

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0252
Proposed development:	Demolition of existing structures and construction of a Two (2) Storey Boarding House containing 12 Boarding Rooms and at grade Car parking
Property address:	75 Castlereagh Street, PENRITH NSW 2750
Property description:	Lot 80 DP 2167
Date received:	8 April 2019
Assessing officer	Sufyan Nguyen
Zoning:	Zone R3 Medium Density Residential - LEP 2010
Class of building:	Class 3
Recommendations:	Refuse

Executive Summary

Council is in receipt of a development application for the demolition of existing structures and the erection of of a two storey, 12 room boarding house at 75 Castlereagh Street, Penrith. The proposed boarding house has a total of twelve (12) rooms accommodating up to nineteen (19) lodgers with self-contained kitchen and bathrooms. The subject site is zoned R3 Medium Density Residential under *Penrith Local Environmental Plan 2010* and the proposal is defined as "boarding house" and subject to the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)*. The proposed development is permissible in the R3 zone with Council consent.

Key issues identified as part of the assessment of the proposal were in regard to the following matters:

- Non-compliant landscaped area, solar access and car parking, and incompatible with the character of the local area in accordance with SEPP ARH requirements;
- Bulk and scale impacts due to inappropriate setbacks, non-stepped two storey design, building length of 33.47m and overly contemporary, boxy appearance;
- Minimal landscaped area provided;
- Amenity and privacy impacts on adjoining and nearby residences;
- Insufficient residential amenity;
- Inequitable access and inadequate accessibility;
- Potential for land contamination on the site and flooding impacts on adjoining properties; and
- Insufficient waste infrastructure,

The application has been advertised and notified to nearby and adjoining properties and publicly exhibited for a period of fourteen (14) days, between 18 April to 9 May, 2019. A total of eleven (11) submissions were received, noting that there were three (3) petition letters submission was received in response. The matters raised are considered in part sufficient to warrant refusal of the application.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for refusal. This application is to be determined under delegated authority.

Site & Surrounds

The subject site has a street address of 75 Castlereagh Street, Penrith and is legally described as Lot 80, DP 2167. The site has a land area of 588m², is rectangular shape and is relatively flat. The site is situated on the northern part of the intersection of Castlereagh Street and Stafford Street, which is orientated on a south-west/north-east axis. The site has a 13.42m frontage to Castlereagh Street and a 44.2m secondary street frontage to Stafford Street. It is noted that the site is affected by overland flooding flows. The site contains a single dwelling and a number of trees across the site.

The immediate surrounding area is characterised by medium density residential development which predominantly accommodates traditional style single storey and two storey dwellings, villas and townhouses. It is noted that the suburban area contains a vast number of large trees. A range of services are available approximately 300 north-westwards at Nepean Village Shopping Centre. Bus stops are situated opposite the site, south-eastwards, along Stafford Street. Penrith City Centre is located 835m northwards and the broader road network includes the intersection of Mulgoa Road and Jamison Road, which provides a range of recreational activities, including restaurants and Panthers Rugby Leagues Club and Howell Oval.

Proposal

The applicant seeks approval for a two storey boarding house at 75 Castlereagh Street, Penrith. The proposed two storey boarding house consists of twelve (12) boarding rooms, a manager's room, a maximum lodger occupancy of nineteen (19) persons including two (2) accessible rooms and a shared communal living room on the ground floor. Each room is proposed to be fully self-contained with a kitchenette and bathroom. The proposal includes at grade car parking for six (6) car spaces, three (3) motorcycle parking spaces and three (3) bicycle parking spaces, associated drainage and landscaping works and the demolition of a single storey dwelling.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Affordable Rental Housing) 2009

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* aims to deliver affordable rental housing. Under *Clause 8 Relationship with other environmental planning instruments* of the SEPP ARH, in the event that there is an inconsistency between this policy and an environmental planning instrument, the SEPP ARH prevails to the extent of the inconsistency. The provisions of the SEPP ARH relevant to boarding houses are addressed below.

Permissibility

Boarding houses are defined under the standard instrument as:

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
 - (b) provides lodgers with a principal place of residence for 3 months or more, and
 - (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,
- but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The SEPP ARH provides that development for the purposes of boarding houses may be carried out with consent in a number of zones, including the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zones or within a land use zone that is equivalent to any of those zones. The site is subject to zone R3 and the proposal is a permissible land use with consent.

Development Standards

Clause 29 Standards that cannot be used to refuse consent stipulates a number of standards that cannot be used as grounds to refuse consent by a consent authority. These standards are addressed below.

(1) A consent authority must not refuse consent to development to which this Division applies 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 for any form of residential accommodation permitted on the land, or

N/A as no FSR standard is applicable to the site.

(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or

N/A as residential accommodation is permitted.

(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:

(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or

(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.

N/A as no FSR standard is applicable to the site.

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) building height

if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.

Consistent. The proposal has a maximum building height of approximately 7.55m and is compliant with the 8.5m maximum height of building standard applicable to the site.

