

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA14/0153
<b>Proposed development:</b>	Family Carnival to Operate Between the 12th April 2014 to 27th April 2014
<b>Property address:</b>	2 Charles Hackett Drive, ST MARYS NSW 2760
<b>Property description:</b>	Lot 2 DP 851152
<b>Date received:</b>	13 February 2014
<b>Assessing officer</b>	Mahbub Alam
<b>Zoning:</b>	SEE MEMO(S) AND/OR SEPPS CODE FOR ZONING DETAILS
<b>Class of building:</b>	Class 9b
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for the erection of amusement rides for the purposes of a family carnival and place of public entertainment.

Clause 11 of *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 (SEPP 2007)* states that development comprising the erection of temporary structures may be carried out with development consent unless it is prohibited under another environmental planning instrument. It is further stated that the existing provisions of an environmental planning instrument are taken to prohibit the erection of a temporary structure only if temporary structures are expressly referred to.

The subject site is zoned RE1 – Public Recreation Zone under the provisions of the *Penrith Local Environmental Plan 2010 (LEP 2010)*. The family carnival is defined as a 'recreation area' which is permissible in this zone.

An assessment under Section 79C of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and *SEPP 2007* has been undertaken and the application is recommended for approval.

### Site & Surrounds

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The site is located on western side of Charles Hackett Drive, bounded by The Kingsway to the north and Great Western Highway to the south. St Marys Village Shopping Centre is located to the east and Ripples Leisure Centre is located to the northeast of the site. This area consists of a mix of open space/recreation, commercial and residential developments.

The subject site forms part of Lot 2 DP 851152 which has a total site area of about 15.89 hectares. The subject lot is divided by The Kingsway into two (2) portions, north and south. The proposed family carnival is located on the southern portion where a pathway runs in a north-south direction.

## Proposal

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This development application seeks approval for the following works:

- Erection of amusement rides for the purposes of a family carnival.
- The applicant would like to occupy the site on 12 April 2014 and vacate the site on 28 April 2014;
- The proposed operating date from 12 April 2014 to 27 April 2014;
- The proposed operating time from 12pm to 9pm;
- Total maximum 200 visitor will be at a time; and
- No entry charge for visitors and Amusement Hire Services will be the only operator.
- A variety of rides and games will be set up and they vary from 7sqm to about 285sqm.
- Temporary sanitary facilities are provided on the site. Bins will be provided for rubbish and these bins will be serviced regularly.
- No food stall will be the site

## Plans that apply

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- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2006
- State Environmental Planning Policy (Temporary Structures) 2007
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

### Section 79C(1)(a)(i) The provisions of any environmental planning instrument

#### State Environmental Planning Policy (Temporary Structures) 2007

The aims of this SEPP are as follows:

- (a) *to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment,*
- (b) *to encourage the protection of the environment at the location, and in the vicinity, of places of public entertainment or temporary structures by (among other things) managing noise, parking and traffic impacts and ensuring heritage protection,*
- (c) *to specify the circumstances in which the erection and use of temporary structures are complying development or exempt development,*
- (d) *to promote opportunities for buildings (including temporary structures) to be used as places of public entertainment by specifying the circumstances in which that use is complying development or exempt development,*
- (e) *to promote the creation of jobs in the public entertainment industry,*
- (f) *to increase access for members of the public to public entertainment.*

To ensure the safety of the patrons attending the carnival, the applicant has provided Council with a copy of public liability insurance. A condition is also imposed in the consent for submitting documentation that

demonstrates compliance with Workcover Authority's requirements.

Council's Building Surveyor and Environmental Health Officer reviewed the above information and recommended conditions be imposed in the consent to ensure compliance with relevant provisions of the Building Code of Australia and Food Act.

A condition is imposed in the consent restricting the operating hours to 10:00pm to maintain the amenity of the residential neighbourhood.

It is considered that the additional traffic and parking demand generated by the proposal would have minimal impact on the built environment as parking is available in the vicinity.

As stated earlier in the report, conditions are recommended to be imposed in the consent for protecting the natural environment and they include restricting the location of the carnival, prohibition of parking from the site, provision of a sediment fence, collection and disposal of garbage and wastewater.

