

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA19/0166
<b>Proposed development:</b>	Alterations and Additions to Existing Dwelling and Secondary Dwelling to Create a Detached Dual Occupancy
<b>Property address:</b>	34 Pembroke Street, CAMBRIDGE PARK NSW 2747
<b>Property description:</b>	Lot 50 DP 12400
<b>Date received:</b>	5 March 2019
<b>Assessing officer</b>	Surreti Bajwa
<b>Zoning:</b>	Zone R2 Low Density Residential - LEP 2010
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	Approve

### Executive Summary

Council is in receipt of a Development Application for alterations to an existing single storey dwelling and construction of a double car garage. The proposal also includes changing the classification of the existing development; from a principal and secondary dwelling to being defined as a detached dual occupancy. The subject site is zoned R2 Low Density Residential under the provisions of the Penrith Local Environmental Plan (LEP) 2010 the abovementioned proposal is a permissible land use in the zone with Council consent.

#### History

On 14/03/2018, a secondary dwelling was approved (CDP18/0390) under the provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*. An Occupation Certificate (No.18004/01) was issued on 17 September 2018.

#### Assessment

Key issues identified in the application include:

- Insufficient landscaping
- Inadequate on-site parking provisions
- Proposed second driveway

Discussions and correspondence have been conducted and relayed between staff and the applicant following the receipt of the application. Subsequently, amended plans were provided in response to staff's concerns. Whilst it is noted that there is discrepancy with the scale of the amended plans submitted, Council Officers (Traffic and Building) have raised no objection as appropriate dimensions have been provided. Taking this into consideration, the matters raised above have now been appropriately resolved. A further discussion of these matters is provided under the likely impacts section and under the DCP section within the appendix of this report.

An assessment has been undertaken under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the application is recommended for approval.

## Site & Surrounds

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The subject site is legally described as Lot 50 in DP 12400 and is commonly known as 34 Pembroke Street, Cambridge Park. It is a regular shape and has a frontage of 15.24m and a total site area of 923m<sup>2</sup>.

The site is currently occupied by an older single storey facebrick dwelling with a pitched tiled roof at the front of the site. There is also a recently constructed secondary dwelling with facebrick exterior and colorbond roof located at the rear of the site. Vehicular access is provided to the site via an existing driveway on the southern boundary of the site. It is noted that there is an attached garage associated with the secondary dwelling, however no undercover parking provision for the principal dwelling. There is also a concreted area within the front setback of the site, utilised to park cars and additional hardstand in front of the secondary dwelling.

The current streetscape is characterised predominantly by detached single storey dwelling houses with facebrick exteriors and pitched tiled roofs.

### Property Burdens and constraints

There are no easements or burdens which could affect, or be affected by the proposed development.

## Proposal

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The specific elements of the proposal are:

- Demolition and relocation of the side wall and portion of veranda of the principal dwelling (along southern elevation) and reconstruction of new wall to allow for extension of the width of the existing driveway (to 2.85m);
- Provision of landscaping strip adjacent to the proposed driveway extension;
- The proposed demolition will result in removal of one (1) window along the southern boundary associated with the kitchen) and the proposal includes the construction of a new window adjacent to the living area;
- The proposal does not include a schedule of materials and finishes, however the statement of environmental effects states that the wall will be rendered and painted in 'Pail Grey' and the window frame to be finished in white, consistent with existing windows;
- Reclassification of the property as a detached dual occupancy (as opposed to a principal dwelling and secondary dwelling); and
- Provision of a double car garage at the rear of the principal dwelling.

Note: As the proposed alterations and works to the existing house do not exceed \$50,000, a BASIX certificate is not required.

It is noted that the applicant originally sought to provide an additional driveway by converting an existing hardstand area within the front setback of the site. However, during the course of the of the assessment, the applicant was advised that two (2) driveways are not permissible on the site. Accordingly, the applicant submitted amended plans which demonstrated the removal of the hardstand area entirely and replacement with landscaping.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

#### **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application 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 - See discussion
Clause 2.7 Demolition requires development consent	Complies - See discussion
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Complies - See discussion
Clause 7.7 Servicing	Complies

#### **Clause 2.3 Permissibility**

The subject site is located within the R2 Low Density Residential zone.

The proposal for the alterations is ancillary development to a dwelling house. Dwelling houses are permissible with consent within the zone. Accordingly the proposed alterations and construction of a garage are permissible with consent.

The second part of the proposal is to reclassify the existing dwellings from the current arrangement of principal dwelling and secondary dwelling to a detached dual occupancy. Under the provisions of the Penrith LEP 2010 dual occupancies are permissible in the R2 zone and defined as follows:

*'dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).'*

and more specifically:

*'dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.'*

The proposed development (subject to lot size and additional controls) is consistent with the definition above and the proposal is permissible with consent.

