

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0653
Proposed development:	Construction of Studio Loft
Property address:	76 William Hart Crescent, PENRITH NSW 2750
Property description:	Lot 2235 DP 1184495
Date received:	9 October 2020
Assessing officer	Jake Bentley
Zoning:	Zone R1 General Residential - LEP 2010
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the construction of a studio loft above the existing single storey rear loaded garage at 76 William Hart Crescent, Penrith. The proposal is defined as a dual occupancy development being a permitted with consent development in the sites R1 General Residential zoning under the provisions of Penrith Local Environmental Plan 2010 (PLEP). It is noted that the proposal is referred to as an 'ancillary dwelling' within Chapter E11 Part B - North Penrith of Penrith Development Control Plan 2014 (DCP).

It is noted that 2 lot Strata Title subdivision was also proposed however, the applicant has provided correspondence requesting the subdivision component to be removed from the application. It has been advised that Strata subdivision associated with the proposal may be pursued in the future.

In accordance with Council's Community Engagement Strategy 2019 the application was notified to surrounding property owners between 19 October and 2 November, 2020. No submissions have been received.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions of consent.

Site & Surrounds

The site is a rectangular allotment with an 8m width and 30.9m length and a lot size of 247.2m². The site has two street frontages being William Hart Crescent to the north and Stoddart Lane to the south. The site is occupied by a two storey dwelling orientated to the north, a single storey rear loaded garage to the south accessible via the rear laneway and a grassed private open space area within the centre. The site has a minor slope from south to north of 0.53m.

The site is burdened by a 0.9m wide easement for access, maintenance and overhang along the south-western boundary. It is noted that the site is benefitted by a 0.9m wide easement for access, maintenance and overhang along the western boundary of the neighbouring lot to the east.

The surrounding sites are also zoned R1 under the PLEP and are occupied by residential land uses. Similarly, the surrounding sites are occupied by dwellings which face main roads, central private open space areas and rear loaded garages accessible via the rear laneway. It is noted that Penrith Train Station and Ron Mulock Oval are located with close proximity to the site.

Proposal

The proposal seeks to construct a studio loft above the rear loaded garage with the following components:

- Garage floor extension to the north to provide a storeroom/access to the existing dwelling and a staircase accessible via a western facing door leading to the proposed studio,
- Studio loft atop with kitchen, bathroom, laundry, living/bedroom area and patio, and
- Brickwork to ground floor extension and cladding to upper level.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- North Penrith Design Guidelines
- 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 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 4.15(1)(a)(i) The provisions of any environmental planning instrument

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

This Policy ensures the implementation of the BASIX scheme which encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by applicants.

This application is subject to these requirements as it involves the construction of a basix affected development.

BASIX Certificate No. 1143192S was submitted with the development application demonstrating compliance with set sustainability targets for water and energy efficiency and thermal comfort.

A standard condition of consent is recommended to ensure the commitments in the Certificate are maintained during the life of the proposed development.

State Environmental Planning Policy No 55—Remediation of Land

In accordance with Clause 7 Contamination and remediation to be considered in determining development application 'a consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) 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, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.'

Historical aerial photographs of the site and a review of Council's records shows that site has been used for residential purposes since the previous subdivision which created the site with the following construction of the dwelling house and rear loaded garage. In this regard, the site is considered suitable for the proposal in relation to land contamination.

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 satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies
Clause 8.1 Application of Part	Complies
Clause 8.4 Design excellence	Complies
Clause 8.5 Building separation	Complies

Clause 2.3 Permissibility

The proposal can be defined as a dual occupancy development noting that two dwellings are proposed on-site. Given the scale of the proposed studio loft it was initially thought the proposal would be defined as a secondary dwelling however, the applicant has suggested that Strata subdivision will be pursued in the future placing the studio loft on a separate lot.

Dual occupancies are a type of residential accommodation which is a permitted with consent land use in the sites R1 zoning under PLEP 2010.

Clause 4.3 Height of buildings

The PLEP 2010 Height of Buildings Map states that a 12m maximum building height development standard applies to the site. The proposal has a building height of 7.055m and is therefore well below the development standard.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

Draft Environmental SEPP

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating a total of seven existing SEPPs being:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

It is noted that the amendments to Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No. 2 – 1997) do not impact the proposed development. In this regard, the proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.