Approval of the carnival is consistent with objective of increasing access of the general public to public entertainment,

Clause 11 of State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 (SEPP 2007) states that development comprising the erection of temporary structures may be carried out with development consent unless it is prohibited under another environmental planning instrument. It is further stated that the existing provisions of an environmental planning instrument are taken to prohibit the erection of a temporary structure only if temporary structures are expressly referred to.

Clause 12 of the SEPP further states that Council must consider the following matters prior to granting consent to the erection of a temporary structure:

(a) *Whether the number of persons who may use the structure/place of public entertainment be limited.*

A condition is imposed in the consent restricting the maximum number of visitors to 200 persons at a time.

(b) *Any adverse impact on persons in the vicinity of any noise likely to be caused by the proposed erection or use of the structure and any proposed measures for limiting the impact*

An inspection of the site noted that the site and the immediate properties are vacant land. St Marys Village Shopping Centre is located to the east of the site and Ripples Leisure Centre is located to the northeast. The nearest residential development is about 150m to the northeast in Kungala Street.

In consultation with Council's Environmental Health Officer it is recommended that the operating hours cease at 10:00pm in view of the sleep disturbance criteria under the provisions of the *Environmental Criteria for Road Traffic Noise 1999* of the Department of Environment and Climate Change and this application is not supported by a noise impact assessment report.

Furthermore, the applicant will be required to contact details for the period of the carnival to facilitate any complaints received can be addressed promptly.

(c) *whether the hours during which the structure is used should be limited*

As stated above, the operating hours of the carnival shall cease at 10:00pm.

(d) *Any parking or traffic impacts likely to be caused by the erection of the structure or its proposed use*

Issues related to additional traffic and parking demand generated by the proposed carnival have been addressed earlier in the report and it is considered that the proposal would have minimal impact on local traffic and parking conditions.

(e) *The principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines*

There are four (4) principles for the assessment of development applications to minimise the opportunity for crime and they include surveillance, access control, territorial reinforcement and space management.

The positioning of the amusement rides on the perimeter of the site will provide a symbolic barrier defining public place from the area where the carnival will be held and this would also facilitate natural surveillance of the site and its surrounds.

In view of the above, it is considered that the proposal is consistent with the principles of surveillance,

access control and territorial reinforcement.

The regular disposal of waste ensures the cleanliness and proper maintenance of the site and is consistent with the objective of space management.

- (f) *whether the proposed location of the structure is satisfactory in terms of*
  - (i) *the proposed distance of the structure from public roads and property boundaries*
  - (ii) *the location of underground or overhead utilities*
  - (iii) *vehicular and pedestrian access*

The massing and location of the amusement rides are considered satisfactory and would not give rise to visual impact when viewed from public places and would not give rise to any traffic hazard and would not impact on the sightlines of any road users.

It is considered unlikely that approval of the proposal would give rise to permanent interruption to any vehicular and pedestrian access to and from the site and the adjoining properties.

It is further noted that the southeastern corner of the site is affected by an easement for transmission. In view of the location of the amusement rides, it is considered unlikely that the proposal will affect the overhead transmission line. As excavation is not required for the erection of the temporary structures, interruption to underground services is not expected.

- (g) *whether it is necessary to provide toilets and washbasins in association with the use of the structure*

The applicant states that sanitary facilities, garbage and wastewater collection and disposal will be provided. A condition is imposed accordingly.

- (h) *whether the structure is proposed to be erected on land that comprises or on which there is*
  - (i) *an item of environmental heritage that is listed on the State Heritage Register, or that is subject to an interim heritage order under the Heritage Act 1977 or*
  - (ii) *a place, building, work, tree, relic or Aboriginal object that is described as an item of environmental heritage or as a heritage item in another environmental planning instrument, or*
  - (iii) *land identified as a heritage conservation area, an archaeological site or a place of Aboriginal heritage significance in another environmental planning instrument*

According to Council's records, there are no heritage items and Aboriginal objects in the vicinity and the site is not identified as a heritage conservation area. Therefore approval of the proposal would not give rise to any heritage impact.

- (i) *the duration for which the structure should be permitted to remain on the land concerned*

A condition is imposed in the consent requiring the removal of all structures from the site in a safety manner at the conclusion of the hiring period of the site and the site shall be returned to Council in a clean and tidy condition.