#### **Clause 2.3 Zone objectives**

An assessment of the proposal against the objectives of the R2 Low Density Residential zone are as follows:

Objective	Complies
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>	Yes
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	Yes
<ul style="list-style-type: none"> <li>To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.</li> </ul>	Yes
<ul style="list-style-type: none"> <li>To enhance the essential character and identity of established residential areas.</li> </ul>	Yes
<ul style="list-style-type: none"> <li>To ensure a high level of residential amenity is achieved and maintained.</li> </ul>	Yes

Comment: The proposed development is for the reclassification of two (2) existing dwellings to be identified as detached dual occupancy. The existing dwellings will continue to provide for the housing needs of the community in a low density setting.

**Clause 2.7 Demolition requires development consent**

Under the provisions of the LEP, demolition of a building or work may be carried out only with development consent.

The proposal seeks Council consent for the partial demolition of the (southern side) of the principal dwelling.

**Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

The LEP identifies a minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings.

The following applies to the subject site:

Development Type	Zone	Minimum lot size
Dual Occupancy (detached)	Zone R2 Low Density Residential	750 square metres

The subject lot has a total area of approximately 923m<sup>2</sup> and accordingly achieves the minimum requirements for a detached dual occupancy in the R2 Low Density Residential zone.

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

There are no draft Environmental Planning Instruments that apply to the proposal.

## Section 79C(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	Complies
C3 Water Management	Complies
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
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D2.2. Dual Occupancies	Complies - see Appendix - Development Control Plan Compliance

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

There are no planning agreements applying to this application.

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

### **Fire safety**

The application has been referred to Council's Building Surveyors for assessment, with no objection raised. Appropriate conditions of consent will be recommended for all aspects of the design comply with the applicable performance requirements of the Building Code of Australia (including fire safety).

### **BASIX**

A BASIX affected development is defined in clause 3 of the Environmental Planning and Assessment Regulation 2000. It applies to all new dwellings in NSW, renovations where the work is valued at \$50,000 or more, or where a swimming pool (or pool or spa) of 40,000 litres or more is being installed. BASIX is optional for renovations under this value or for smaller pools and spas.

In this instance, the renovation works to the principal dwelling are less than \$50,000 and a BASIX certificate was not required to be submitted.

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

### ***Context and Setting***

The proposed works are sympathetic with the existing streetscape and does not result in adverse amenity impacts to neighbouring properties. Overall, it is considered that the proposed design outcome for renovations of the principal dwelling achieves an appropriate level of streetscape compatibility, whilst also minimising the direct amenity impacts on nearby residential dwellings. Furthermore, the overall proposed development is a permissible use with consent in the zone and is consistent with the objectives of this zone.

### ***Access, Traffic and Transportation Impacts***

During the site visit it was observed that a hardstand area has been constructed in the front setback of the site, adjacent to the principal dwelling. Aerial photographs of the site demonstrate that this has been constructed sometime between April and August 2018 and is utilised as a single car parking area. In correspondence with the applicant, it was advised that this cannot be supported as it is contrary to Councils controls and the existing and desired neighbourhood character of the locality. A special condition of consent will be imposed for the applicant to demolish the existing hardstand within the front setback of the site and that no vehicles are to be parked within this area. The area will be replaced with turf.

The proposed double car garage will provide adequate on-site parking provisions for the site.

### ***Utilities***

The site connections to the development can be appropriately serviced.

### ***Drainage***

The proposal will be conditioned to include suitable measures to minimise environmental impacts in terms of the disposal of stormwater and erosion and sedimentation control, as well as waste control during the proposed demolition and construction works.

### ***Noise and Vibration***

To maintain the acoustic privacy and amenity of the surrounding developments, the standard condition restricting work hours is recommended.

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

The subject site is considered suitable for the proposed development and generally complies with Council's LEP and DCP requirements. The proposal is considered an acceptable outcome for the site and is unlikely to compromise the amenity of adjoining residents and will continue to provide for the housing needs in a low density residential setting.

## **Section 79C(1)(d) Any Submissions**

### **Community Consultation**

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents from 11 March 2019 to 25 March 2019. No submissions were received as a result.

### **Referrals**

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

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

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

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation. The proposed development is not considered to be contrary to the public interest.