(b) landscaped area

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,

Inconsistent. The proposal has a minimum 5.5m front setback which encroaches into the average front building line of the northern adjoining property, being a front setback of approximately 7.8m. Further, the proposal contains an expanse of hardstand area due to an elevated terrace to serve as an outdoor common area which has a 4m front setback and an entrance pathway fronting Castlereagh Street, which results in a significant encroachment into the established front building

line. Given that Castlereagh Street is distinguished by an established front building line whereby the front yard areas of adjoining and nearby properties predominantly contain deep front setbacks, informal planting beds with a variety of groundcovers, shrubs and mature trees, the proposed landscape treatment is considered to be incompatible with streetscape.

(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.

Inconsistent. The proposal makes provision for two (2) ground level communal living rooms situated at the eastern part of the building. Although, these common living rooms contains north-eastern facing and south-eastern facing windows including a front entrance door along the south-eastern elevation, in consideration of the orientation of the building, stepped alignment along the south-eastern elevation and proximity of the northern adjoining property and side boundary fence, the shadow diagrams do not clearly indicate that the minimum solar access requirement is satisfactory.

(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) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,*

Consistent. The proposed development provides approximately 36.094m² of useable communal private open space in the western rear yard area. The width of the POS is along the entire rear boundary and has a 3.2m minimum rear setback which is satisfactory.

(e) parking

if:

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and*
- (iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and*
- (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,*

Inconsistent. The subject site is within an accessible area and the proposal is subject to a minimum parking rate of 0.5 parking spaces per boarding room. The proposal has a total of twelve (12) boarding rooms which requires six (6) car spaces. In consideration of the corner site, the principles of orientation and articulation are also applicable to the secondary street frontage. It is noted that six (6) on-site car spaces including an accessible car space is provided, however, two (2) of these car spaces are situated within the secondary street frontage (side setback) noting that the subject site is a corner site, garages and parking spaces are not permissible within the front setback nor considered compatible with the established neighbourhood.

Given the location of the site and the context of the area, noting a number of no standing zones in the immediate surrounding area, it is considered likely that a shortfall of parking spaces will result in adverse impacts on parking and local traffic flows.

(f) accommodation size

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) 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.

Consistent. All single lodger boarding rooms have a minimum gross floor area (GFA) of 12.491m² and the double lodger rooms have a minimum GFA of 16.141m².

(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.

Consistent. The proposal incorporates a self-contained kitchen and bathroom within all boarding rooms.

Clause 30 Standards for boarding houses stipulates a number of standards that must be satisfied prior to the granting of consent to development for the purposes of a boarding house. Comment is provided below against these provisions.

(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,

Consistent. The proposal provides a ground level communal living room.

(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,

Consistent. The maximum GFA for any proposed boarding room is 20.04m².

(c) no boarding room will be occupied by more than 2 adult lodgers,

Consistent. A condition of consent can be imposed to ensure that the plan of management restricts any ≥16m² boarding room to a maximum of two (2) adult lodgers at any one time.

(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,

Consistent. The proposal incorporates a self-contained kitchen and bathroom within each boarding room.

(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on-site dwelling will be provided for a boarding house manager,

Consistent. The proposal has the capacity to accommodate a maximum of nine-teen (19) lodgers. A boarding house manager is not required.

(f) (Repealed)

(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,

The subject site is situated within a R3 Medium Density Residential zoning.

(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.

Consistent. The proposal has a total of twelve (12) boarding rooms which requires three (3) parking spaces each for bicycles and motorcycles. The proposal makes provision for three (3) bicycle and three (3) motorcycle parking spaces which is satisfactory.

Clause 30A Character of local area stipulates that: "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."

Inconsistent. It is noted that the prevailing neighbourhood character contains a mix of older traditional style dwellings, ranging from single storey and two storey dwellings to multi-unit dwellings. The architectural expression, particularly the overly "boxy" design does not incorporate any stepped-in upper floor levels to the dual street frontage and contains unconventional protruding upper level front balconies. Further, the overall building

footprint, being a building length of 33.470m is considered to be inconsistent with the housing stock in the locality and consequently has failed to demonstrate that it is compatible with the desired future character of the surrounding area. This can be clearly demonstrated via the 3D perspectives and streetscape elevation, which illustrates that the building will be highly dominant relative to surrounding buildings.

Moreover, the combination of a flat roof and choice of finishes, such as the wooden style cladding, expanse of rendering and slim windows present more as a commercial/industrial building. In addition, the two (2) parking spaces and elevated terrace situated within the dual frontage are contrary to the character of the locality. It is also noted that only a 0.9m north-eastern side setback is provided which is significantly below the minimum 2m side setback requirement.

Clause 52 No Subdivision of boarding houses stipulates that: *"A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house."*

Consistent. Neither strata title or community title subdivision forms part of the proposal.

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

The application was not accompanied with a BASIX Certificate and therefore the proposal has not demonstrated that BASIX commitments is satisfactory.

State Environmental Planning Policy No 55—Remediation of Land

When determining a development application for any development of land, Clause 7 of *State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)* requires that Council consider "whether the land is contaminated" and "if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out".

