised above were generally agreed with. These issues are similar to the ones that are detailed in the body of this report and form the bases for the recommendation for refusal.

Other issues raised include:

- Failure [of the applicant] to consult with us [adjoining neighbours] or give notice.
- Failure [of Council] to notify us of the DA.
- Insufficient time for us to respond to DA.
- Any development of the site should be kept as a single residential dwelling, in keeping with all other properties in the area
- This is an area where there are a lot of children who should not be exposed to short term boarders and random people coming and going from the site.
- A boarding house will devalue the surrounding properties.
- A detailed acoustic report has not been provided.
- Overdevelop the site - clearly inappropriate for a high-density site.
- Too high - 3 stories when viewed from our property.
- Scale & form of development with respect to surrounding properties.
- Density – proposal should have fewer rooms.
- There are some large houses in Northbridge, but as far as we are aware, none of them is as large as this.
- It would dwarf the surrounding homes.
- Overlooking and overshadowing of neighbouring properties.
- The boarding rooms will receive no sunlight (south orientation).
- Inadequate lot size.
- The Norfolk Island Pine tree on the site is a local landmark and should be registered on the Tree Register as a heritage landmark.
- The existing footpath is already too narrow and arguably not fit for purpose.
- Insufficient sewerage. Smell from sewerage storage tank.
- Capacity of the boarding house is in fact for 20 persons, as rooms are double in size.
- Council should guarantee that, in the event a boarder living in the proposed development owns a vehicle, they will not be eligible at any time to apply for resident parking permits on Marana Road.

Response

These comments are not agreed with.

Notification took place in accordance with Council notification policy. Individual requests for extension of time to make a submission are considered favourably.

The NSW Government considers boarding houses to be an important and legitimate form of affordable housing. Boarding houses are permitted with consent in all residential zonings and provide an increase in the supply and diversity of rental and social housing. The proposal for a boarding house on site is a permissible use in the zone. A well-designed and planned boarding house is not regarded as an unsafe development.

Valuation of adjoining residential dwellings falls beyond the scope of this assessment.

An Acoustic Report has been provided.

The proposal complies with height and FSR controls, and, given the numerical compliance, the AHSEPP controls state that an application can't be refused on these bases (height, density or scale). As a note, Northbridge locality contains some large single residential dwellings, following the land topography.

Similarly, while boarding rooms are oriented towards south, AHSEPP compliance with solar access to the common room does not allow refusal based on solar access.

In regard to overlooking, certain measures were taken in the proposal to prevent overlooking of adjoining properties, noting that a certain amount of overlooking is regarded as acceptable in an urban context.

In regard to overshadowing, due to north-south orientation of the site, the proposal maintains 3h of solar access to adjoining properties in mid-winter and complies with the WDCP control.

The size of a lot for redevelopment as a boarding house is not restricted by the current controls, as long as the use is permissible.

Registration of trees on site as heritage landmarks is a separate matter to this assessment.

While the existence of the pedestrian footpath was taken into account, the width of the footpath did not play a consideration in the assessment.

Matters relating to sewerage could have been adequately addressed.

In regard to the capacity of the rooms to each accommodate 2 adults rather than the stated 1, while this is true, Council has to rely on the information provided by the applicant. If the application would have been recommended for approval, a condition of consent would have been recommended to limit the capacity of the boarding house to 12 adult lodgers.

Currently Council does not issue resident parking permits for boarding house residents/lodgers. However, this is a separate matter to the application at hand.

