

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0441
Proposed development:	Temporary Use of Site for Circus 9 October 2017 to 30 October 2017
Property address:	2 Charles Hackett Drive, ST MARYS NSW 2760
Property description:	Lot 2 DP 851152
Date received:	29 May 2017
Assessing officer	Mahbub Alam
Zoning:	E2 Environmental Conservation - LEP 2010 RE1 Public Recreation - LEP 2010
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the temporary use of the site as a circus at the corner of the Kingsway and Charles Hackett Drive St Marys.

The portion of the subject site where the circus is to be located is zoned RE1 – Public Recreation Zone under the provisions of the *Penrith Local Environmental Plan 2010 (LEP 2010)*. The circus 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

The site is located on the 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, on the triangle shaped portion of the site between a pathway which runs in a north-south direction and the eastern corner of the site where Charles Hackett Drive and The Kingsway intersect.

Proposal

This proposal is seeking permission for the temporary use of the site as a circus from the 09 October 2017 to 30 October 2017.

The show includes human and animal performances which will run for approximately two (2) hours from Wednesday to Saturday. The operating days and hours are as follows:

Wednesday - Friday will operate from 7:00pm - 9:15pm;
Saturday will operate from 3:00pm - 9:15pm; and
Sunday 10:00AM - 4:15pm.

The seating capacity is for a maximum of 700 people.

The development will involve the erection of a round tent (38m diameter and 15m height).

The site will also be occupied by:

- small foyer tent located at the front
- office
- fourteen (14) caravan areas to the perimeter of the site (used for temporary accommodation for circus management and staff).
- five (5) animal enclosure
- one (1) canteen
- one (1) games trailer
- temporary portable toilet facilities for patrons
- bins will be provided for rubbish and these bins will be serviced regularly.
- 3 (semi trailers) and 10 (trucks).

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Temporary Structures) 2007
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• 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 (Infrastructure) 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.*

A condition is also imposed in the consent for submitting documentation that demonstrates compliance with Workcover Authority's requirements.

Council's 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 9:15pm 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 the operating hours are after hours and 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, 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.

State Environmental Planning Policy (Temporary Structures) 2007

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 patronage to 700 persons.

- (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*

The immediate properties surrounding this site are vacant. 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.

This application is not supported by a noise impact assessment report. The operating hours cease at

9:15pm which is in keeping with the sleep disturbance criteria under the provisions of the Environmental Criteria for Road Traffic Noise 1999 of the Department of Environment and Climate Change.

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 show shall cease at 9:15pm.

(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 and caravans on the perimeter of the site will provide a visual 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 and the caravans is considered satisfactory and would not give rise to visual impact when viewed from public places nor give rise to any traffic hazard nor affect 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.

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 safe 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 **9:15pm** 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 **9:15pm**.

(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

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.8 Are the temporary use of land requirements achieved?	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 7.2 Flood planning	Complies
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

Permissibility

The portion of the subject site where the circus will be located is zoned RE1 – Public Recreation Zone under the provisions of the *Penrith Local Environmental Plan 2010 (LEP 2010)*. The circus 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 Stardust Circus for the cultural/intellectual welfare of the community to provide a recreational facility. The proposal is therefore permitted with consent.

Clause 2.3 Zone objectives

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.

Clause 2.8 Are the temporary use of land requirements achieved?

The proposed circus will be operating for a period of 22 days. The circus is a popular recreational facility that is not expected to have any adverse impacts on the adjoining land owners and amenity of the neighbourhood and it will not adversely impact any environmental attributes and features associated with the site.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	Complies
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	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 700 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:

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 **9:15pm**.

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 approval of the proposal would have minimal impact on local traffic and parking conditions due to the limited days of operation and proposed hours of the circus.

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 circus 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

The surrounding 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 subject site is recognised as a venue for outdoor entertainment and in the past the has been known to hold events similar in nature to the one proposed.

The proposed circus can be defined as a "recreation area" which is permissible use within the zone.

The proposal is not expected to have any adverse impacts on the adjoining land owners and amenity of the neighbourhood and it will not adversely impact any environmental attributes and features associated with the site.