- (j) *whether any conditions should be imposed on the granting of consent in relation to the dismantling or removal of the structure in view of any safety issues*

Not applicable.

The proposal is also assessed against Clause 14 of the SEPP Matters for Consideration for Use of Buildings as Places of Public Entertainment as the definition of buildings under the *EP & A Act 1979* includes temporary structures which in turn include booths, tents or other temporary enclosures. The matters for consideration under Clause 14 are:

- (a) *the maximum number of persons who should be permitted to be in the part of the building used as a place of public entertainment at any one time while entertainment is being provided and how that number should be monitored,*

A condition is imposed in the consent for the erection of a sign displaying the maximum number of patrons attending the carnival at any one time.

- (b) *the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines,*

The assessment under Clause 12 concludes that the proposal is compliant with the principles outlined under Crime Prevention Guidelines.

- (c) *any adverse impact on persons in the vicinity of any noise likely to be emitted as a result of the use of the building as a place of public entertainment and any proposed measures for limiting the impact,*

It is anticipated that the likely noise impact on the adjoining development will be associated with the music, PA system, operation of the rides, traffic and patrons attending the carnival. Therefore it is recommended that the operating hours shall cease at 10:00pm to minimise the impact.

- (d) *whether the hours during which the building is used as a place of public entertainment should be limited,*

The operating hours is restricted to 10:00pm.

- (e) *any parking or traffic impacts likely to be caused as a result of the use of the building as a place of public entertainment,*

Although the proposed carnival will generate additional traffic to the area, it is considered that there is adequate capacity for the local road system to cater for the additional traffic generated by the proposed event and there are parking available in the area to cater for the event. In this case, Council is satisfied that its approval would have a negligible impact on local traffic and parking conditions.

- (f) *whether the use is proposed to be carried out on land that comprises, or on which there is:*
- (i) *an item of environmental heritage that is listed on the State Heritage Register, or that is subject to an interim heritage order, under the Heritage Act 1977, or*
  - (ii) *a place, building, work, tree, relic or Aboriginal object that is described as an item of environmental heritage or as a heritage item in another environmental planning instrument, or*
  - (iii) *land identified as a heritage conservation area, an archaeological site or a place of Aboriginal heritage significance in another environmental planning instrument.*

As stated earlier in the report, there are no heritage items on the site and in the vicinity of the site and the area is not identified as a conservation area. Therefore approval of the proposal would not give rise to any heritage impact.

## **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

The aim of the plan is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

It is noted that the site forms part of the South Creek Catchment Area. South Creek is identified as a scenic corridor of regional significance under the provisions of SREP No. 20.

Clause 11(16) of SREP No. 20 outlines relevant development controls for land uses in riverine scenic areas. It is stated that erection of a structure greater than 50sqm in area or over 1 storey in height requires development consent.

The consent authority is required to consider the following additional matters during assessment of the development application:

- (a) *The need to prevent large scale, high density or visually intrusive development on waterfront land or on slopes and ridgetops which are visible from the river or the surrounding visual catchment. (This requires consideration of the proposed form and siting of buildings, of the colours and building materials used, and of landscaping.)*

The site is relatively level and it is considered that the temporary structures would not protrude into the skyline. Therefore it would have minimal visual impact when viewed from the adjoining developments including St Marys Village Shopping Centre, Ripples Leisure Centre and South Creek.

- (b) *Whether the materials used in stabilising the banks are consistent with the scenic character of the*

area as described in the Scenic Quality Study.

Not applicable.

*(c) Whether the development will damage the banks of the river or creeks.*

Most of the activities of the carnival temporary structure will take place on the eastern side of the pathway on the site which will minimise the likely damage to the banks of South Creek.

*(d) Whether the development is adequately set back from the river.*

It is considered that by limiting the carnival to the eastern side of the pathway would provide adequate separation from South Creek.

*(e) Whether it is necessary and appropriate to increase public recreational and visual access to the river.*

In view of the temporary nature of the carnival, it is not necessary and appropriate to increase public recreation and visual access to South Creek.