ATTACHMENT 4 - SECTION 4.15 (79C) ASSESSMENT

The most relevant matters for consideration are assessed under the following headings:

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ and Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✗
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✗
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✗
	<p>Comment: The proposed works involve:</p> <ol style="list-style-type: none"> Demolition of the existing building, Construction of a new 3-storey boarding house containing 10 boarding rooms, each with kitchens and ensuites, accommodating 12 adult boarders, <i>and</i> Associated works including landscaping works, private open space, communal living, storage areas, motorcycle and bicycle parking. <p>In regard to the matters in State Environmental Planning Policy (Resilience and Hazards) 2021 – which incorporates the former SEPP No 55 – Remediation of Land, the site has a history of residential use. No further investigation is considered necessary in this regard.</p> <p>The proposed development fails to satisfy the requirements of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>, as the safety, efficiency and ongoing operation of Strathallen Avenue will be adversely affected.</p> <p>Concurrence to the proposal from <i>Transport for NSW (TfNSW)</i> has not been granted with respect to the classified state road, as required by section 138(2) of the Roads Act 1993.</p> <p>The proposed development does not satisfactory meet the requirements of Division 3 Boarding Houses of the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)</i>, particularly requirements relating to landscape treatment of the front setback area and parking requirements, and the requirements of clause 30A, as the design of the development of the development is regarded as incompatible with the Character of the local area.</p> <p>The subject site is zoned R2 Low Density Residential under the provisions of Willoughby Local Environmental Plan 2012 (WLEP 2012).</p> <p>Whilst a boarding house is a permissible use in the zone, subject to controls under <i>AHSEPP</i> and <i>WLEP 2012</i>, a development needs to satisfactory meet the relevant objectives of the zoning.</p>	

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ and Not Relevant N/A

	The following objectives of development in an R2 zone are not met:		
	To accommodate development that is compatible with the scale and character of the surrounding residential development.	<p>The layout of the proposal provides paved pathways forward to the dwelling, reducing landscaping in the front setback to unacceptable levels.</p> <p>The proposal removes all trees on site and one tree from the public verge.</p> <p>The proposal, sitting with the flat roof at the level of the street, with ramps located in the front setback and depleted of the tree canopy, will be seen from Strathallen Avenue as a large, paved area. An empty, large, paved area, without significant landscaping currently present on site and on surrounding sites, is not compatible in character with the surrounding residential development.</p>	
	To retain and enhance residential amenity, including views, solar access, aural and visual privacy, and landscape quality.	The proposal fails to harmoniously integrate into landscaping. The proposal impacts the acoustic amenity of adjoining sites and does not provide sufficient information on potential impacts on the larger community that derive from the lack of on-site parking, access during construction, access for deliveries and pick-up, and access in case of emergency.	
	<p>The application is deficient in several areas. Notably, although two (2) motorcycles spaces are proposed onsite, no vehicular crossing is available. It remains unclear how the motorcycles are proposed to access the site, noting that, forward to the site, there is a continuous bump-fence along the green/public reserve adjoining the pedestrian pathway that runs uninterrupted along Strathallen Avenue.</p> <p>The proposed development does not satisfactory comply with the relevant provisions of:</p> <ul style="list-style-type: none">the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)</i>;the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>;the Aims contained in Part 1, Clause 1.2 of the Willoughby Local Environmental Plan 2012 (WLEP 2012) ((d) for urban design, (e) for amenity, (j) for access);the objectives of the R2 Low Density Residential zone.		
(a)(ii)	The provision of any draft environmental planning instrument (EPI)		
	<ul style="list-style-type: none">Draft State Environmental Planning Policies (SEPP)		N/A
	<ul style="list-style-type: none">Draft Regional Environmental Plans (REP)		N/A
	<ul style="list-style-type: none">Draft Local Environmental Plans (LEP)		✓
	Comment: There are no draft SEPPs that apply to the subject land. The Draft LEP and DCP have been considered.		