### **Section 94 - Developer Contributions Plans**

The following Section 7.11 plans apply to the site:

- Section 7.11 - Cultural Facilities
- Section 7.11 - Penrith City Local Open Space
- Section 7.11 - District Open Space

**Note:** Council records indicate that Section 7.11 Contributions have been levied for the existing secondary dwelling (approved as Complying Development). Accordingly, appropriate credits will be applied and the following Section 7.11 calculations apply to the proposed development:

<b>Calculation for Dual Occupancy</b>					
<b>Cultural Facilities</b>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
<b>1</b>	x	6.0	-	3.0 + 1.5 (for the existing secondary dwelling) =4.5	1.5
<b>District Open Space</b>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
<b>1</b>	x	6.2	-	3.1 + 1.5 (for the existing secondary dwelling) =4.6	1.6
<b>Local Open Space</b>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
<b>1</b>	x	6.2	-	3.1 + 1.5 (for the existing secondary dwelling) = 4.6	1.6
<b>AMOUNT</b>					
S.7.11 Contribution Plan		Contribution Rate x Calculation rate		Total	
Cultural facilities		1.5 x \$173.00		\$260.00	
District Open Space		1.6 x \$1,980.00		\$3,168.00	
Local Open Space		1.6 x 716.00		\$1,146.00	
		<b>NET TOTAL</b>		<b>\$4,574.00</b>	

## **Conclusion**

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The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Penrith Local Environmental Plan 2010 and the Penrith Development Control Plan 2014 and is considered to be satisfactory for approval, subject to therecommended conditions of consent.

## **Recommendation**

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That Development Application DA19/0166 for the alterations and additions to an existing dwelling and the creation of a detached dual occupancy at 34 Pembroke Street Cambridge Park be approved, subject to the following conditions:

# CONDITIONS

## General

### 1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance with the amended plans stamped approved by Council below, the application form and any supporting information received with the application, except as amended in red on the attached plans and by the following conditions.

Description	Plan No.	Revision	Prepared By	Date
Site Plan	DWG 01	Version 3	Kaye Fletcher (KF)	30/01/19
Floor Plan and elevations	DWG 02	-	Kaye Fletcher	30/01/19
Side Elevations (garage)	Page 2 of 9	-	Emerald Design & Construction	30/05/19
Floor Plan (garage)	Page 3 of 9	-	Emerald Design & Construction	30/05/19
End Frame Elevations (garage)	Page 4 of 9	-	Emerald Design & Construction	30/05/19
Side Frame Elevations (garage)	Page 5 of 9	-	Emerald Design & Construction	30/05/19
Cross Section (garage)	Page 6 of 9	-	Emerald Design & Construction	30/05/19
End Elevations (garage)	Page 7 of 9	-	Emerald Design & Construction	30/05/19

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

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

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

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

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

Prior to the issue of an on Occupation Certificate, the Principal Certifying Authority must be satisfied that the hardstand area within the front setback of the principal dwelling (at the front of the subject site) has been completely removed and replaced with turf and landscaping.

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

The garage shall have a minimum setback of 900mm from the northern side boundary. Amended plans demonstrating compliance with this shall be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

The double garage shall be completed prior to the release of any Occupation Certificate.

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

Future subdivision (Strata ) of the subject land will require a separate Development Application to be submitted to Council.

### 7 [A Special Garge External finishes](#)

All external materials, colours and finishes including windows and doors and roofing materials of the garage must be of high quality and compatible with those of the existing dwelling on site, surrounding streetscape and locality. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

## Demolition

## 8 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 Environmental Protection Authority to receive asbestos wastes.

## 9 B004 - Dust

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

## BCA Issues

### 10 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).

## Construction

### 11 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 onsite, 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.

## 12 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 the 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.

## 13 H041 - Hours of work (other devt)

Construction 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 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

### 14 K Special (BLANK)

All car parking and manoeuvring must be in accordance with AS2890.1-2004 and Council's requirements.

### 15 K Special (BLANK)

All vehicles are to enter/exit the site in a forward direction.

## Landscaping

## 16 L001 - General

A minimum of 1m of soft landscaping is to be provided adjacent the driveway along the southern side of the principal dwelling. The removed hardstand area in the front setback shall be replaced with turf compatible with existing turf/landscaping.

Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

## 17 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

## Development Contributions

### 18 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan(s) for Cultural Facilities . Based on the current rates detailed in the accompanying schedule attached to this Notice, \$260.00 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 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 Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

### 19 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$3,168.00 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 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.