*(f) The need for conditions of consent to protect the scenic character, such as conditions requiring tree planting.*

To minimise the likely impact on the scenic character of South Creek the following conditions are imposed in the consent:

- Restriction of the most of the carnival to the eastern side of the pathway
- Protection of existing vegetation on the site
- Provision of a 70m sediment fence along the pathway
- Collection of garbage by a licensed waste transporter and disposed of to a approved waste disposal facility
- Collection of wastewater from toilets, and temporary stalls by a licensed waste transporter and disposed of to a approved waste disposal facility.

*(g) Whether any proposed works will improve scenic quality by repairing degradation.*

Not applicable.

In view of the above assessment, Council is satisfied that the proposal is consistent with the aims and objectives of SREP 20.

### **Local Environmental Plan 2010 (Stage 1 LEP)**

<b>Provision</b>	<b>Compliance</b>
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	N/A
Clause 2.8 Are the temporary use of land requirements achieved?	Complies
Clause 4.1 - the minimum lot size	N/A

Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	N/A
Clause 4.5 Calculation of floor space ratio and site area	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	Complies
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	Complies
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 5.9AA Trees or vegetation not prescribed by development control plan	N/A
Clause 6.1 Earthworks	Complies
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	N/A
Clause 6.3 Flood Planning	Complies
Clause 6.4 Development on natural resources sensitive land	N/A
Clause 6.5 Protection of scenic character and landscape values	Complies
Clause 6.6 Servicing	Complies

Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

#### Permissibility

The subject site is zoned RE1 – Public Recreation Zone under the provisions of the *Penrith Local Environmental Plan 2010 (LEP 2010)*. The family carnival is defined as a ‘recreation area’ which is permissible in this zone with consent.

A recreation area is defined as

- (a) a children’s playground; or*
  - (b) a building or place used for sporting activities or sporting facilities; or*
  - (c) a building or place used by the council to provide recreational facilities for the physical, cultural or intellectual welfare of the community; or*
  - (d) a building or place used by a body of persons associated for the purposes for the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,*
- but does not include a racecourse.*

The proposal is a place to be used by the Amusement Hire Services for the cultural/intellectual welfare of the community to provide a recreational facility. The proposal is therefore permitted with consent.

#### LEP and Zones Objectives

The general aim of LEP 2010 is to encourage proper management, development and conservation of valuable natural and man-made resources within the rural lands of the City of Penrith.

The proposed development is consistent with the aims and objectives of both the LEP and the zone itself.

#### Development Standards

There are no statutory development standards of specific relevance to the proposed family carnival.

### **Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument**

The subject site is not affected by any draft environmental planning instruments.



## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	N/A
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	Complies
Chapter 2.8 - Significant trees and gardens	Complies
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	Complies - see Appendix - Development Control Plan Compliance
Chapter 2.11 - Car parking	Complies - see Appendix - Development Control Plan Compliance
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	Complies

## Section 79C(1)(a)(iv) The provisions of the regulations

As stated previously in the report, conditions are imposed in the consent restricting the maximum of patrons to 200 people and to ensure compliance with the structural adequacy, fire safety and sanitary facility provisions of the Building Code of Australia.

## **Section 79C(1)(b)The likely impacts of the development**

The likely impacts of the proposed development upon the surrounding area are discussed as follows:

### *Overshadowing*

Given the temporary nature of the carnival, it is considered that the proposed amusement rides would have minimal overshadowing impact on the adjoining properties.

### *Privacy*

The proposal would have a negligible impact on the visual privacy of the adjoining properties. To ensure acoustic privacy of the surrounding developments, conditions are imposed in the consent restricting the operating hours to 10:00pm.

### *View Corridors/View Sharing*

There are no iconic views to and from the site and the adjoining properties. Therefore approval of the proposal would not give rise to obstruction of view corridors.

### *Traffic generation, parking and loading*

The above assessment concludes that approval of the proposal would have minimal impact on local traffic and parking conditions.

### *Noise Impact*

Relevant conditions are imposed in the consent to minimise the likely noise impact on the surrounding developments.

### *Bulk and Scale*

It is considered that the bulk and scale of the amusement rides would not have a detrimental impact on the established character of the area and would not have an adverse visual impact when viewed from the surrounding developments.

### *Floor Space Ratio*

Not applicable.