The proposed new land remediation SEPP will:

- provide a state-wide planning framework for the remediation of land,
- maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- clearly list the remediation works that require development consent, and
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979. Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. Noting the above, the Draft SEPP will not alter or affect the findings in respect to contamination of the site.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	Does not comply - see Appendix - Development Control Plan Compliance
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	N/A
E11 Penrith	Does not comply - see Appendix - Development Control Plan Compliance

North Penrith Design Guidelines

Provision	Compliance
North Penrith Design Guidelines	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iv) The provisions of the regulations

The proposal has been referred to Council's Building Surevying Department which raised no issues subject to recommended conditions of consent. The recommended conditions of consent will ensure the proposal complies with the relevant provisions of the Building Code of Australia and the regulations.

The proposal relates to the erection of a building for residential purposes within the Penrith City Centre. In this regard, the *Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre* published by the Department of Planning and Environment on 28 June 2019 must be considered.

A recommended condition of consent will require a letter be issued from the Manager of Development Services, Penrith City Council, attesting that the development is consistent with the Adaptive Management Framework and dwelling thresholds detailed in the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre prior to the issue of a Construction Certificate.

Section 4.15(1)(b)The likely impacts of the development

The proposal adheres to the relevant setback, private open space, privacy, solar access, height and access requirements therefore, there are no adverse amenity or streetscape impacts envisioned. The proposal will provide for a diversity of housing types within close proximity to Penrith Train Station and large public open space (Ron Mulock Oval). The North Penrith Area seeks to provide transit orientated development therefore, the no parking space provided for the small scale proposal is suitable. The proposal will provide causal surveillance to the rear laneway. In this regard, there are no adverse impacts envisioned as a result of the proposal.

Section 4.15(1)(c)The suitability of the site for the development

The sites dual frontage with rear laneway access and a rear loaded garage is ideal for the proposed studio loft development. The orientation of the site and location of nearby private open space areas does not provide for any solar access issues. The sites location nearby public transport encourages alternative transport options. In this regard, the site is considered to be suitable for the proposal.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Council's Community Engagement Strategy 2019 the application was notified to surrounding property owners between 19 October and 2 November, 2020. No submissions have been received.

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

Section 4.15(1)(e)The public interest

There are no significant issues relating to the public interest envisioned as a result of the proposal.

Section 94 - Developer Contributions Plans

The following Section 7.11 plans apply to the site:

- Section 7.11 - District Open Space

The following Section 7.11 calculations apply to the proposed development.

Calculations for Dwellings					
<i>City Wide</i>					
No. of dwellings	x	Rate	-	Credit for existing dwelling	Contribution rate
2	x	1	-	1	1

AMOUNTS		
S7.11 Contribution Plan	Contribution Rate x Calculation Rates	Total
District Open Space	1 x \$2,994.00	\$2,994.00
	NET TOTAL	\$2,994.00

Conclusion

In assessing this proposal against the relevant environmental planning policies, primarily being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

That DA20/0653 for the extension of the ground floor garage and construction of a studio loft atop the garage at 76 William Hart Crescent, Penrith be approved subject to following recommended conditions of consent.

CONDITIONS

General

1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance with the following plans and documents stamped approved by Council, BASIX Certificate No. 1143192S, the application form and any supporting information received with the application, except as may be amended in red on the stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Revision	Date
Site Plan	Wayne Wilson	1	27/09/2020
Floor Plan & Section	Wayne Wilson	1	27/09/2020
Elevations	Wayne Wilson	1	27/09/2020
Site Analysis	Wayne Wilson	1	27/09/2020

- External Colour Schedule, undated,
- Waste Management Plan, prepared by Wayne Wilson and dated 7 October, 2020.

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like.

3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

4 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

5 [A Special \(BLANK\)](#)

Any fencing shall be in accordance with Section E11 Part B North Penrith 8.3.6 Fencing of Penrith Development Control Plan 2014.

6 [A Special \(BLANK\)](#)

Suitable access is to be provided between the garage and store room identified on the approved Garage Floor Plan.

7 [A Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate, the Construction Certificate plans shall be amended showing a highlight window to the western elevation of the studio providing solar access to the living area.

8 [A Special \(BLANK\)](#)

The fence marked in red on the stamped approved plans shall be deleted.

9 [A Special \(BLANK\)](#)

Prior to the commencement of any works, and prior to the issue of a Construction Certificate, the principal certifying authority is to ensure that a letter has been received from the Manager of Development Services, Penrith City Council, attesting that the development is consistent with the Adaptive Management Framework and dwelling thresholds detailed in the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre, published by the Department of Planning and Environment on 28 June 2019, in accordance with clause 92(1)(f) of the Environmental Planning and Assessment Regulation 2000. The abovementioned letter is to be dated no earlier than 3 months prior to the issue of the Construction Certificate or commencement of works.

Demolition

10 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

11 [B003 - ASBESTOS](#)

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on-site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environment Protection Authority to receive asbestos wastes.