In this regard, a review of historic aerial photographs indicates that unidentified materials have been imported onto the property, including the storage and dismantling of vehicles and boats (from June 2017 to December 2018). The origin and contamination status of the materials and site for vehicle storage and dismantling is not known noting that no documentation has been submitted detailing the source, quantity and nature of the materials imported onto the site and the dates/time-frame during which the materials were imported onto the property in this regard. Further, it is noted that the location of the subject material and vehicles is identified as being within the proposed building footprint. Given that it is uncertain whether the site's land is not contaminated, it is not considered that the site is suitable for the proposed development.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against relevant criteria within *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)* and the proposal is generally satisfactory.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Does not comply - See discussion
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Does not comply - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Does not comply - See discussion
Clause 5.10 Heritage conservation	N/A
Clause 7.1 Earthworks	Does not comply - See discussion
Clause 7.2 Flood planning	Does not comply - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

Clause 1.2 Aims of the plan

The application fails to demonstrate that it meets the aims of the *Penrith Local Environmental Plan 2010*, particularly:

2(a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith;

2(b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement;

2(g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas; and

2(h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

In this regard, the proposal fails to demonstrate that is sympathetic with the character of existing housing stock in the locality and desired future character of the surrounding area, and consequently is considered likely that the development will adversely impact on the urban quality of the neighbourhood. Additionally, the proposal raises concerns regarding amenity impacts on adjoining properties, adverse impacts on on-street parking and local traffic flows and raises concerns in regard to potential land contamination. The proposal is therefore not supported given that it is incompatible with the existing and desired urban form in the surrounding area and is not considered to positively contribute to orderly development or the management of land.

Clause 2.3 Zone objectives

The proposal fails to meet the objectives of the R3 Medium Density Residential zone, in particular:

- *To enhance the essential character and identity of established residential areas;*
- *To ensure a high level of residential amenity is achieved and maintained; and*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposed development is considered to be contrary to the existing and desired future character of the local area given that the suburb accommodates traditional single dwellings, dual occupancies and multi unit housing which are generally a traditional architectural design and provide for established front setbacks with large trees. The overly contemporary design with protruding upper level front balconies in combination with an excessive building footprint, elevated terrace (outdoor common space areas) and unconventional parking located in the dual street frontage results in a bulk and scale which is inconsistent with the surrounding housing stock and recent development in the broader area. The proposal is therefore considered likely to result in adverse impacts on the streetscape and neighbourhood character.

Clause 4.3 Height of buildings

It is acknowledged that the proposal has a maximum building height of approximately 7.4m which is compliant with the maximum 8.5m height of building provision applicable to the site. However, the lack of stepped-in upper floor levels, boxy design and overall bulk in addition to the minimal dual frontage setbacks is not considered to provide an adequate transition to neighbouring buildings which results in adverse impacts on the visual quality of the streetscape. Further, the excessively raised finished ground floor level and upper level balconies result in a loss of privacy to adjoining and nearby properties. The relationship of the built form relative to neighbouring and surrounding dwellings demonstrates that the proposal is inconsistent with the existing and desired character of the area.

Clause 7.1 Earthworks

It is noted that the proposal involves a considerable amount of fill due to flood planning requirements. In this regard, the proposal has not demonstrated any consideration to any potential impacts on existing drainage patterns as a result of the proposed fill and building footprint.

Clause 7.2 Flood planning

Council's Development Engineer has advised that the site is mapped as being affected by 1% AEP overland flows based on Penrith CBD Catchment Overland Flow Flood Study 2015. It is noted that the application has satisfactorily addressed Council's floor level requirements and flood safe access requirements, however, the development has not considered any impacts of the proposed built form on surrounding properties due to the diversion and/or blockage of overland flows. In this regard, the application has not demonstrated compliance with Section 2.4 Overland Flow Flooding of Council's Stormwater Drainage Guidelines for Building Development Policy and Section C3.5 Flood Planning of the *Penrith Development Control Plan 2014*.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

It is noted that both the Draft Environmental SEPP and Draft Remediation Land SEPP are at present applicable to the subject site, but while so, does not affect or alter the recommendations of this report noting that land contamination has been addressed in SEPP 55 of this report.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Does not comply - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Does not comply - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Does not comply - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Does not comply - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Does not comply - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Does not comply - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	Does not comply - see Appendix - Development Control Plan Compliance
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	N/A
D5.11 Boarding Houses	Does not comply - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the development proposal.

Section 79C(1)(a)(iv) The provisions of the regulations

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements can be imposed as conditions of consent where applicable. The proposed development can therefore comply with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

Additionally, the application was notified, exhibited and advertised in accordance with the requirements of the Regulations.

Section 79C(1)(b) The likely impacts of the development

Context & Setting

The proposed contemporary design is considered to present as being as an overly 'boxy' design, particularly the extent of external features in addition to protruding balconies and the flat roof form are consequently out of proportion with the ground floor. Further, the front building façades do not incorporate a stepped in upper level and the repetitive design accentuates its bulk. It is also noted that the two storey building has a 900mm north-eastern side setback and a 3m secondary street frontage, which raises concerns regarding overbearing and amenity impacts on adjoining properties and the streetscape. This can be demonstrated via the 3D perspectives, elevations and section plan. In consideration of the surrounding R3 Medium Density Residential zoning and neighbouring and nearby dwellings, the bulk and scale of the proposal does not demonstrate that it is sympathetic with the context of the locality and is therefore incompatible with the character of the surrounding area.

