



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.	DA12/0707
Description of development	Home Business - Cake Pop Making
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none">▪ Class 1a

DETAILS OF THE APPLICANT

Name & Address	Marcia Matinac 3 Hope Street PENRITH NSW 2750
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NOTES

1. Your attention is drawn to the attached conditions of consent in 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

Legal Description: Lot 20 DP 31239
Property Address: 3 Hope Street, PENRITH NSW 2750

DECISION OF CONSENT AUTHORITY

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

Date from which consent operates 13 September 2012
Date consent expires 13 September 2014
Date of decision 5 September 2012

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

1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within six (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. If a written objection was made in respect to an 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, the 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

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 the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

POINT OF CONTACT

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

Assessing officer	Kate Smith Trainee Environmental Planner
Contact telephone number	(02) 4732 7705

SIGNATURE

Name	Robert Craig
Signature	Principal Planner

For the Development Services Manager

ATTACHMENT 1: CONDITIONS OF CONSENT

GENERAL

- 1 The development must be implemented substantially in accordance with the plans, the application form and any supporting information received with the application, except as may be amended by the following conditions.
- 2 The proprietor of the food business shall ensure that the requirements of the Food Act 2003 and Food Regulation 2010 are met at all times. All food shop construction works shall be carried out in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of Food Premises," the Food Act 2003 and Food Regulation 2010.
- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 4 The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council **prior to the commencement of the business.**
- 5 The "home business" shall not involve:
 - the employment of any staff in addition to the permanent residents; or
 - the exhibition of an advertisement (other than an advertisement exhibited on that dwelling house or dwelling to indicate the name or occupation of the resident); or
 - the interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the like; or
 - interference with the amenity of the neighbourhood due to the generation of vehicular traffic, the reduction of car parking in the vicinity of the site, visits by customers or clients, or the like; or
 - exposure to view, from any adjacent premises or from any public place, of any unsightly matter; or
 - the provision of any essential service main of a greater capacity than that available in the locality; or
 - a brothel.
- 6 Customer visits to the site shall be staggered and arranged on an appointment only basis so that:
 - no more than 1 customer is being attended to by the business proprietor at any one time, and
 - no more than 1 customer car is parked on the site at any one time.
- 7 No signs are to be displayed on the property other than a single, non-illuminated sign of maximum dimensions 1.2m x 0.6m attached to the front wall of the dwelling indicating only the name and occupation of the resident.
- 8 The approved operating hours are limited to 10am to 3pm, Monday to Sunday.
- 9 All materials and goods associated with the use shall be contained within the building at all times.

HEALTH MATTERS

- 10 The food preparation area shall meet the requirements of the Food Safety Standards and AS 4674-2004. In this regard, the food preparation area shall be provided with either:
- a double-bowl sink (for cleaning and sanitising equipment) and a separate hand wash basin. (Note: The hand wash basin shall be provided as a permanent fixture with fixed plumbing that supplies warm potable water through a single out let), or
 - a double-bowl sink (one side for use of hand washing) and a dishwasher for sanitising purposes. (Note: To sanitise effectively with a dishwasher a rinse cycle temperature of at least 77 degrees and a rinse cycle of greater than 30 seconds is required).

Details of compliance shall be provided **prior to the issue of an Occupation Certificate.**

- 11 **Prior to the issue of an Occupation Certificate,** an inspection from Council's Environmental Health Department will be required prior to operation of the business. The applicant is to contact Council to organise an appointment.

ENGINEERING

- 12 A total of 2 off-street car parking spaces are to be provided and maintained for the use.

Robert Craig

Signature

For the Development Services Manager