Environmental Matters

12 [D001 - Implement approved sediment& erosion control measures](#)

Erosion and sediment control measures shall be installed **prior to the commencement of works on-site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

13 [D002](#)

Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.

14 [D009 - Covering of waste storage area](#)

All construction waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays/bins so as to allow for the separation of wastes, and the areas are to be fully enclosed when the site is unattended.

15 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

16 [D014 - Plant and equipment noise](#)

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

BCA Issues

17 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

Utility Services

18 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

19 G004 - Integral Energy

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Construction

20 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on-site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works on-site, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

21 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

22 H041 - Hours of work (other devt)

Construction and demolition works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Engineering

23 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council **prior to commencement of any works on site or prior to the issue of any Construction Certificate**, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

24 [K209 - Stormwater Discharge – Minor Development](#)

Stormwater drainage from the site shall be discharged to the existing site drainage system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

Development Contributions

25 [N001a - Section 7.11 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for **District Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,994.00 is to be paid to Council prior to a Construction Certificate being issued** for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for **District Open Space** may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

Certification

26 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any earthworks or construction works on-site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on-site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

27 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C3 Water Management

The proposed new and additional roof area will drain via the existing stormwater disposal system on-site. It is noted that some of the roof area drains to the existing rainwater tank located on the eastern side of the existing dwelling. Stormwater eventually discharges into William Hart Crescent.

C10 Transport, Access and Parking

The proposal seeks to extend the northern side of the garage to provide a staircase and access to the main dwelling. The extension will not impact the width and length of the double garage nor will it impact the roller door height. There is space for a person to traverse past a car and access the opening to the store room. It is noted that Chapter E11 Part B - North Penrith of the DCP provides for parking provisions which are discussed later within this report.

D2 Residential Development

Chapter E11, Part B North Penrith of the DCP provides for controls which relate to the proposed studio loft which are discussed later within this report.

E11 Penrith

Part B - North Penrith

11.8.3.3 Building Envelopes

It is noted that the proposal extends 8.5m north of the rear boundary which exceeds the maximum depth control of 8m for ancillary dwellings. The proposal will not impact the existing dwellings ability to provide suitable private open space nor will the proposal adversely impact solar access to surrounding sites or provide any privacy issues. In this regard, the minor non-compliance is considered acceptable as no adverse amenity impacts are envisioned.

11.8.3.4 Building Design and Articulation

The studio loft is treated with cladding as opposed to the bottom level brickwork and the proposed colours are consistent with the residential palette.

11.8.3.5 Private Open Space and Landscaping

The proposal will not impact the existing dwellings ability to comply with private open space sizes and dimensions. The proposed studio includes a balcony which goes beyond the private open space area and dimension controls for that type of development.

The proposed balcony does not overlook neighbouring private open space areas or dwellings but rather addresses the rear loaded garages of nearby southern sites. There are no openings facing the northern and eastern boundaries and only a highlight window will be installed orientated toward the west.

The location of the proposal at the south of the site will not overshadow adjoining principal private open space areas considering the location of the road and rear loaded garages to the south of the proposal.

11.8.3.7 Garages, Site Access and Parking

The proposal does not seek to modify the amount of parking spaces provided on-site. In this regard, the proposal has not provided a parking space for the studio loft. It is noted that this Section of the DCP specifies a maximum parking rate of 1 space for the studio loft. In this regard, there is no non-compliance with the parking control.

11.8.3.11 Specific Provisions - Ancillary Dwellings

It is noted that Figure E11.46 - Preferred location of ancillary dwellings of Penrith DCP 2014 provides for a map of the North Penrith Precinct which identifies sites preferred to be developed with ancillary dwellings. It is noted that the subject site falls within a portion of the precinct which is not identified as a preferred site however, considering numerous developments of a similar type have been approved surrounding the site the proposal is considered not to be out of character. Example of surrounding approvals include DA13/1213 at 40 William Hart Crescent, DA13/1208 at 34 William Hart Crescent and DA18/1097 at 38 William Hart Crescent all of which are also not identified as a preferred site for ancillary dwellings.

The proposal satisfies the side and laneway setback, maximum storey, private open space and maximum car parking controls.

As mentioned previously the proposal has openings directed to the south with a highlight window to the west therefore, there are no privacy impacts envisioned. The siting of the proposal will not overshadow the primary dwellings and neighbouring dwelling private open space areas.

North Penrith Design Guidelines

The controls specified within the Chapter E11, Part B North Penrith of Penrith Development Control Plan 2014 have been adopted from the North Penrith Design Guidelines. In this regard, please see the commentary provided under Chapter E11 of Penrith DCP 2014 of this report.