Site Design & Internal Design

The proposal does not satisfy the minimum 40% landscaped area requirement, being only 23.38% (137.5m²). Although it is noted that this cannot be used as a reason for refusal under SEPP ARH, the proposal is considered to be incompatible with the front landscape treatment along the streetscape of Castlereagh Street due to an encroachment into the established front building line and location of a raised terrace area. In addition, the proposal raises privacy impacts on adjoining and nearby properties due to the raised finished floor level and outlook of several side and rear bedroom windows.

Access, Traffic & Parking

The proposal provides two (2) parking spaces situated within the secondary street frontage which is non-complaint. This results in a shortfall with the minimum 0.5 parking spaces per room provision stipulated under *State Environmental Planning Policy (Affordable Rental Housing) 2009* which consequently requires the deletion of two (2) bedrooms. Given that the immediate area does not allow sufficient on-street parking due to no standing zones, it is therefore considered likely that the proposal will result in negative impacts due to parking and local traffic flows.

Socio-Economic Impacts

The proposal has not demonstrated that it is of a suitable scale due to aforementioned and results in overbearing and privacy impacts on adjoining and nearby neighbours, therefore it is considered likely that the development will result on the surrounding local community.

Section 79C(1)(c) The suitability of the site for the development

The site is deemed unsuitable for the proposed development given that the proposal is incompatible with the prevailing character of the area and the siting of the proposal will result in a loss of amenity and privacy to adjoining and nearby residences. Furthermore, in consideration of the context of the local area, whereby the site is corner lot, has the potential for land contamination and is affected by overland flooding flows, in addition to the proposal being non-compliant with provisions stipulated under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, it is therefore likely to adversely impact on the amenity of the streetscape and parking and local traffic flows.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 Notification and Advertising of *Penrith Development Control Plan 2014*, the proposed development was notified to nearby and adjoining properties and advertised in the local newspaper. Council notified thirty-seven (37) properties in the immediate and surrounding area and the application was exhibited for a period of 14 days from 18 April to 2 May, 2019. A total of eleven (11) submissions were received, noting that there were three (3) petition letters and the concerns raised are considered to impede approval of the application.

The key concerns raised in relation to the proposed development were as follows:

Issues Raised	Comments
Scale of the boarding house	The proposal is for a twelve (12) room boarding house which has a capacity of up to nineteen (19) lodgers. In this regard, the proposal is non-compliant with the minimum parking provision stipulated under <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (SEPP ARH).
Noise Impacts	The proposal requires a noise impact assessment to assess the potential noise impacts on adjoining and nearby properties.
Parking & Traffic	The proposal does not satisfy the minimum car parking requirements stipulated under SEPP ARH (0.5 parking spaces per boarding room - i.e. minimum of six (6) on-site parking spaces for twelve (12) boarding rooms) noting that two (2) parking spaces are situated within the secondary street frontage which is not permissible under Penrith Development Control Plan 2014 (DCP) controls. In this regard, the immediately surrounding area does not have the capacity to accommodate any overflow on-street parking noting the no standing zones in the vicinity. The proposal is therefore considered to be of an unsuitable scale and is considered likely to result in significant impacts on parking or local traffic flows and therefore is included as a reason for refusal.
Private Open Space	The proposal satisfies the minimum private open space (POS) of 20m ² with a minimum dimension of 3m provision stipulated under SEPP ARH requirements.
Privacy Impacts	The proposal requires a raised floor ground floor level due to flood planning requirements. As a consequence, a number of ground floor windows in addition to upper level balconies and windows outlook onto adjoining and nearby properties which results in privacy impacts.
Local Character	The proposed built form is considered to be out of character with the local area due to the excessive building footprint, overly contemporary, boxy design and non-compliance with a number of DCP controls.
Community Safety & Social Impacts	A plan of management for the operation and management of the proposed boarding house and Crime Prevention Through Environmental Design (CPTED) and community safety principles can be applied to the proposal to address and community safety and social impact concerns. In addition, all tenants are required to be registered as required under the <i>Boarding Houses Act 2012</i> .
Future Resale Value	Council is unable to predict that properties will lose values as a result of the boarding house development noting the number of variable factors involved in calculation of any such figure including development potential, and therefore cannot prohibit a boarding house on this basis.
Demand for Boarding Houses	The site is in proximity to a range of services and the demand for affordable housing in this location is market driven.
Litter & Vandalism	Council is unable to control any litter or vandalism associated with any properties. Council's sweeping trucks collect the rubbish on the street and vandalism can be reported to Council's Compliance Section and/or NSW Police.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	Not supported
Environmental - Environmental management	Not supported
Environmental - Waterways	No objections
Environmental - Public Health	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Social Planning	No objections

Section 79C(1)(e)The public interest

The proposed development is considered to generate a number of significant issues. The built form is incompatible with the site due to the bulk and scale which is not aligned with the existing and desired character of the locality. The proposal is likely to result in privacy and amenity impacts, and parking and local traffic flow impacts and has the potential for flooding impacts. Further, it is uncertain whether the site contains any land contamination. Overall, the proposal does not satisfy the aims and zone objectives of *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014* and is non-compliant with the provisions stipulated under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* in relation to compatibility with landscaped area and local character, and minimum solar access and parking requirements. Therefore, the proposal will result in adverse impacts on the immediately surrounding area and is not in the public interest.