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

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 Notification and Advertising of the Penrith Development Control Plan 2014, the proposed development was notified from the 02 June 2017 to 19 June 2017 to nearby and adjoining residents and did not receive any submissions.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Parks and recreation	No objections - 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.

Conclusion

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.

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

That DA17/0441 for the Erection of Circus Big Top and Temporary Seating for Circus Performances Between 09 October 2017 to 30 October 2017 at Part Lot 2 DP 851152, 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 Site Plan, Waste Management Plan, Risk Management Plan, Statement of Environmental Effects and approved plans by Council, except as may be amended in red on the attached plans and by the following conditions:

2 [A012 - Food Act](#)

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 [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 \(BLANK\)](#)

The circus is only permitted to operate between 09 October 2017 to 30 October 2017. The site is to be vacated on 31 October 2017 with setup commencing on the 09 October 2017.

6 [A Special \(BLANK\)](#)

A sign is to be displayed in a prominent position in the tent that specifies the following:

i. The maximum number of persons as specified in the development consent, that are permitted in the tent as a place of public entertainment;

ii. The name, address and telephone number of the council of the area in which the building is located.

Penrith City Council Civic Centre
601 High Street
Penrith NSW 2750
(02) 4732 7777

7 [A Special \(BLANK\)](#)

The circus is to abide by the National Consultative Committee for Animal Welfare (NCCAW) Position Statement No. 26 "Recommended National Circus Standards".

8 [A Special \(BLANK\)](#)

Dust suppression and minimisation strategies must be employed to manage potential dust nuisance within the sites. This is to apply to parking areas, access roads and with the event site.

9 [A Special \(BLANK\)](#)

This consent permits a maximum of **700 patrons** on the site at any give time; this includes patrons within the tent structure.

10 [A Special \(BLANK\)](#)

The following CPTED requirements are to be complied with:

Lighting

- Temporary lighting must be provided to illuminate key areas, including entry and exit points, toilets, the car park and designated access routes around the site. All areas intended to be used at night should allow appropriate levels of visibility.
- Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed.

Building Security & Access Control

- Access control measures should be in place to restrict public access to designated areas only (e.g. security/staff at entrances to backstage and performance areas; mobile homes, caravans and trailers well secured).
- 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.

Way Finding/Finding Help

- Internal and external signage shall be large and legible with strong colours, standard symbols (e.g. for toilets and entrances/exits) and simple graphics.
- Signs will 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.

Amenities

- 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.

Graffiti/Vandalism

- Bins will need to be stored within a secure position and not at risk of vandalism or graffiti.
- Graffiti to circus structures must be promptly removed.

11 [A Special \(BLANK\)](#)

The operating hours of the circus is restricted to:

Wednesday - Friday from 7:00pm - 9:15pm;
Saturday from 3:00pm - 9:15pm; and
Sunday from 10:00AM - 4:15pm.

12 [A Special \(BLANK\)](#)

All structures associated with the circus 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.

13 [A Special \(BLANK\)](#)

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

14 [A special BLANK](#)

The seating in the tent shall comply with Clause NSW H102.10 of the Building Code of Australia.

15 **A 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 disposed on the road.

16 **A special BLANK**

No noise generating activities are to occur on the site between 10:00pm and 9:00am.

17 **A Special BLANK**

The development shall comply with the Building Code of Australia at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and firefighting facilities.

18 **A Special BLANK**

Prior to the issue of Occupation Certificate, Disabled person's access shall be provided to the tent in accordance with Australian Standard AS1428.1-2009.

19 **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.

Demolition

20 **B Special Blank**

Prior to the issue of Occupation Certificate, Portable fire extinguishers shall be provided in the tent in accordance with Australian Standard AS 2444-2001 and fire blankets shall be provided in the kitchen, with certification submitted to Council prior to occupation.

21 **B Special Blank**

Prior to the issue of Occupation Certificate, emergency lighting and illuminated exit signs shall be provided in the tent in accordance with Australian Standard AS 2293.1-2005, with certification submitted to Council prior to occupation

Environmental Matters

22 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

23 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

24 **D Special BLANK**

Prior to issue of Occupation Certificate, Structural Engineer's Certificate is to be submitted to Council, certifying the structural adequacy of the tent and seating platforms, prior to the structure being occupied.

