

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA20/0021
Description of development:	Use of Premises as Educational & Training Studio (Business Premises)
Classification of development:	Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 11 DP 29452
Property address:	112 a Stafford Street, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Cassandra Jensen T/As Unity Studios 112A Stafford Street KINGSWOOD NSW 2747
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DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) 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.

Date from which consent operates	27 April 2020
Date the consent expires	27 April 2025
Date of this decision	22 April 2020

POINT OF CONTACT

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

Assessing Officer:	Jacqueline Klincke
Contact telephone number:	+612 4732 8391

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 28 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 28 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 stamped approved plans, the application form, and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Plan Description	Prepared By	Dated
Tenancy Location Plan	Cassandra Jensen	--
Floor Plan	Cassandra Jensen	--
Signage Details	--	--

- 2 **The premises shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 The approved hours of operation are from 9:30am to 8pm, Mondays to Saturdays.
- 4 All materials and goods associated with the use shall be contained within the building at all times.
- 5 The finishes of the premises are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 6 **Prior to the issue of an Occupation Certificate**, the two (2) door signs are to be removed and the two (2) window signs are to be reduced in size and modified to be no more than 1.2m above the window sill height as shown on an annotated diagram provided with the Notice of Determination. No other signage may be erected without prior approval, as necessary.
- 7 In the event that Council receives a complaint regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and provide a report specifying proposed methods for control of noise emanating from the premises.
- 8 Any intruder alarm installed at the premises shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- 9 All classes/sessions shall be arranged on a staggered basis to ensure minimal impact to the availability of on-street parking.
- 10 A maximum of sixteen (16) people are permitted to be on site at any one time.

BCA Issues

11 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises:

Schedule

Statutory Fire Safety Measure	Minimum Standard of Performance / Design / Installation	Currently Implemented	Proposed / Required to be Implemented
Smoke alarms	AS 3786-1993	x	
Portable fire extinguishers	BCA Clause E1.6 AS 2444-2001	x	

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

Certification

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

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.

SIGNATURE

Name:	Jacqueline Klincke
Signature:	

For the Development Services Manager