Conclusion

In assessing this proposal against the relevant environmental planning policies, being *Penrith Local Environmental Plan 2010*, *Penrith Development Control Plan 2014*, *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *State Environmental Planning Policy No 55—Remediation of Land* and *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)*, the proposal does not satisfy the aims, objectives and provisions of these policies. Although the proposal may comply with a number of the development standards and controls, the cumulative effects will result in a built form which is incompatible with the streetscape and surrounding area and also result in unacceptable adverse amenity and privacy impacts on adjoining and nearby properties in addition to the visual quality of the streetscape. The site is deemed unsuitable for the development and the proposal is not in the public interest. Therefore, the application is not worthy of support and is recommended for refusal.

Recommendation

1. That DA19/0252 for a two storey, 12 room boarding house at 75 Castlereagh Street, Penrith be refused for the following reasons; and
2. That those making submissions are notified of the determination.

Refusal

1 X Special 02 (Refusal under Section 4.15(1)(a)(i) of EPA Act 1979)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the provisions of *Penrith Local Environmental Plan 2010*, *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and *State Environmental Planning Policy No 55—Remediation of Land* as follows:

Penrith Local Environmental Plan 2010

(i) Clause 1.2 Aims of the Plan - The proposal is inconsistent with the aims of the plan in relation to the provision of orderly and economic development, promotion of development consistent with Council's vision for Penrith, the safeguarding of residential amenity, risk to human life and property, and ensuring development incorporates the principles of sustainable development.

(ii) Clause 2.3 Zone Objectives - The proposal is inconsistent with the objectives of the R3 Medium Density Residential zone, specifically:

- The proposed boarding house does not demonstrate that it enhances the essential character and identity of the established residential area;
- The proposed boarding house does not ensure that a high level of residential amenity is achieved and maintained; and
- The proposed boarding house does not ensure that the development will reflect the desired future character of the area.

(iii) Clause 4.3 Height of Buildings - The proposal is inconsistent with the objectives of the height of buildings, specifically:

- The proposed boarding house does not demonstrate that it is compatible with the height, bulk and scale of the existing and desired future character of the locality,
- The proposed boarding house does not demonstrate that it minimises its visual impact, disruption of views or loss of privacy; and
- The proposed boarding house does not demonstrate that it nominates a height that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

(iv) Clause 7.1 Earthworks - The proposal is inconsistent with earthwork requirements, specifically:

- The proposed boarding house does not ensure that the associated earthworks required will not have a detrimental impact on neighbouring uses.

(v) Clause 7.2 Flood Planning - The proposal is inconsistent with Flood Planning requirements, specifically:

- The proposed boarding house does not minimise the flood risk to life and property associated with the use of the land or adequately demonstrate the potential impacts on existing drainage patterns as a result of the proposed fill.

State Environmental Planning Policy (Affordable Rental Housing) 2009

- The proposal is non-compliant with Part 2, Division 3, Clause 29 Standards that cannot be used to refuse consent of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, specifically (2b) landscaped area (excessive hardstand and elevated front terrace), (2c) solar access, (2e) parking spaces (2 parking spaces inappropriately situated within the secondary street frontage), and Clause 30A Character of the local area (the development is considered to be incompatible with the desired future character of the local area).

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

- The proposal has not provided a BASIX Certificate to demonstrate that BASIX commitments are satisfactory.

State Environmental Planning Policy No 55—Remediation of Land

- The proposal has not satisfactorily demonstrated that the site is suitable for the proposed use due to the potential for land contamination.

2 X Special 04 (Refusal under Section 4.15(1)(a)(iii) of EPA Act 1979)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it does not comply with the following provisions of the *Penrith Development Control Plan 2014* as follows:

(i) The application has not satisfied Council with respect to the requirements under Part B - 'DCP Principles', specifically:

- Principle 1: Provide a long term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality;
- Principle 2: Achieve long term economic and social security; and
- Principle 6: Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.

(ii) The application has not satisfied Council with respect to the requirements under Section C1 'Site Planning and Design Principles', specifically:

- The built form, facade treatments, roof forms, excessive provision of hardstand to the front landscape treatment including elevated terraces is not considered to be a positive addition to the streetscape character;
- The application does not demonstrate how the building is consistent with the height, bulk and scale of adjacent buildings of similar type and use,
- The split building design and isolation of rooms does not provide adequate residential amenity;
- The application does not demonstrate that the safety and security principles of Crime Prevention Through Environmental Design are satisfied.

(iii) The application has not satisfied Council with respect to the requirements under Section C3 'Water Management', specifically:

- The proposal has not demonstrated that there will be no significant impacts on adjoining properties due to the potential diversion and/or blockage of overland flows.

(iv) The application has not satisfied Council with respect to the requirements under Section C5 'Waste Management', specifically:

- The waste infrastructure and bulky waste storage area does not facilitate safe and efficient waste collection service.

