

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA17/0494
Description of development:	Use & Fitout of Premises for Beauty Salon
Classification of development:	Class 6

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 11 DP 733094
Property address:	11 Dunheved Road, WERRINGTON COUNTY NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Polished Nail Spa & Beauty 11/8 Bensley Road MACQUARIE FIELD NSW 2564
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DECISION OF CONSENT AUTHORITY

In accordance with Section 81(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	25 July 2017
Date the consent expires	25 July 2019
Date of this decision	20 July 2017

POINT OF CONTACT

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

Assessing Officer:	Nicholas Gunn
Contact telephone number:	+612 4732 7413

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A 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 Section 82A of the Environmental Planning and Assessment Act 1979 within 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 or if the application was decided by Sydney West Planning Panel.

Appeals in the Land and Environment Court

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.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

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. The objector cannot appeal if a Commission of Inquiry was held.

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 West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H 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 stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the approved plans and by the following conditions.

Drawing Title	Drawn By
Werrington Shopping Centre Shops Plan	Stokes Hayes & Kanas Pty Ltd.
Werrington Shopping Centre Floor Plan	Travis Partners
Premises Floor Plan	N/A
Premises Layout Plan	N/A

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

- 3 The operating hours will be:
- Monday to Wednesday, Friday: 9:00am to 5:30pm
 - Thursday: 9:00am to 7:00pm
 - Saturday: 9:00am to 5:pm
 - Sunday: Closed
- 4 All materials and goods associated with the use shall be contained within the building at all times.
- 5 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 6 All solid and liquid waste must be properly managed and disposed of, or recycled appropriately. Prior to removal for disposal or recycling, solid and liquid waste materials are to be stored at all times in a designated area within the building.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 7 Signage associated with the business is to be limited to the replacement of the existing under awning sign with a new sign of the same dimensions.

BCA Issues

- 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 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, and

(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.
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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.

10 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

11 The operator of the beauty salon shall ensure that the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health - Guidelines on Skin Penetration and Code of Practice are met at all times.

12 The walls and floor of the treatment room/s are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned. No exposed brickwork, timber or carpet is permitted.

13 Provide a hand wash basin in each treatment room where skin penetration procedures are to be carried out. The hand wash basin is to have a supply of warm, potable water provided through a single spout. Each hand wash basin on the premises is to be supplied with adequate amounts of liquid hand soap and single use paper towels at all times.

14 The equipment sink indicated on the plans is to be used for washing of soiled equipment only and is to be clearly labeled as such.

Equipment shall not be washed in any hand wash basin or in the kitchen sink at any time.

15 Any equipment used to penetrate the skin or which is capable of penetrating the skin, must be sterilised in a

Therapeutic Goods Administration (TGA) approved autoclave prior to reuse.

- 16 If reusable articles are sterilised at the premises, a bench top autoclave is to be supplied and operated in accordance with Australian Standard AS2182 – 1998 *“Sterilisers-Steam-Benchtop to sterilise reusable skin penetration articles”*. A copy of the receipt and specifications shall be submitted to Council prior to the issuing of the occupation certificate and commencement of the business.
- 17 Adequate sterilization records, including the time and date the item was sterilized, the length of time the equipment was sterilised and the temperature and pressure of the autoclave must be kept on the premises. These records must be kept for at least 12 months.
- 18 All needles and sharps that penetrate the skin are to be sterile.
- 19 Ensure there is an appropriate sharps container at the premises that complies with either AS/NZS 4261:1994 *“Reusable containers for the collection of sharps items used in human and animal medical applications”*, if reusable sharps are used; or that complies with AS 4031-1992 *“Non-reusable containers for the collection of sharp medical items used in health care areas”*, if non-reusable sharps are used.
- 20 All sharps generated from the operation of the business must be disposed of at a licensed waste facility. Receipts for disposal must be kept at the premises and available for inspection by an authorised officer upon request. Details of how sharps will be disposed (e.g. details of waste contractor, frequency of disposal etc) must be provided to Council prior to the issuing of the occupation certificate and commencement of the business.
- 21 Ensure the foot spa is cleaned after each client with a mild detergent followed by disinfectant. At the end of each day, the foot spas must be thoroughly cleaned with a spa bath cleaner which contains a disinfectant, in accordance with the manufacturer’s specifications.
- 22 Staff belongings and other items not associated with the business shall be kept completely separate from skin penetration activities and equipment, and maintained in a clean condition.
- 23 Wax used for the purposes of hair removal and any instrument used to apply the wax (such as a spatula) must be disposed of immediately after completing the procedure. “Double Dipping” of waxing spatulas is not permitted.

Construction

24 Construction works or subdivision 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 and 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.

SIGNATURE

Name:	Gavin Cherry Development Assessment Coordinator
Signature:	

For the Development Services Manager