

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DEVELOPMENT APPLICATION DETAILS

Application number:	Mod22/0002
Description of development:	Section 4.55(1A) Modification to DA19/0631 for Extension of Trading Hours - Recreation Facility (Indoor) - Unit 4 - ThrowAxe
Classification of development:	N/A
Name of Applicant:	N Aldred

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 3 DP 735039
Property address:	2 Abel Street, JAMISONTOWN NSW 2750

DECISION OF CONSENT AUTHORITY

In accordance with Sections 4.18(1) (a) and 4.55 of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Decision	Approve
Date from which consent operates	28 January 2022
Date the consent expires	28 January 2027
Date of this decision	28 January 2022 as amended on 1 April 2022 under Section 4.55 of the Environmental Planning and Assessment Act.

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Mahbub Alam
Contact telephone number:	+61247327693

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within six months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the following plans stamped approved by Council, 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	Reference No.	Dated	Revision
Site Plan	Summit Drafting Services	296-01	31/08/19	A
Ground Floor Plan (as amended)	Summit Drafting Services	296-02	31/08/19	A
Section	Summit Drafting Services	296-03	31/08/19	A

- 2 The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times. Food shall not be prepared or sold from the business without further approval from Council.

Any external caterers used by the business must be registered with the NSW Food Authority or their local Council and all food provided by the caterer must be prepared in a commercial kitchen approved by the Council or NSW Food Authority.

- 3 **The development shall not be used or occupied until a final inspection by Penrith City Council has been undertaken.**
- 4 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Section C9 Advertising and Signage of *Penrith Development Control Plan 2014*.
- 5 The approved operating hours are from 9:00am to 10:30pm daily.

Amended on 1 April 2022 under the provisions of Section 4.55(1A) of the Environmental Planning Assessment Act 1979.

- 6 No retail sale of goods shall be conducted from the subject premises, except for the sale of non-alcoholic drinks for the immediate consumption by participants.
- 7 All materials and goods associated with the use shall be contained within the premises at all times.
- 8 Suitable security lighting in the car park and at the entrance to the premises shall be installed **prior to the final inspection.**
- 9 The finishes of the site is to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 10 Use of the subject unit shall be restricted to a maximum of 30 participants and four staff members at any one time.
- 11 Group sessions shall be staggered by a minimum period of 15 minutes to reduce the impact on available on-site parking spaces.

- 12 The activity is to operate so as not to interfere with the operation of other businesses in the complex.
- 13 Council reserves the right to review parking arrangements for the use should issues of concern arise in the future.
- 14 All axes and axe throwing equipment shall be safely and securely stored within the premises when not in use.
- 15 **Prior to the final inspection** a Waste Management Plan is to be provided to Council demonstrating how the development will manage ongoing waste as part of the operation.

BCA Issues

- 16 In accordance with the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following works are to be completed to ensure the fire safety of the unit;
 - All required exits are to be fitted with latching devices that comply with Clause D2.21 of the Building Code of Australia (BCA).
 - Portable fire extinguishers are to be provided in accordance with the requirements of the BCA.
- 17 Access for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".
- 18 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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Engineering

- 19 Signage indicating the car spaces and times that parking spaces are available to Axe Throw customers are to be installed at every available parking space.
- 20 All parking spaces are dedicated for the parking of vehicles only and not be used for storage of materials / products / waste materials etc.

Certification

21 Amplified music from the premises is not to be audible at the boundaries of the property. No amplified music is to be used externally, including in the car park.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

Inserted on 1 April 2022 under the provisions of Section 4.55(1A) of the Environmental Planning Assessment Act 1979.

SIGNATURE

Name:	Mahbub Alam
Signature:	

For the Development Services Manager