25 **D Special BLANK**

Documentary evidence that the tent fabric has a flammability index less than 6, shall be submitted to Council **prior to issue of Occupation Certificate**.

26 **D Special BLANK**

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

27 [D Special BLANK](#)

Litter patrols are to be conducted after each performance to collect litter disposed of by patrons. The litter patrons are to include the circus cite and associated car park.

28 [D Special BLANK](#)

Animal manure is to be removed from the yards daily and disposed of to a licensed waste management facility.

29 [D Special BLANK](#)

Amplified music is only permitted to be used within the Big Top structure.

30 [D Special BLANK](#)

The proposed toilets are to be cleaned and serviced regularly. All wastewater generated from the toilets is to be disposed of to an authorised waste facility. No contaminated water is to enter the stormwater system or be discharged into any watercourse or onto land.

31 [D Special BLANK](#)

All wastewater from mobile homes (including toilet, kitchen, laundry and shower water) is to be collected in a sanitary manner that does not create a nuisance or pollution event. All wastewater generated on site 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 be discharged into any watercourse or onto land.

32 [D Special BLANK](#)

The animal enclosure is to be kept clean and sanitary at all times to reduce any potential nuisances to surrounding properties.

BCA Issues

33 [E Special BLANK](#)

All electrical services shall comply with Clause NSW H102.14 of the Building Code of Australia with certification submitted to Council prior to occupation.

34 [E Special BLANK](#)

Prior to the issue of Occupation Certificate, Temporary sanitary facilities are to be provided for the use by patrons and employees whilst the temporary tent structure is on site. The temporary sanitary facilities are to be provided in accordance with the Building Code of Australia 2008, Table F2.3 - Class 9(b) - public halls, function rooms or the like. In addition, a temporary disabled person's W.C. complying with Australian Standard AS1428.1-2001, shall also be provided for patron.

Health Matters and OSSM installations

35 [F002 - Temporary food outlets](#)

All construction and operation of temporary food outlets and mobile food vans shall be carried out in accordance with the requirements of the Food Act 2003, Food Regulation 2010, Food Safety Standards under the Australian and New Zealand Food Standards Code and the current guidelines for temporary events produced by the NSW Food Authority.

All temporary food outlets must complete and return Council's "Application to Sell Food" form at least 14 days hours prior to operating.

Toilets used by food handlers must have within, or immediate adjacent, a hand basin with warm running water, soap, and paper towels in addition to the required hand basin within each mobile food van or food stall.

Solid and liquid waste storage and disposal must be carried out in accordance with the Food Act 2003, Local Government Act 1993 and Protection of the Environment Operations Act 1997. All mobile food vans, accommodation vans and vehicles, and other vans must ensure any wastewater, including greywater, is discharged to sewer or collected and pumped out by a NSW EPA licensed contractor and taken to a licensed facility for disposal.

36 [F025 - Food safety supervisor](#)

A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business.

Construction

37 H Special (BLANK)

Prior to the circus 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.

38 H Special BLANK

The temporary tent structure and seating platforms, when erected, are to fully comply with Part B1 and NSW Part H102 of Volume 1 of the Building Code of Australia.

Engineering

39 K Special (BLANK)

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

40 K Special (BLANK)

Temporary parking spaces for people with accessibility issues are to be made available.

41 K Special (BLANK)

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

42 K Special (BLANK)

The applicant is to discuss overflow parking arrangements with surrounding businesses.

Payment of Fees

43 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.

44 P Special (BLANK)

The following fees are payable to Council **prior to use of the site** in accordance with Council's Schedule of Fees and Charges:-

- Cleaning bond (refundable)
- Infrastructure (non refundable)
- Casual Use (daily)

For details on the amounts payable, you are requested to contact Council's Parks and Recreation Department.

Certification

45 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

46 [Q05F - Occupation Certificate for Class10](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority prior to the commencement of each event.

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.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

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 circus will operate 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.