### *Side Setbacks*

Not applicable.

### *Streetscape and urban character*

As stated previously in the report, the area consist a mix of parks/recreation, commercial/retail and residential developments. It is anticipated that this mixed land use character and streetscape will be maintained in the future environmental planning instruments. It is considered that the proposal is consistent with the existing and desired future character of the locality.

### *Intensity of Use*

It is considered that the temporary nature of the proposal would have a negligible impact in terms of intensifying the use of the subject site.

### *Social/Economic*

It is considered that the proposal would promote access of the general public to public entertainment.

### *Landscaping/Tree Removal*

As stated above, a condition is imposed in the consent to ensure existing vegetation is protected during occupation of the site.

## **Section 79C(1)(c)The suitability of the site for the development**

The site is considered suitable for the development subject to conditions.

## **Section 79C(1)(d) Any Submissions**

### **Community Consultation**

## Referrals

The application was reviewed by Council's Building Surveyor, Environmental Health Officer, Environmental Public Health Officer, Traffic Engineer, Parks, Community Safety Officer and Development Engineer and their comments have formed part of the assessment:

<b>Referral Body</b>	<b>Comments Received</b>
<i>Building Surveyor</i>	There is no objection to the proposal subject to conditions
<i>Environmental Health Officer</i>	There is no objection to the proposal subject to conditions.
<i>Parks and Recreation Officer</i>	There is no objection to the proposal subject to conditions.
<i>Engineer &amp; Traffic Engineer</i>	There is no objection to the proposal subject to conditions.
<i>Senior Environmental Health Officer</i>	There is no objection to the proposal subject to conditions.
<i>Environmental Public Health</i>	There is no objection to the proposal subject to conditions.
<i>Community Safety Officer</i>	There is no objection to the proposal subject to conditions.

## Community Consultation

In accordance with Appendix F4 Notification and Advertising of the Penrith Development Control Plan 2010, the proposed development was notified to nearby and adjoining residents from 26 February 2014 to 11 March 2014. Council notified surrounding property owners and residence and did not receive any submission.

St Marys Police was notified and received verbal comment and raised no objection for the proposed development.

### Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions
Community Safety Officer	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Public Health	No objections
Parks and recreation	No objections
Traffic Engineer	No objection subject to conditions

## Section 79C(1)(e)The public interest

The proposed development is consistent with the objectives of the *Environmental Planning and Assessment Act 1979* in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. As a result Council may be satisfied that the development subject to conditions is consistent with the public interest.

## **Section 94 - Developer Contributions Plans**

There is no Section 94 Contributions Plan applicable to the development.

## Conclusion

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The proposed development is appropriately located within a RE1 – Public Recreation Zone under the provisions of the *Penrith Local Environmental Plan 2010 (LEP 2010)* and is consistent with the aims and objectives of the *Local Environmental Plan 2010* and RE1 zone and *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 (SEPP 2007)*.

Further, the development performs adequately in terms of its relationship to the surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from an environmental planning perspective

## Recommendation

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That DA14/0153 for the erection of amusement rides for the purposes of a family carnival and place of public entertainment at Lot 2, DP 851152, No. 2 Charles Hackett Drive, St Marys NSW 2760, be approved subject to the attached conditions (Development Assessment Report Part B).

## General

### 1 A001

The development must be implemented substantially in accordance with the following plans

Drawing Title	Drawing No.	Prepared By	Dated
Site Plan	-	-	-
Car Parking Plan	-	-	-
Waste Management Plan	-	Amusement Hire Services	-
Statement of Environmental Effects	Page (1-4), Page (2-4), Page (3-4), and Page (4-4)	Amusement Hire Services	-

and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

### 2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

### 3 A026 - Advertising sign (not for residential)

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.

### 4 A Special (BLANK)

A hotline to receive complaints shall be established for the duration of the event. The hotline phone number(s) shall be provided to Penrith City Council with a contact name. The applicant shall address the complaints and amend any practice in consultation with Penrith City Council.

### 5 A Special (BLANK)

This consent permits a maximum of 200 patrons on the site at any give time.

