

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DEVELOPMENT APPLICATION DETAILS

Application number:	DA21/0923
Description of development:	Use of Premises as Beauty Salon (Shop 9)
Classification of development:	Class 6
Name of Applicant:	D Djerke

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 111671
Property address:	459 - 463 High Street, PENRITH NSW 2750

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	28 February 2022
Date the consent expires	28 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:	Phillip Doy
Contact telephone number:	+61247327654

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 approved plans and Statement of Environmental Effects, 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.

Drawing Title	Prepared By	Date
Floor Plan	Applicant	08.12.2021
Elevation Plan	Applicant	08.12.2021
Tenancy Location Plan	Applicant	08.12.2021
Site Plan	Applicant	08.12.2021
Signage Plan	Applicant	08.12.2021

- 2 Prior to the commencement of trade, the occupier must register their skin penetration business with Penrith City Council by completing Council's "Skin Penetration - Registration of Premises" Form. The occupier of the premises must notify Council within 7 days of any change of details.
- 3 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**.
- 4 A separate development application (if required) for the erection of a sign or advertising structure, other than the advertisement signage proposed in this application, is to be submitted to Penrith City Council, complying with requirements of Penrith Development Control Plan-Advertising Signs.
- 5 The approved operating hours are from 8:00am to 8:00pm Saturday to Wednesday, and 8:00am to 9:30pm on Thursdays and Fridays. Delivery and service vehicles generated by the development are limited to the nominated business hours.
- 6 All materials and goods associated with the use shall be contained within the building at all times.

BCA Issues

- 7 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

- 8 The operator of beauty salon shall ensure that the requirements of the Local Government Act 1993 and Regulations thereunder, the Public Health (Skin Penetration) Regulation 2000 and the NSW Health Department's "Skin Penetration Guidelines" 2000 are met at all times.
- 9 Any person carrying out any of the following skin penetration procedures shall ensure that the requirements of the Public Health (Skin Penetration) Regulation 2000, and the NSW Department of Health's "Skin Penetration Guidelines" 2000 are met at all times:
- acupuncture
 - tattooing
 - ear piercing
 - hair removal
 - any other procedure which involves skin penetration.
- 10 Any person carrying out skin penetration procedures shall ensure that the requirements of the *Public Health Act, 2010, Public Health Regulation, 2012* and any relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health are met at all times. This includes:
- 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.
 - A hand wash basin in the treatment room/s is to be provided where skin penetration procedures are to be carried out. The hand wash basin is to have a supply of clean, warm, potable water provided through a single spout. The hand wash basin/s is also to be supplied with appropriate hand cleaning and drying equipment (i.e. pump pack antibacterial soap and disposable paper towels).
 - Provide a designated sink (separate to the hand wash basin) that has a supply of clean, warm water provided through a single spout for the cleaning of equipment (if equipment used in skin penetration procedures at the premises is cleaned at the premises).
 - 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 in accordance with AS/NZS 4815:2006 "Office-based health care facilities - Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment" prior to reuse.
 - 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.

- 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.
 - If reusable articles are sterilised off-site, the occupier of the premises must make and keep for at least 12 months, a record of the date on which each article was sent off for sterilisation and the name and address of the person who sterilised the article.
 - All needles and sharps that penetrate the skin are to be sterile.
 - An appropriate sharps container must be provided 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.
 - 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.
 - Ensure the foot spa is cleaned with detergent and disinfected in accordance with the manufacturer's specifications after each client.
 - 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.
 - Provide a toilet on the premises, available for use by clients and not the general public, that is:
 - (a) closed system – located in close proximity to the room in which the procedure is being carried out;
 - or
 - (b) open system-located in the immediate vicinity of the room in which the procedure is being carried out.
 - Ink, pigment or other liquid used in the skin penetration procedure must be decanted into a single use container and single use applicator used for each person undergoing a procedure (other than the use of wax for hair removal).
 - Wax used for the purposes of hair removal and any instrument used to apply the wax (such as a spatula) must be single use and disposed of immediately after completing the procedure.
 - Ensure operators carrying out skin penetration procedures (other than the use of wax for hair removal purposes) wear gloves and appropriately dispose of the gloves immediately after completing the procedure.
 - Ensure operators carrying out skin penetration procedures (other than the use of wax for hair removal and colonic lavage) wear a clean gown or apron during the procedure.
 - Ensure operators that carry out colonic lavage wear a clean gown made of impermeable material during the procedure
- 11 Prior to the commencement of the business, certification must be submitted to Penrith City Council confirming the premises is ventilated to adequately remove chemical odours and dust in accordance with AS1668-2012 “The Use of Ventilation and Air-conditioning in Buildings – mechanical ventilation in buildings”, the *Protection of the Environment Operations Act, 1997* and any SafeWork NSW requirements
- 12 Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated waste or related waste prior to final disposal of the material at a facility approved by the Department of Planning, Industry and Environment (DPIE). A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.

13 The use of the premises must not give rise to the emission of odour, vapours or other air impurities detected outside the business. In the event of Council receiving a complaint regarding offensive odour, the person(s) in control of the premises from where the odour is emanating may be directed by Council to at their own cost arrange for an air impact assessment investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying any need for proposed methods for the control of odour emanating from the premises. The provisions of the Protection of the Environment Operations Act, 1997 apply to the development, in terms of regulating offensive odour.

SIGNATURE

Name:	Phillip Doy
Signature:	

For the Development Services Manager