(v) The application has not satisfied Council with respect to the requirements under Section C6 'Landscape Design', specifically:

- The landscape design does not provide an appropriate front landscape treatment and includes excessive hardstand areas; and
- Two (2) parking spaces are situated within the secondary street frontage, which impede opportunity for landscaping.

(vi) The application has not satisfied Council with respect to the requirements under Section C10 'Transport, Access and Parking', specifically:

- The proposal does not make provision for adequate on-site parking; and
- The proposal provides for parking spaces situated within the secondary street frontage which is not an acceptable design solution.

(vii) The application has not satisfied Council with respect to the requirements under Section D2.4 'Multi Dwelling Housing', specifically:

- The lot width does meet the minimum 22m lot frontage requirement;
- The proposed building does not comply with the maximum 20m building length;
- The proposed built form does provide sufficient articulation to reduce its overall bulk and scale;
- The proposal is in conflict with controls requiring external walls to be a maximum of 5m in length between distinct corners;
- The proposal does not maintain the established front building line;
- The proposal does not comply with the 6m minimum rear setback requirement for the second storey component;
- The proposal does not comply with the 2m minimum side setback requirement;
- The proposal has a landscaped area of 23.4% which does not comply with the 40% minimum landscaped area requirement;
- The proposal does not meet the minimum 5.5m secondary street frontage setback requirement;

- The proposal does not provide adequate front fencing; and
- The proposal does not provide adequate accessibility.

(viii) The application has not satisfied Council with respect to the requirements under Section D5.11 'Boarding Houses', specifically:

- The proposal does not adequately demonstrate that it is compatible with the local character;
- The proposal does not adequately provide for a suitable bulk and scale relative to the site's capacity and existing surrounding housing stock;
- The proposal does not adequately provide sufficient residential amenity;
- The proposal does not adequately provide for equitable access; and
- The proposal does not adequately maintain adequate amenity and privacy for adjoining and nearby residences.

3 **X Special 07 (Refusal under Section 4.15(1)(b) of EPA Act 1979)**

The development application is not satisfactory for the purpose of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* in terms of the likely impacts of the development including those related to:

- (i) negative streetscape and local character impacts;
- (ii) noise, amenity and privacy impacts;
- (iii) inadequate car parking provision;
- (iv) inadequate solar access;
- (v) landscaping, setbacks and site coverage;
- (vi) negative impacts on residential amenity;
- (vii) potential for land contamination and flooding risks; and
- (viii) inadequate waste infrastructure and site access.

4 **X Special 08 (Refusal under Section 4.15(1)(c) of EPA Act 1979)**

The application is not satisfactory for the purpose of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as the site is deemed not suitable for the scale of proposed development.

5 **X Special 10 (Refusal under Section 4.15(1)(e) of EPA Act 1979)**

The application is not satisfactory for the purpose of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as the proposal is not in the public interest.

6 **X Special 9 (Refusal under Section 79C(1)(d) of EPA Act 1979)**

Based on the above deficiencies and submissions received, approval of the proposed development would not be in the public interest pursuant to Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposal fails to demonstrate that it satisfies the DCP principles, in particular the following key principles:

Principle 1: Provide a long term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.

Principle 2: Achieve long term economic and social security.

Principle 6: Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.

The proposal is not considered to be supportive of Council's strategic plan given that it fails to demonstrate that the housing design maintains or improves the amenity of the established residential area. Although the proposal aims to deliver housing choice via a boarding house, the built form is contrary to the character of the established neighbourhood and does not suitably respond to the established streetscape, front setback pattern and adjoining buildings.

Further, the floor plan layout isolates the western side rooms to the eastern side common areas and requires a path of travel pass via the car park, through a bin area, between an accessible car space to the other side of the building, which is not considered acceptable for equitable access for any persons, in particular, people with a disability. Additionally, the proposal does not satisfy the minimum parking requirement and is therefore likely to result in adverse impacts on on-street parking and local traffic flows.

Part C - City-wide Controls

C1 Site Planning and Design Principles

C.3 Building Form - Height, Bulk and Scale

The application has failed to demonstrate the bulk and scale of the development is suitable for subject site. The overall bulk of the building fails to reflect the character of the established residential area due to overly contemporary design including facade treatment, lack of stepped-in upper floor levels and roof form. In addition, the extensive building length is not considered to incorporate sufficient articulation and the inappropriate dual frontage setbacks result are inconsistent as they result in a substantial encroachment into the established front building lines.

C3 Water Management

C3.5 Flood Planning

The proposal has not provided sufficient information to determine whether the building footprint will result in any significant impacts on the adjoining properties due to the potential diversion and/or blockage of overland flows.

C5 Waste Management

C.2.2 Residential Development Controls

The current waste management design does not adequately address the waste and infrastructure requirements for a collect and return service to be conducted, as outlined in Section 2.4.1 of Council's 'Multi-unit Dwelling Waste Management Guidelines' document. It is noted that the open bin area is adjacent to an accessible parking space, which is considered to be inappropriate in terms of amenity for the users of this accessible parking space in addition to an obstruction to the path of travel from Accessible Rooms 2 and 3 to the communal living areas. Given that the submitted plans do not provide for a communal waste collection area and bulky goods collection area, the proposal does not make adequate provision of a safe and efficient waste collection service.