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ and Not Relevant N/A

(a)(iii)	Any development control plans	✗
	Comment: The proposed development does not comply with relevant provisions: <ul style="list-style-type: none"> ○ in the General Development Guidelines contained in Part C ○ in the controls in Part D1 of the <i>WDCP</i>; ○ for Boarding Houses in Part G.2 of the <i>WDCP</i>. 	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> • Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> • Clause 93 EP&A Regulation-Fire Safety Considerations 	N/A
	<ul style="list-style-type: none"> • Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: The proposed development takes into account the demolition controls required at this planning stage.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> • Context & setting 	✗
	<ul style="list-style-type: none"> • Access, transport & traffic, parking 	✗
	<ul style="list-style-type: none"> • Servicing, loading/unloading 	✗
	<ul style="list-style-type: none"> • Public domain 	✗
	<ul style="list-style-type: none"> • Utilities 	✗
	<ul style="list-style-type: none"> • Heritage 	N/A
	<ul style="list-style-type: none"> • Privacy 	✗
	<ul style="list-style-type: none"> • Views 	N/A
	<ul style="list-style-type: none"> • Solar Access 	✓
	<ul style="list-style-type: none"> • Water and draining 	✗
	<ul style="list-style-type: none"> • Soils 	✗
	<ul style="list-style-type: none"> • Air & microclimate 	✓
	<ul style="list-style-type: none"> • Flora & fauna 	✗
	<ul style="list-style-type: none"> • Waste 	✓
	<ul style="list-style-type: none"> • Energy 	✗
	<ul style="list-style-type: none"> • Noise & vibration 	✗
	<ul style="list-style-type: none"> • Natural hazards: Overland flowpath 	N/A
	<ul style="list-style-type: none"> • Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> • Social impact in the locality 	✓
	<ul style="list-style-type: none"> • Economic impact in the locality 	✗
	<ul style="list-style-type: none"> • Site design and internal design 	✗
	<ul style="list-style-type: none"> • Construction 	✗
	<ul style="list-style-type: none"> • Cumulative impacts 	✗
	Comment: <ul style="list-style-type: none"> ○ When seen from Strathallen Avenue, the development will be perceived as a concrete area at street level, incompatible with the streetscape or local character. ○ The site has insufficient landscaping, especially towards the front and the sides. The landscape treatment of the front setback is not considered to be compatible with the streetscape or local character. ○ The impacts of the proposed boarding house on the surrounding residential developments are unacceptable. ○ A number of unclear matters remain, regarding stormwater, access for motorcycles, accessibility for construction, implementation of noise attenuation measures, garbage pick-up at that particular location of Strathallen Avenue, Plan of Management, details and justification of walls proposed on boundary, front fencing. 	

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ and Not Relevant N/A

(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✗
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✗
	<p>Comment:</p> <ul style="list-style-type: none"> The location constraints of the subject site have not been sufficiently observed. The tree canopy on-site is removed without proposing adequate replacement trees. The proposal is deficient in landscaping and screening. When seen from Strathallen Avenue, the development will be perceived as a concrete area at street level, and so it will be inconsistent with the existing character of the surrounding residential development and the desired future character of the locality. Insufficient information provided. 	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	<p>Comment:</p> <ul style="list-style-type: none"> TfNSW describes the location of the site as 'dangerous' and does not support the proposal. Twenty-five (25) submissions objecting to the proposal have been received as a result of the neighbour notification. The issues raised in the submissions have been considered in the assessment of the development application. <p>While the submissions were considered in the assessment of the application, the applicant disregarded the issues raised during public notification.</p>	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✗
	<p>Comment: Disregarding the objectives of the zoning and failure to recognise the constraints of the site result in a proposal that does not take into account relevant parts of the local context, impacting on the amenity of the adjoining neighbours and incompatible with the character of the Northbridge locality. As such, the proposed boarding house is not considered to be in the public interest.</p>	

ATTACHMENT 5: REASONS FOR REFUSAL

REASONS FOR REFUSAL

The reasons for **REFUSAL** are:

