

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

|                                |                                                                                                                                           |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Application number:            | DA20/0178.01                                                                                                                              |
| Description of development:    | Section 4:55 (1A) Modification to include Villa 9 of an Approved Seniors Living Development for the temporary use as a Community Facility |
| Classification of development: | Class 5 , Class 9b                                                                                                                        |

### DETAILS OF THE LAND TO BE DEVELOPED

|                    |                                              |
|--------------------|----------------------------------------------|
| Legal description: | Lot 1 DP 1248137                             |
| Property address:  | 1 Hortsmann Circuit, JORDAN SPRINGS NSW 2747 |

### DETAILS OF THE APPLICANT

|                 |                                                                                                                                                                   |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name & Address: | Lendlease RI Jordan Springs Holding Pty Ltd As Trustee Of<br>Lendlease RI Jordan Springs Trust<br>Tower 3, Level 14, 300 Barangaroo Avenue<br>BARANGAROO NSW 2000 |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### 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.

|                                  |                                                                                                                   |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Date from which consent operates | 13 August 2020                                                                                                    |
| Date the consent expires         | 13 August 2025                                                                                                    |
| Date of this decision            | 12 August 2020 as amended on 28 January 2021 under Section 4.55 of the Environmental Planning and Assessment Act. |

## POINT OF CONTACT

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

|                           |                   |
|---------------------------|-------------------|
| Assessing Officer:        | Jane Hetherington |
| Contact telephone number: | +612 4732 8078    |

## NOTES

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### **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.

## OTHER APPROVALS

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### APPROVAL BODIES(Delete this section if not applicable)

| APPROVAL BODY NAME     | DATE OF<br>GENERAL<br>TERMS OF<br>APPROVAL | REF. NO.                        | NO. OF<br>PAGES | RELEVANT LEGISLATION |
|------------------------|--------------------------------------------|---------------------------------|-----------------|----------------------|
| NSW Rural Fire Service | 15/06/2020                                 | DA20200429001497<br>Original -1 | 4               | Rural Fire Act 1997  |

The approval bodies listed above have provided General Terms of Approval for this development in accordance with the relevant legislation. A copy of these General Terms of Approval is provided with this development consent notice. Compliance with the relevant State Government departments' General Terms of Approval are required in conjunction with the following conditions listed in Attachment 1: Conditions of Consent issued by Penrith City Council.

# ATTACHMENT 1: CONDITIONS OF CONSENT

## General

- 1 The development must be consistent with the plans stamped approved by Council, the application form and any supporting information received with the application and by the following conditions.
- 2 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 The approved operating hours are from 9:00 am to 5:00 pm Mondays to Sundays for the sales office and 9:00 am to 10:00 pm Mondays to Sundays for the community facility.
- 4 The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority for the said development are to be completed prior to the issue of an Occupation Certificate.
- 5 The use of Villa 2 and Villa 9 for a community facility and sales office is to cease upon issue of an Occupation Certificate for DA19/0808 or within 5 years of the date of this consent, whichever comes first.

***As amended on 27 January 2021 under Section 4.55 of the Environmental Planning and Assessment Act 1979.***

- 6 The Plan of Management, prepared by Lendlease and dated 15 October 2020, shall be implemented in its entirety.

***As amended on 27 January 2021 under Section 4.55 of the Environmental Planning and Assessment Act 1979.***

## BCA Issues

- 7 In accordance with Clause 93 of the Environmental Planning and Assessment Regulation 2000 the following works are to be completed to ensure the fire safety of the occupants;
  - Portable fire extinguishers are to be provided in accordance with Part E of the Building Code of Australia (BCA).
  - Required exit doors are to be fitted with latching devices to hold them in the open position in accordance with Part D of the BCA.
- 8 Access for persons with disabilities is to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".
- 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.

## Certification

10 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 1979, 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 of 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.

## SIGNATURE

|            |                   |
|------------|-------------------|
| Name:      | Jane Hetherington |
| Signature: |                   |

For the Development Services Manager