



Tania Scenna
Centennial Property Group Pty Ltd
Shop 1, 182-186 Blues Point Road
MCMAHONS POINT NSW 2060

D209/22

RW (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION - Approval**

Development Application Number:	209/22
Land to which this applies:	Shop 1, 182-186 Blues Point Road, McMahons Point Lot No.: 1, DP: 63515
Applicant:	Tania Scenna from Centennial Property Group Pty Ltd
Proposal:	Change of use to a neighbourhood shop (nail and beauty), hours of operation and new signage within the existing under- awning lightbox
Determination of Development Application:	Subject to the provisions of Section 4.17 of <i>the Environmental Planning and Assessment Act 1979</i> , approval has been granted subject to conditions in the notice of determination.
Date of Determination:	2 September 2022

Reasons for Approval

The development application has been assessed against the statutory controls including the North Sydney Environmental Plan 2013, and the policy North Sydney Development Control Plan 2013 and generally found to be satisfactory.

The proposal is unlikely to cause adverse material impacts to adjoining properties and will have a positive effect in activating the streetscape in line with the objectives in the statutory and policy controls.

Having regard to the provisions of Section 4.15 (1) of *the Environmental Planning and Assessment Act 1979*, the proposed development will not result in any unreasonable amenity or environmental impacts. The application is considered satisfactory and is recommended for approval.

Consent to operate from: 2 September 2022

Consent will lapse on: 2 September 2027

Period of Consent

Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite 2 September 2027.

How community views were taken into account:

The subject application was notified to adjoining properties and the Union/Lavender Bay Precinct for 14 days and no submissions were received. The application is considered to have a positive outcome in the area through supporting the needs of workers and residents, providing employment and activating the streetscape.

Review of determination and right of appeal:


Within six months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Plans endorsed by the consent authority - please refer to condition A1.

Endorsed for and on behalf of North Sydney Council

2 September 2022

DATE


Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)

(i) **Conditions**

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979* ("the Act") and the provisions of the *Environmental Planning and Assessment Regulation 2000* ("the Regulation") such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

(ii) **Definitions**

Unless specified otherwise, words have the same meaning as defined by the Act, the Regulation and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or **AS/NZS** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act 1989*.

Principal Certifier for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

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A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Rev	Description	Prepared by	Dated
11	A	Ground Floor Plan Proposed	Designer Buildings	13/05/2022
15	A	Internal Elevations South West and Sign	Designer Buildings	13/05/2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

No Demolition of Extra Fabric

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)

Cleanliness and Maintenance of Hairdressing, Beauty and Skin Penetration Salons

- C1. To ensure that adequate provision is made for the cleanliness, hygiene and maintenance of all beauty and skin penetration salons, all work associated with the fitout shall be designed and carried out in accordance with the requirements of: -

- a) the Public Health Act 2010;
- b) the Public Health Regulation 2012;
- c) the Building Code of Australia; and
- d) the Local Government (General) Regulation 2005.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The premises must be registered with Council prior to the commencement of the use.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure compliance with the relevant public health legislation and guide-lines)

D. Prior to the Commencement of any Works (and continuing where indicated)

Commencement of Works' Notice

D1. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work

Community Information

E1. Reasonable measures must be undertaken at all times to keep nearby residents informed about the proposed work, such as by way of signs, leaflets, public meetings and telephone contact numbers, to ensure that adjoining residents are aware of the likely duration of the construction works on the site

(Reason: To ensure that residents are kept informed of activities that may affect their amenity)

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation

Occupation Certificate

F1. A person must not commence occupation or use of the whole or any part of a new building (*new building* includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

I. Ongoing/Operational Conditions

Provision of Services as Ancillary

I1. The primary purpose of the subject site **Shop 1** is to provide a retail general merchandise to the general public consistent with the definition of a *neighbourhood shop*. The provision of personal services including nail and beauty shall remain ancillary to the primary use of the premises a neighbourhood shop.

(Reason: To clarify the use of the premises)

Sterilisation

12. Sterilisation of re-usable skin penetration equipment must be carried out 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.

Bench-top sterilisers must be maintained in accordance with AS 2182-1998 Sterilisers - Steam - Benchtop.

(Reason: To ensure compliance with environmental health legislation)

Extent of Illumination

13. Any illumination from the lightbox must only be illuminated during the hours of operation.

(Reason: To ensure the amount of signage illumination is limited and does not interfere with residential amenity)

Hours of Operation

14. The hours of operation are restricted to:

Seven days a week from 9.00 am to 6.00 pm.

Upon expiry of the permitted hours:

- (a) all sales and services must immediately cease;
- (b) no person shall be permitted entry; and
- (c) all customers on the premises must be required to leave within the following half hour.

(Reason: to ensure that amenity of the surrounding locality is maintained)

Daily Cleaning

15. The proprietor/operator is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, cigarette butts, bottles etc which may be left on the subject premises, site or immediately adjacent area is picked up and placed in the proprietor's/operator's rubbish bins.

(Reason: To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build-up of waste material)

Waste Collection

16. Waste and recyclable material, generated by these premises, must not be collected between the hours of 10.00 pm and 6.00 am on any day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

17. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00 pm and 6.00 am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

Shop Premises Registration

18. The shop premises must be registered with Council prior to commencement of operation of the approved activity. Shop Premises Registration must be maintained at all times.

Note:

Council registration forms can be found at <http://www.northsydney.nsw.gov.au>.

(Reason: To ensure compliance with environmental health legislation)

Attachment 1: Fire Safety Schedule

Fire Safety Schedule 182-186 Blues Point Road, McMahons Point				
Item No.	Measure	Standard of Performance	Existing	Proposed
1.	Automatic fire detection and alarm system	AS1670	✓	
2.	Automatic fire suppression system	AS2118	✓	
3.	Emergency lighting	AS2293	✓	
4.	EWIS	AS2220	✓	
5.	Exist signs	AS2293	✓	
6.	Fire alarm signalling equipment	AS1670 Part 3 and AS4428 Part 6	✓	
7.	Fire dampers	AS1668.1	✓	
8.	Fire doors	AS1905 and BCA C3.11	✓	
9.	Fire hydrant system	Ordinance 70 27.2	✓	
10.	Fire seals	BCA C3.15 Specification C3.15	✓	
11.	Hose reel system	Ordinance 70 27.3	✓	
12.	Mechanical air handling	AS1668.2	✓	
13.	Portable fire extinguishers	AS2444	✓	
14.	Paths of travel	AS1905 and BCA C3.1	✓	
15.	Sold core doors	BCA C3.11	✓	
16.	Paths of travel	AS1905 and BCA C3.1	✓	