1. Pursuant to Section 4.15 (79C) (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not meet the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 as it fails to satisfy the requirements of Subdivision 2, clause 2.119 because the safety, efficiency and ongoing operation of Strathallen Avenue will be adversely affected. Concurrence to the proposal from Transport for NSW (TfNSW) has not been granted with respect to the classified road, as required by section 138(2) of the Roads Act 1993.
2. Pursuant to Section 4.15 (79C) (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfactorily meet the requirements of *Division 3 Boarding Houses of State Environmental Planning Policy (Affordable Rental Housing) 2009*, particularly landscaping and parking requirements, and disregards clause 30A, as the design of the development is not compatible with the Character of the local area.
3. Pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following Aims contained in Part 1, Clause 1.2 of the *Willoughby Local Environmental Plan 2012 (WLEP 2012)*:
 - (d) for urban design,
 - (e) for amenity,
 - (j) for access.
4. Pursuant to Section 4.15 (79C) (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the objectives of Zone R2 Low Density Residential (Land Use Table) in terms of character, landscaping and residential amenity, as required by Clause 2.3(2) of the *Willoughby Local Environmental Plan 2012 (WLEP 2012)*.
5. Pursuant to Section 4.15 (79C) (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not meet the intent and controls contained in Part C of the *Willoughby Development Control Plan (WDCP)*, more specifically:
 - a. C.4 Transport Requirements for Development.
 - b. C.5 Water Management.
 - c. C.6 Access, Mobility and Adaptability
 - d. C.9 Vegetation Management
6. Pursuant to Section 4.15 (79C) (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not meet the intent and controls contained in Part D of the *Willoughby Development Control Plan (WDCP)*, more specifically:
 - a. D.1.2 Localities (Northbridge)
 - b. D.1.4 Character, Design, Streetscape and View Sharing
 - c. D.1.7 Building Envelopes and Setbacks
 - d. D.1.8 Landscaping
 - e. D.1.11 Privacy
7. Pursuant to Section 4.15 (79C) (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed boarding house is inconsistent with the provisions of Part G.2 Boarding Houses of the *Willoughby Development Control Plan (WDCP)* which requires boarding houses to comply with the provisions of the *State*

Environmental Planning Policy (Affordable Rental Housing) 2009 and requires a Plan of Management to be submitted with the development application.

8. Pursuant to Section 4.15 (79C) (1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitably located for the proposed development, because its only access is from a state road with limited visibility, high traffic, noise and vehicle emissions. Furthermore, the subject site has a steep, rapidly sloping topography in the area where it adjoins Strathallen Avenue, with no on-site parking and no vehicular access arrangement.
9. Pursuant to Section 4.15 (79C) (1)(d) of the *Environmental Planning and Assessment Act 1979*, the submitted development application is assessed as unsatisfactory and is not supported by Transport for NSW (TfNSW).
10. Pursuant to Section 4.15 (79C) (1)(d) of the *Environmental Planning and Assessment Act 1979*, the proposed development failed to address the relevant issues raised in the public submissions.
11. Pursuant to Section 4.15 (79C) (1)(e) of the *Environmental Planning and Assessment Act 1979*, having regard to the insufficient information provided and development's failure to acceptably satisfy development standards and guidelines, the potential amenity impacts and the potential to establish an undesirable precedent, the approval of the proposed development is considered to be contrary to the interests of the public.

Plans assessed:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Arch Plans	A100, A109a, A116, A117, A123 All project AG20008	6	05/02/2021	Attena Group Pty Ltd
	A105, A106, A107, A108, A109, A110, A111, A112, A113, A114, A115, A118, A119, A120, A121, A122 All project AG20008	5	19/10/2020	
	A101, 104 All project AG20008	3	08/09/2020	
	A124 All project AG20008	4	15/10/2020	
Landscape	LDA-00, LDA-01, LDA- 02, LDA-03 All project 20200625	B	10/03/2021	GROUND INK
Stormwater	D00, D01, D02, D03, D04, D05, D10 All project 200237	A	09/03/2021	SMART STRUCTURES Australia

ATTACHMENT 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2021/130

At: 20 Strathallen Avenue NORTHBRIDGE NSW 2063