C6 Landscape Design

C6.1.3 Neighbourhood Amenity and Character

The proposed landscape plan is considered to be contrary to the character of the suburban area given the encroachment into the front setback along Castlereagh Street, which includes an elevated terrace (outdoor common area) which wraps around the building and has a minimal setback to Stafford Street. This unconventional open space is considered to result in adverse impacts on the amenity of the streetscape.

C10 Transport, Access and Parking

C10.5 Parking, Access and Driveways

It is noted that the subject site is a corner lot and therefore the traditional principles of orientation and articulation are applicable to the dual street frontage, as stipulated in the 'Corner Sites and Park Frontages' of the *Penrith Development Control Plan 2014* (DCP). In this regard, the location of the two (2) parking spaces outside of the building envelope of the building is considered to be inconsistent with character of the local area given that it results in visual impacts on the streetscape and will be highly dominant when viewed from the street frontage. In addition, parking spaces are not permissible within the front setback as stipulated in Section D2.4.15 (4) Garage Design of the DCP.

D2 Residential Development

Although the *Penrith Development Control Plan 2014* contains specific provisions for boarding houses, the proposal is considered to be closely aligned to multi dwelling housing given the nature and scale of the development also noting their reference within the boarding house section of the DCP. Therefore, the provisions for multi dwelling housing is required to also be used as a basis for assessment.

D2.4 Multi Dwelling Housing

D2.4.2 Preferred Configuration for New Dwellings

The proposal fails to provide stepped upper floor levels on all four (4) facades and sufficient upper level articulated building forms. In addition, the lack of variety of roof forms and projecting upper level balconies consequently presents as an overly boxy design which is not considered to reflect key architectural design elements that are adopted in the locality.

2.4.3 Development Site

The subject site has a frontage width of 13.42m, which is non-compliant with the minimum 22m lot width control. The proposal represents an overdevelopment of the site in proportion to the site area given the large building mass and inadequate room for on-site parking and landscaping.

D2.4.4 Urban Form

The proposed boarding house has a building length of 33.470m which exceeds the maximum length of 20m and the facades do not meet the maximum length of 5m between distinct corners requirement. Although the proposal incorporates a cantilevered upper floor bedroom over an at grade parking area, in the middle of the building. In addition, the This design is not considered to provide an adequate break in the building to reduce its bulk and demonstrate its compatibility with the neighbourhood character.

D2.4.5 Front and Rear Setbacks

It is noted that the proposal provides a 5.5m front setback. However, the proposal must adopt the average front setback of the adjoining property given that the front setback is greater than 5.5m. In this regard, the proposal is considered to encroach into the established front building line along Castlereagh Street.

It is also noted that the proposal contains an elevated front terrace forward of the front building line which has a 4m front setback. This design limits the opportunity for landscaping and is considered to be contrary to the streetscape, which is characterised by large landscaped treatments to the front and rear yard areas of surrounding properties, also noting that majority of properties contain mature trees.

Further, the rear balconies for Rooms 11 – 12 are non-compliant with the minimum rear setback requirement of 6m for the second storey component which is contrary to the rear yard areas of the adjoining northern property.

D2.4.6 Building Envelope and Side Setbacks

The proposal is non-compliant with the 2m minimum side setback requirement along the north-eastern elevation. This side setback is required to be varied with a minimum setback of 2m to provide for articulation and adequate landscaping buffers between the northern adjoining neighbour, which is considered to necessary to reduce the overall bulk and scale of a building and minimise overbearing impacts.

D2.4.8 Landscaped Area

It is noted that the submitted landscape plan states that the proposal has a total landscaped area of 242.012m². However, the calculation for the landscaped area does not include any areas below 2m in width or terraces and patios that are 0.5m above natural ground level or pedestrian pathways to building and dwelling entrances. In this regard, a recalculation of the landscaped area is approximately 137.5m² noting that a maximum of 15m² of the concrete terrace is included, which results in a landscaped area of 23.38% of the site, also noting that Council's records indicate that the subject site has a land area of 588.0m².

Given that the site is within a R3 Medium Density Residential zone which is subject to a 40% minimum landscaped area % requirement, being 235.2m² for the site, the proposal has a significant shortfall of required landscaped area and is considered to be contrary to the objective of making provision for reasonable proportions of landscaped garden areas.

D2.4.11 Corner Sites and Park Frontages

The site is situated on a corner lot whereby two (2) front entrances and the at grade car park front Stafford Street. Given that traditional principles of orientation and articulation are applicable to both public frontages, the secondary street frontage along Stafford Street should be a minimum of 5.5m.

In this regard, it is noted that the proposed two storey building has a building length of 33.470 combined with a 3m second street frontage in addition to two (2) parking spaces and an elevated terrace and pedestrian pathway situated within the secondary street frontage. Given

the cumulative impacts of this design, noting inadequate articulation to this public frontage, the proposal consequently does not respond to the site's context or local character.

D2.4.12 Building Design

The proposal fails to incorporate sufficient stepped walls, articulated roof forms, brickwork to the north-eastern elevation or projecting verandahs and overall articulation. This demonstrates that the facades do not provide adequate articulated forms.

