

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA20/0132
Description of development:	Alterations & Additions to Glenmore Park Child & Family Centre including Increased Child Care Capacity from 60 Place to 80 Place Centre
Classification of development:	Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 8100 DP 876748
Property address:	31 Blue Hills Drive, GLENMORE PARK NSW 2745 31 Blue Hills Drive, GLENMORE PARK NSW 2745 31 Blue Hills Drive, GLENMORE PARK NSW 2745

DETAILS OF THE APPLICANT

Name & Address:	Penrith City Council 601 High Street PENRITH NSW 2750
-----------------	---

DECISION OF CONSENT AUTHORITY

In accordance with Section 2.17 and 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended), consent is granted subject to the conditions implementation 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	30 June 2020
Date the consent expires	30 June 2025
Date of this decision	24 June 2020

POINT OF CONTACT

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

Assessing Officer:	Mahbub Alam
Contact telephone number:	+612 4732 7693

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

Description	Reference No.	Revision	Prepared By	Date
Site Plan	2019-135, B2	B	Designcorp Architects	20/09/2019
Ground Floor Overall	2019-135, B3	B	Designcorp Architects	20/09/2019
Ground Floor General Layout	2019-135, B4	B	Designcorp Architects	20/09/2019
Demolition Plan	2019-135, B5	B	Designcorp Architects	20/09/2019
Floor Finishes Plan	2019-135, B6	B	Designcorp Architects	20/09/2019
Reflected Ceiling Plan	2019-135, B7	B	Designcorp Architects	20/09/2019
Indicative Plumbing Plan	2019-135, B8	B	Designcorp Architects	20/09/2019
Area Calculation Plan	2019-135, B9	B	Designcorp Architects	20/09/2019
Sections	2019-135, B10	B	Designcorp Architects	20/09/2019
Details 01	2019-135, B11	B	Designcorp Architects	20/09/2019
Details 02	2019-135, B12	B	Designcorp Architects	20/09/2019
K1 Interior Elevation	2019-135, B13	B	Designcorp Architects	20/09/2019
Children's Bathroom Floor Plan Detail	2019-135, B14	B	Designcorp Architects	20/09/2019

B1 Interior Elevation	2019-135, B15	B	Designcorp Architects	20/09/2019
B2 & B4 Interior Elevations	2019-135, B16	B	Designcorp Architects	20/09/2019
B3 Interior Elevation	2019-135, B17	B	Designcorp Architects	20/09/2019
Elevations	2019-135, B18	B	Designcorp Architects	20/09/2019
Noise Impact Assessment	REPORT 200010R1	1	Rodney Stevens Acoustics	27/04/2020
Access Report	20022	A	Vista Access Architects	04/02/2020
Proposed Schedule of Outdoor Play	-	-	Glenmore Park Child and Family Centre	-
BCA Section J Deemed to Satisfy Compliance Report	EC3263-2016-DTS	-	Eco Certificates Pty Ltd	11/02//2020
Traffic Management Report	20NL008-T2	-	LOKA CONSULTING ENGINEERS	18/02/2020
Waste Management Plan	-	-	Designcorp Australia Pty Ltd	26/02/2020

- 2 The proprietor of the 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.
- 3 A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the **Occupation Certificate**. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.
- 4 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 5 The development is permitted to operate from 7:00am to 6:00pm, Monday to Friday only. Delivery and service vehicles generated by the development are limited to the operating hours stipulated in this condition.
- 6 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 7 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 8 A maximum of 80 children are permitted to be accommodated within the development. The total number of

children should comprise:

- a) Not more than 16 children aged 0-2 years.
- b) Not more than 20 children aged 2-3 years.
- c) Not more than 44 children aged 3-5 years.

- 9 **Prior to the issue of a Construction Certificate**, the design recommendations of the Access Report, prepared by Vista Access Architects (Ref: 20022, Issue A) and dated 4 February 2020 shall be incorporated into the Construction Certificate plans. The works shall be certified accordingly by a suitably qualified access consultant **prior to the issue of an Occupation Certificate**.
- 10 **Prior to the issue of a Construction Certificate**, the recommendations of the BCA Section J Deemed to Satisfy Compliance Report, prepared by Eco Certificates Pty Ltd (Ref: EC3263-2016-DTS) and dated 11 February 2020 shall be incorporated into the Construction Certificate plans. The works shall be certified accordingly by a suitably qualified BCA consultant **prior to the issue of an Occupation Certificate**.
- 11 The operator is to consult with neighbouring developments prior to construction of any common boundary fencing. Any fencing and boundary retaining wall requirements as a result of this development shall be constructed at full cost to the persons benefiting from this consent.

Demolition

- 12 All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

- 13 You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

- 14 Dust suppression techniques are to be employed during construction and/or demolition to reduce any potential nuisances to surrounding properties.

15 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

16 Demolition works 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and does not involve external walls or the roof, and does not involve the use of equipment that emits noise, then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to all construction works.

Environmental Matters

17 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

18 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

19 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Revision 1 Noise Impact Assessment prepared by Rodney Stevens Acoustics (Report 200010R1, dated 27 April 2020). The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

20 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

21 A 2.1 metre high solid barrier along the eastern boundary must be implemented as described in Section 6.2 of the approved Noise Impact Assessment prepared by Rodney Stevens Acoustics (Revision 1, dated 27 April 2020, Report 200010R1) and marked in Figure 2-2 of this report. The barrier can be constructed out of colourbond or other suitable equivalent material. The colour of the material shall match the existing boundary fence colour.

All barriers must be free of gaps and penetrations and it is particularly important to ensure that the gap at

the bottom of the barrier is minimised as far practicable. The base of the barrier should be well sealed at the junction where the barrier meets the ground, but still be designed to allow proper water drainage.

The barrier is to be satisfactorily completed **prior to the issue of an Occupation Certificate**.

- 22 No music is to be played in the outdoor areas.
- 23 In the event of on-going noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared by a suitably qualified acoustic consultant and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

- 24 Playground equipment that allows a child to be more than 0.5 above the ground level should not be used in the new outdoor play area. This applies to playground elements like earth mounds which raise the height of the children for extended periods of time, not slides or swings which temporarily raise the height of the children.
- 25 Due to noise requirements, restrictions apply to the number of children permitted in the outdoor play area at any one time. A maximum of:
- 16 children aged 0-2 years,
 - 20 children aged 2-3 years, and
 - 22 children aged 3-5 years are permitted.

BCA Issues

- 26 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.

Health Matters and OSSM installations

- 27 The construction, fit out and finishes of the premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code and AS 4674-2004 *Design, Construction and Fitout of Food Premises*.

- 28 Hand washing basins must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation (hand washing facilities are for the sole purpose of hand washing in the kitchen and in the bottle preparation areas).

Where sensor taps are installed, the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

Construction

- 29 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

- 30 Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

- 31 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 that 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

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

Certification

- 33 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 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 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.

- 34 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.

SIGNATURE

Name:	Mahbub Alam
Signature:	

For the Development Services Manager