

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA16/0818
Description of development:	Home Industry - Cake Baking
Classification of development:	Class 1a

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 101 DP 700141
Property address:	124 - 130 Caddens Road, ORCHARD HILLS NSW 2748

### DETAILS OF THE APPLICANT

Name & Address:	MISS N Vella 124-130 Caddens Road ORCHARD HILLS NSW 2748
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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	28 September 2016
Date the consent expires	28 September 2018
Date of this decision	26 September 2016

### POINT OF CONTACT

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

Assessing Officer:	Timothy Mahoney
Contact telephone number:	+612 4732 7515

## NOTES

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### **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 a Joint Regional 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.

### **Joint Regional Planning Panels**

If the application was decided by a Joint Regional Planning Panel, please refer to 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 the application, except as may be amended in red on the attached plans and by the following conditions.

Description	Dated
Site Plan	26/09/16
Aerial View	26/09/16
Floor Plan	26/09/16

- 2 The proprietor of the food 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 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 issuing of the occupation certificate and operation of the business.
- 4 The "home business" shall not involve:
- the employment of more than two persons at any one time 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.
- 5 Customer visits to the site shall be 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 2 customer cars are parked on the site at any one time.
- 6 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.
- 7 The operating hours are from 9 am to 5 pm Mondays to Fridays, 10am to 4 pm Saturdays, and 11 am to 3 pm Sundays. Delivery and service vehicles generated by the development are limited to within these approved operating hours.
- 8 All materials and goods associated with the use shall be contained within the building at all times.
- 9 The home industry is limited to a maximum of 50 sqm of floor area, as marked in red on the stamped approved plans.

- 10 A separate fridge must be provided for the food business and kept locked when not being accessed for business purposes.
- 11 All food packaging is to be sterilized in accordance with the food legislation.
- 12 All food for sale prepared on the premises is to comply with the labelling requirements for "Food for Retail sale" as outlined in chapter 1.2 of the Food Standards Code.

## **Environmental Matters**

- 13 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of at a lawful waste management facility.

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.

## **BCA Issues**

- 14 All aspects of the building 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).

## **Health Matters and OSSM installations**

- 15 The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.
- 16 A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.
- 17 Details of the dishwashing/glass washing machines must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.
- 18 The operator of the home business must ensure there is adequate protection from contamination from domestic activities and children, pets and furnishings. An authorised officer may enter and inspect any part of the premises used in relation to the home business during normal business hours.

## SIGNATURE

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Name:	Timothy Mahoney
Signature:	

For the Development Services Manager