### 20 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan(s) for Local Open Space Based on the current rates detailed in the accompanying schedule attached to this Notice, \$1,146.00 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 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 Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

## Certification

21 [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 81A 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 81A of the Environmental Planning and Assessment Act 1979.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### D2 Residential Development

The DCP provides controls for dual occupancies, in this instance as the two dwellings are existing, the relevant objectives and controls under Section 2.2 Dual Occupancies of Chapter D2 Residential Development are assessed:

#### 2.2.5 Front and Rear Setbacks:

Control	Proposed	Complies
Minimum rear setback for single storey dwellings is 4m	The existing secondary dwelling provides a setback of 7.68m from the rear boundary	Yes
2) Within the rear boundary setback:  a) there shall be no building encroachments either above or below ground (eaves excepted);  b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;  c) where there are physical encumbrances such as open drains, increase the setback accordingly.	There are no building encroachments of within the rear boundary setback.  The site is largely devoid of landscaping with the exception of small shrubs.	Yes

#### 2.2.7 Driveways and Parking Areas

Control	Proposed	Complies
1) Provide onsite parking in accordance with parking section of this DCP	The proposal includes the provision of two (2) undercover car parking spaces (double garage) in association with the principal dwelling.  The secondary dwelling has been approved with an attached single car garage.	Yes - per table C10.2 of the DCP, dual occupancies are required to provide 2 spaces per dwelling with stack or tandem parking considered acceptable.  The proposal meets the above requirements for the front dwelling in the form of a double garage and the stacked parking is considered for the rear dwelling in front of the existing single garage.  Council's Traffic Engineer has provided no objection to the proposal.

<p>3) For dwellings located one behind the other, driveways should:</p> <p>a) be separated from dwellings by a landscaped verge at least 1m wide;</p> <p>b) where possible, also separated from boundary fences by a landscaped verge;</p> <p>c) prevent adverse long-term effect upon any vegetation that must be preserved;</p> <p>d) provide for effective and healthy landscaping along all site boundaries;</p> <p>e) drain by gravity to Council's stormwater network.</p>	<p>There is an existing driveway and hardstand area on the site.</p> <p>Whilst no landscaping is present adjacent to the boundary fencing, the submitted site plan demonstrates a 1m wide landscaped verge adjacent separating the driveway and principal dwelling and additional landscaping adjacent to the existing secondary dwelling.</p>	<p>Yes – conditions of consent will be imposed that appropriate and adequate landscaping is provided on the site prior to the issue of an Occupation Certificate.</p>
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### **2.2.8 Landscaped Area**

<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
<p>A minimum 50% of the site is to be landscaped area.</p>	<p>The applicant has not provided a sufficient landscape plan.</p>	<p>No but acceptable –</p> <p>An assessment of the aerial photography and site plan indicates that an area of approximately 40% of the site will be landscaped.</p> <p>Whilst the proposal results in a minor departure from the minimum deep soil requirements, the departure is considered acceptable given that the proposal has specifically sought to enable vehicles to more safely manoeuvre on site. Further, the site continues to provide deep soil landscaped spaces through the front setback and rear yards of the dwellings and will be conditioned to provide a minimum two (2) canopy trees.</p>

### **2.2.14 Design of the Dwellings**

<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
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<p>1) A reasonable area of private open space should be provided for each dwelling:</p> <p>a) a minimum of 30m<sup>2</sup>;</p> <p>b) including one area measuring at least 6m by 4m, suitable for outdoor dining; and</p> <p>c) located immediately next to, and level with, living or dining rooms; and</p> <p>d) also incorporating an area for outdoor clothes-drying at least 2m wide, exposed to sunlight and breeze, screened from view by a fence or wall at least 1.8m tall; and</p> <p>2) Landscaped areas should maximise the area available for private courtyards and gardens:</p> <p>a) the front and rear boundary setbacks should be used for private residential gardens;</p> <p>b) common open space should be restricted to the verges of any shared driveway.</p>	<p>Both dwelling currently have access to designated private opens space:</p> <p>The principal dwelling provides a fenced backyard area of approximately 148m<sup>2</sup>.</p> <p>The secondary dwelling provides a rear yard of approximately 132m<sup>2</sup>.</p>	<p>Yes</p>
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**2.2.15 Garage Design**

Control	Proposed	Complies
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<p>1) Garage and parking areas should be planned to:</p> <ul style="list-style-type: none"> <li>a) minimise disruption to traditional or established streetscapes by concealing from the street;</li> <li>b) provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation (as shown in figure D2.6);</li> <li>c) minimise transmission of noise to adjoining dwellings;</li> <li>d) provide secure parking;</li> <li>e) allow for maintenance access to rear garden courtyards; and</li> <li>f) provide for effective and healthy landscaping along verges and boundaries.</li> <li>g) permit all turning movements, full opening of vehicle doors as defined by AS 2890.6- 2009;</li> </ul> <p>2) For dwellings that require two spaces: a) provide at least one covered space; b) for dwellings located one behind the other: the second space may be an open court facing the side driveway; o</p>	<p>The proposal includes the construction of a double garage associated with the principal (front) dwelling.</p> <p>As discussed before the secondary dwelling is approved with a single car garage.</p>	<p>Yes – refer to discussion above about parking.</p> <p>Additionally, Council’s traffic engineer provided no objection to the proposal, subject to recommended conditions of consent.</p>
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