D2.4.18 Fences and Retaining Walls

The proposal incorporates unconventional fencing relative to existing fencing in the locality, noting the 1.8m solid fencing surrounding the inappropriate parking spaces along the second street frontage. The fence design is not considered to be compatible with the neighbourhood character.

D2.4.21 Accessibility and Adaptability

The proposal does not provide for an accessible pathway to/from the front entrance fronting Castlereagh Street. The design requires that the lodgers of the accessible rooms situated in the western part of the building must travel via the car park to access this area noting that Outdoor Common Area 1 is accessed via and adjacent to the front door entrance.

D5 Other Land Uses

D5.11 Boarding Houses

It is noted that the local area is characterised by established setbacks with generous landscape treatments, traditional single storey and two storey dwellings, villas and townhouses which predominantly incorporate architectural design elements, such as brickface, earthy tones, lightweight materials, gabled and/or hipped pitched tile roofs, conventional fenestration, stepped upper levels and a variety of articulation, etc.

1) Local Character

The subject site is located on a corner lot and it is noted that the buildings in the immediate area are mainly single storey dwellings with some older townhouses further to the east. It is also noted that the north-western side of Castlereagh Street has an established front setback and that the setback along Stafford Street varies noting that the adjoining properties and opposite the site along Stafford Street are all single storey dwellings.

In consideration of the context of the immediate area and in comparison of the proposed boarding house, the building footprint is not considered to be appropriate for the constraints of the site, which is clearly demonstrated by a building length of over 33m, an encroachment into the front setback including an inadequate front landscape treatment, non-compliance with the minimum landscaped area control and an excessively raised ground floor level and open terrace areas.

The overall bulk and scale of the development, being for 12 boarding rooms with a 3m secondary street frontage in addition to two (2) parking spaces situated within the second street frontage is considered to result in adverse impacts on the amenity of the streetscape. Moreover, as discussed in this report, the overly contemporary design has failed to demonstrate that the built form is compatible with the future desired character of local area.

2) Built form, Scale and Appearance

A review of the built form demonstrates that the boarding house does not incorporate sufficient design features that reflect or are sympathetic to the surrounding housing stock. The boarding house contains a combination of contemporary design features, including a flat roof, slim vertical and horizontal windows, a number of fire rated glass blocks, unconventional protruding upper level balconies with glass balustrades, an expanse of dark brown timber style cladding, a flat roof, flat awnings and inappropriate upper level balconies.

Further, the built form does not provide for any stepped upper floor levels or adequate articulation to the upper floor and includes a cantilever upper level bedroom. In addition, two (2) parking spaces are situated in the second street frontage and an excessively raised terrace is situated within the dual street frontage areas. Given the aforementioned, the bulk and scale is considered inappropriate and therefore the proposal presents as an overdevelopment of the site

and is consequently inconsistent with the local character.

3) Tenant Amenity, Safety and Privacy

The proposed floor plan layout is designed such that the building is divided into two (2) parts, noting that the rooms situated in the western part of the building which includes two (2) accessible ground floor rooms, are consequently isolated from the communal living rooms situated in the eastern part of the building. Due to the poor design, to access the communal living areas, the path of travel from these rooms is via the car parking area which is obstructed by a waste bin area and accessible car park.

Further, an accessible ramp is not provided to the front entrance and Outdoor Common Area 1 to/from Castlereagh Street and it is noted that Outdoor Common Area 2 and the clothes line are located along the western side boundary and consequently isolated from the remaining rooms situated in the eastern part of the building.

It is also noted that the communal living rooms are situated within a number of main doorways and therefore the total area cannot be considered as being usable open space, noting the location of adjoining Room 1 which presents as poor residential amenity due to the potential for noise impacts associated with nature of the use of the communal areas. Given that the floor plan layout does not provide for equitable access for each boarding room nor adequate residential amenity, the boarding house is not considered an acceptable design solution.

4) Visual and Acoustic Amenity Impacts

The site is affected by overland flooding flows and subject to flood planning controls. In this regard, the raised finished floor level is approximately 700mm to 1,100mm above natural ground level and includes Common Room 2 windows that cross-view into a window of the northern-eastern adjoining residential property.

Moreover, it is noted that privacy screens are incorporated for the north-eastern facing upper level balconies for Rooms 7 – 9 and the north-western facing upper level balconies for Rooms 11 - 12, however, given the proximity of the north-eastern adjoining property's rear private open space, noting the 0.9m side setback and also an encroachment of up to 1.3m into the 6m minimum rear setback requirement for Rooms 11 - 12's upper level balconies, the proposal results in overbearing impacts on adjoining properties and is not considered an appropriate design solution.

Further, the outlook of Room 6, 7 and 10's south-western facing upper level balconies cross-view into the windows of the south-western properties situated directly opposite the site and therefore results in privacy impacts.

In addition, it is noted that the application was not accompanied by a noise impact assessment which is considered warranted due to the nature and size of the development and proximity to surrounding properties. Given that there are three (3) open space areas and that the building has a 900mm north-eastern side setback, concerns are raised in regard to amenity impacts on adjoining and nearby properties. As such, a noise impact assessment is required to assess the potential noise impacts of the proposed development.