### 6 A Special (BLANK)

The carnival is permitted to occupy the site from 12 April 2014 and shall vacate the site on 28 April 2014 and the operating times are restricted to the following:

- Monday to Sunday:- 12PM to 10PM

### 7 A Special (BLANK)

A Public Liability Insurance to the value of \$20,000,000 must be maintained for the duration of the use of the site.

### 8 A Special (BLANK)

All structures associated with the carnival must be removed from the site in a safely manner at the conclusion of the hiring period of the site. The applicant must ensure the site is in a clean and tidy condition before vacating the site.

### 9 A Special (BLANK)

Access and parking facilities are to be managed so as not to cause dust nuisances and being closed in periods of wet weather if soil, dirt or other material is being trafficked onto public roads.

### 10 A Special (BLANK)

The premises shall comply with the requirements of the WorkCover Authority of NSW, with documentation to indicate compliance being submitted to Council prior to the commencement of the Carnival.

### 11 A special BLANK

All rubbish material is to be collected and stored in enclosed (lidded) bins and is to be disposed of to a licensed waste management facility. Waste bins are to be located in a secure position that is not at risk of vandalism.

### 12 A special BLANK

No rubbish materials are to enter the stormwater system or neighbouring properties.

13 [A special BLANK](#)

Litter patrols are to be conducted at the end of each day to collect litter disposed of by patrons. The litter patrols are to include the site and any associated car park.

14 [A Special BLANK](#)

Prior to the carnival commencing operation, the event structures and associated facilities are to be inspected by Penrith City Council **24 hours** before the event operates for the public.

Fees for inspection are to be paid, as detailed in Council's Fees and Charges, prior to the inspection being carried out. Please contact Penrith City Councils Development Services and Environmental Health Department to arrange the inspection (02) 4732 7991.

15 [A Special BLANK](#)

**Access Control**

- Office and ticket sales areas should be secure and accessible to staff only, with appropriate cash-handling procedures in place to avoid large amounts of cash being kept in office areas.
- After hours security patrols or a static guard are recommended to reduce opportunities for unauthorised access to the site and enhance property security.
- Perimeter fencing or another form of access control is recommended to restrict public access to designated areas. If fencing is proposed the applicant will need to liaise with the emergency service providers such as Police, Fire Brigade and Ambulance to ensure that they can gain access.

16 [A Special BLANK](#)

**Toilets**

- Toilets should be clearly visible and signposted.
- Entrances to toilets should be clear of all screening to allow surveillance by the public and staff. This increases patrons' sense of safety and decreases the likelihood of inappropriate activities occurring in the toilets.
- Doors should also have spring-opening hinges to allow doors to remain open when not in use.

17 [A Special BLANK](#)

**Lighting**

- Temporary (or existing lighting) shall be provided to illuminate key areas, including entry and exit points, toilets, the car park and designated access routes around the site.

18 [A Special BLANK](#)

**Signage**

- Internal and external signage shall be large and legible with strong colours, standard symbols (e.g. for toilets and entrances/exits) and simple graphics to assist with way-finding and indicate where to go for help or assistance.
- Signage should be erected to denote areas not intended for public access.

19 [A Special BLANK](#)

**Waste storage**

• All waste should be secured within the property. Bins will need to be stored within a secure position and not at risk of vandalism.

## **Demolition**

20 [B005 - Mud/Soil](#)

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

## **Environmental Matters**

21 [D Special BLANK](#)

All wastewater generated by the activities carried out on site are to be collected in a sanitary manner that does not create a nuisance or pollution event. All wastewater is to be removed from the site and disposed of at an authorised waste facility. No contaminated water is to enter the stormwater system or adjacent waterways.

22 [D Special BLANK](#)

The portable toilets are to be cleaned and serviced regularly. All wastewater is to be disposed of to an authorised waste facility.

23 [D Special BLANK](#)

Access and parking areas are to be managed to reduce any potential nuisances to surrounding properties. Soil, dirt or other material from these areas is not to be deposited on the road.

24 [D Special BLANK](#)

No noise generating activities are to occur on the site between 9.00pm and midday.

## BCA Issues

25 [E006 - Disabled access and facilities](#)

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".

## Health Matters and OSSM installations

26 [F Special BLANK](#)

No washing down of equipment or rides is to be undertaken on site.

## Construction

27 [H006 - Submission of and implement waste management plan](#)

A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before works can commence on site.

