

## DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

### DESCRIPTION OF DEVELOPMENT

DA No.	DA13/0113
Description of development	Other - Public Sculptures
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none"><li>▪ Class 10b</li></ul>

### DETAILS OF THE APPLICANT

Name & Address	Maryland Development Company Pty Ltd PO Box 1870 PENRITH NSW 2750
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### NOTES

1. Your attention is drawn to the attached conditions of consent attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.

## **DETAILS OF THE LAND TO BE DEVELOPED**

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Legal Description: Lot 11 DP 1176163  
Property Address: Lot 11 Lakeside Parade JORDAN SPRINGS NSW 2747

## **DECISION OF CONSENT AUTHORITY**

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In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions implementation in attachment 1.

Date from which consent operates 02 April 2013  
Date the consent expires 02 April 2015  
Date of Decision 27 March 2013

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

## **REVIEW OF DETERMINATION & RIGHTS OF APPEAL**

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1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

2. The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

3. Right of Appeal if the application was for Designated Development  
If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against Council's decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

## REASONS

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The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

## POINT OF CONTACT

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

Assessing officer	Hannah Van De Werff Environmental Planner
Contact telephone number	(02) 4732 7714

## SIGNATURE

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Name	Hannah Van De Werff
Signature	

For the Development Services Manager

# ATTACHMENT 1: CONDITIONS OF CONSENT

## GENERAL

- 1 The development must be implemented substantially in accordance with the designs prepared by Milne & Stonehouse Artists, the Site Plan prepared by Lendlease (dated 05.02.2013) and the structural engineering details prepared by Sinclair Knight (Drawing No EN02754-C-156-A, dated 28.12.12) as stamped approved by Council, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
- 2 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 4 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 5 Prior to the issue of a Construction Certificate, Structural Design Certification shall be provided to the PCA.

## BCA ISSUES

- 6 All aspects of the structures 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

- 7 The following matters are ancillary aspects of the development under Section 80A (2) of the Environmental Planning and Assessment Act, 1979. Appeal provisions will apply to the submission requirements regarding ancillary aspects of the development (see Sections 80A(3) and 97 of the Act).
  - a) Final details (i.e. external materials & finishes, maintenance requirements and structural certification) of the public sculptures are to be submitted to Council's Parks Manager for consideration and approval prior to issue of Construction Certificate.

- 8 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.

## **LANDSCAPING**

- 9 All trees that are to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Council's Landscape Development Control Plan.
- 10 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 11 Existing landscaping is to be retained and maintained at all times.

## **PAYMENT OF FEES**

- 12 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

## **CERTIFICATION**

- 13 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works.

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.

Hannah Van De Werff

Signature

For the Development Services Manager