

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DEVELOPMENT APPLICATION DETAILS

Application number:	DA21/1000
Description of development:	Minor Alterations to an Existing Approved Child Care Facility, Minor External Car Parking Works and Erection of a Wall Sign
Classification of development:	Class 9b
Name of Applicant:	BT Architects

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 672 DP 739138 Lot 68 DP 702772
Property address:	41 Cook Parade, ST CLAIR NSW 2759 37 Cook Parade, ST CLAIR NSW 2759

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.

Decision	Approve
Date from which consent operates	24 February 2022
Date the consent expires	24 February 2027
Date of this decision	23 February 2022

POINT OF CONTACT

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

Assessing Officer:	Donna Clarke
Contact telephone number:	(02) 4732 7991

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 twelve 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 twelve 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 approved by Council, 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.

Description	Drawing No	Rev	Prepared by	Dated
Location Plan & Drawing List	A000	C	Barbara Tarnawski Architects Pty Ltd	19/1/22
Site Survey & External Works	A001	C	Barbara Tarnawski Architects Pty Ltd	19/1/22
Site Plan Details	A002	C	Barbara Tarnawski Architects Pty Ltd	19/1/22
Specifications	A003	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Demolition Plan	A101	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Ground Floor Plan	A102	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Roof	A103	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Ground Floor RCP	A200	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Section S-01	A300	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Elevation - 01	A400	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Elevation - 02	A401	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Door Schedule	A500	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Window Schedule	A501	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Details - Accessible Bathroom / Kitchen	A600	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Details - Staff Kitchen / Store	A601	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Details - Office / Joinery / Laundry	A602	B	Barbara Tarnawski Architects Pty Ltd	11/8/21

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

- 3 A separate development application for the erection of a sign or advertising structure, other than signage or advertising approved by this consent or listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.

- 4 Any lighting system shall be installed for the development is to provide uniform lighting across common areas and driveways.

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

- 5 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 6 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 7 A smoke detection and alarm system complying with AS1670.1-2018 is to be installed throughout the existing building and configured to shut down any air conditioning system in accordance with NSW Table E2.2b of the Building Code of Australia. Details of the proposed system are to be provided **prior to the issue of the Construction Certificate**.

Certification for the installation is to be provided **prior to the issue of an Occupation Certificate**.

BCA Issues

- 8 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).
- 9 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

- 10 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 or Subdivision Works 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

- 11 Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Landscaping

- 12 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

- 13 Existing landscaping is to be retained and maintained at all times.

- 14 **Prior to the issue of a Construction Certificate**, the landscape and architectural plans are to be amended to include a minimum of two (2) additional trees to be planted within or adjacent to the carpark hardstand area. Trees are to be native, a minimum of 40L pot size at the time of planting and are to be staked and mulched. Selected tree species are to be those that will reach a height of no less than 6m at maturity. Works are to occur **prior to the issue of an Occupation Certificate**.

Certification

- 15 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 Certifier 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.

SIGNATURE

Name:	Donna Clarke
Signature:	

For the Development Services Manager