The waste management plan shall be prepared in accordance with the Waste Planning Development Control Plan (2004), and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

## Roads Act Requirements

28 [I Special BLANK](#)

Appropriate signage is to be displayed to reinforce designated vehicle circulation and parking arrangements.

29 [I Special BLANK](#)

Temporary spaces for people with accessibility issues are to be made available on the site.

30 [I Special BLANK](#)

Attendants are to supervise the use of the parking area and the grounds to ensure the orderly behaviour of customers and to ensure that customers do not park on the nature strips of the surrounding roads.

31 [I Special BLANK](#)

The applicant is to discuss parking arrangements with surrounding businesses.

## Engineering



32 **K302 Traffic Control Plan**

**Prior to commencement of works**, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the event in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

33 **K303 - Dilapidation report**

**Prior to the Commencement of Works**, a dilapidation report of all infrastructures fronting the development in The Kingsway and Charles Hackett Drive is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20 m either side of the development.

34 **K505 Rectification of Damage**

Any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Penrith City Council.

Any rectification works within The Kingsway and Charles Hackett Drive will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.

35 **K Special Condition Flood Management Measures**

The following flood management measures shall be fully complied with:

- The natural ground levels of the site shall not be altered.
- The area shall be restored and rehabilitated to the satisfaction of Council at the cessation of occupancy
- The generator shall be located above RL 24.30m AHD
- All electrical and mechanical equipment shall conform to the requirements listed in Council's DCP 2006 Section 2.10 Appendix A.

36 **K Special Condition Traffic Management**

Traffic attendants must be provided during the event to supervise patrons using parking facilities available in the locality.

Parking along the nature strip is prohibited along Charles Hackett Drive, The Kingsway, Creek Road and any roadways in the vicinity of the site.

## Landscaping

37 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

38 **L Special (BLANK)**

All existing vegetation on the site shall not be damaged, removed, lopped, trimmed or pruned and must be retained and protected at all time.

39 **L Special (BLANK)**

All land that has been disturbed by the use of the site is to be spray grassed or similarly treated to establish a grass cover.

## Payment of Fees

40 **P002 - Fees associated with Council land (Applies to all works & add K019)**

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

41 **P Special (BLANK)**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for use of land around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the use of the site**. The bond is based upon the estimated value of the development at a rate of 0.5% of the total cost of the development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the use of the site has ceased. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit website to obtain the form and request for final inspection.

42 **P Special (BLANK)**

All structures associated with the carnival must be removed from the site in a safe manner at the conclusion of the event. The site shall be free of all structures and be returned to its original condition (free of all rubbish and debris) with grass cover established prior to the last day of use.

43 **P Special (BLANK)**

The site shall be rehabilitated at the cessation of occupancy to the satisfaction of Council.

## **Certification**

44 **Q Special (BLANK)**

An Occupation Certificate is to be obtained from Penrith City Council prior to the commencement of the circus.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

# **Appendix - Development Control Plan Compliance**

## **Development Control Plan 2006**

### **Part 2 - City wide controls**

#### *Penrith Development Control Plan 2010 (DCP 2010)*

The proposed development is affected by the provisions of Part C3 Flood Liable Land and Part C10 Car Parking of the Penrith Development Control Plan 2010.

##### *Section C3 Flood Liable Land*

To minimise the likely impact of flooding on the surrounding developments, a condition is imposed restricting any alterations to the ground levels to avoid concentration of overland flow of stormwater. To ensure the development would not increase the flood hazard or risk to the surrounding properties and any person associated with the use of the temporary structures, a condition is imposed in the consent to ensure the ground levels would not be altered causing concentrate overland flow of stormwater.

The development application was forwarded to Council's Development Engineer for review and development Engineer raised no objection.

##### *Section C10 - Car Parking*

The purpose of Section C10 is to provide guidance in relation to Council's requirements for car parking for new development. There is no specific carparking requirements identified in the DCP. No objection is raised to the proposal having considered that the family carnival will operate majority after hours and the availability of street parking and the temporary nature of the proposal.

##### **Design and Numerical Requirements**

There are no specific design and numerical requirements in the DCP for the erection of temporary structures for the purposes of a place of public entertainment.