

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0206
Proposed development:	Use of Land for a Temporary Carnival.
Property address:	2 Charles Hackett Drive, ST MARYS NSW 2760
Property description:	Lot 2 DP 851152
Date received:	1 March 2016
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 a family carnival at the corner of the Kingsway and Charles Hackett Drive St Marys between 8 April 2016 to 25 April 2016

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

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 (Family Carnival) of the site from 08 April to 25 April 2016 with event operation from 12pm to 9pm.

The site will also be occupied by:

- Cup and Saucer.
- Swinging Chairs.
- Circus Train.
- Dodgem Cars.
- Giant Slide.
- Sizzler.
- Hurricane.
- Disco Show.
- Bungee Tramps.
- Music Trip.
- Jungle Challenge.
- Jumping Castle.
- Side Show Alley.
- Ticket Box and Security Office.
- Temporary portable toilet facilities for patrons.
- Bins will be provided for rubbish and these bins will be serviced regularly.

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.*

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 9:00pm 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 the operating hours are after hours and parking is available in the vicinity.

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 200 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 9:00pm 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 9:00pm.

(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 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 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 **9:00pm** 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 **9:00pm**.

(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

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 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
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 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.

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.

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
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
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies

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

The application was referred to Council Building Surveyor to ensure compliance with the structural adequacy, fire safety and sanitary facility provisions of the Building Code of Australia and raised no objection subject to condition.

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 **9:00pm**.

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 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 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 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 to nearby and adjoining residents from 09 March 2016 to 23 March 2016 and did not receive any submission.

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
Development Engineer	No objections
Environmental - Environmental management	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Traffic Engineer	No objection
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 DA16/0206 for Family Carnival at Part Lot 2 DP 851152, 2 Charles Hackett Drive ST MARYS NSW 2760 be approved subject to the attached conditions (Development Assessment Report Part B).

CONDITIONS

General

1 [A001](#)

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

Drawing Title	Drawing No.	Prepared By	Dated
Site Plan	-	-	-
Statement of Environmental Effects	-	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 [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 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

4 [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.

5 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The operating hours for the carnival are from 12pm to 9pm with no audible noise from the site at a noise sensitive place (e.g. residential dwelling, school, hospital) between the hours of 9pm and 8am. Construction and dismantling of the carnival rides and associated structures on the site is not to take place before 8am or after 6pm.

6 [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.

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

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

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

The carnival is to operate in accordance with Statement of Environmental effects, prepared by Amusement Hire Services and submitted in support of the Development Application.

Notwithstanding this, the carnival is only permitted to operate between 09 April 2016 to 25 April 2016 and 02 July 2016 to 18 July 2016 without further consent from Council.

9 [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 carnival structures must be promptly removed.

10 [A special BLANK](#)

Mud, dirt and soil from vehicular and patron movements from the site must not be deposited on the road.

11 [A special BLANK](#)

The following requirements are to be complied with:-

- The area to the west of the pathway shown on the plans is not to be used for any purpose including car parking, storage of equipment or stabling.
- All ground surfaces must be left clean and free from defects following the event.

Environmental Matters

12 [D009 - Covering of waste storage area](#)

All waste materials generated on-site are to be contained within enclosed (lidded) waste bins. Litter patrols are to be conducted of the site during opening hours and after closing to collect litter disposed by the patrons. No waste materials are allowed to enter the stormwater system or neighbouring properties.

The waste is to be disposed at an approved waste management facility. The operator is to keep receipts of the disposal to the waste facility and provide this documentation to Penrith City Council upon request.

13 [D014 - Plant and equipment noise](#)

The position of plant and equipment, such as generators shall not be positioned as to cause a nuisance at a noise sensitive place. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

14 [D Special BLANK](#)

The portable toilets are to be serviced on a regular basis. All of the waste from the toilets are to be disposed of at an authorised waste facility with any receipts or documentation kept by the applicant to show adequate disposal. This documents should be made available to Penrith City Council upon request.

15 [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 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.

BCA Issues

16 [E001 - BCA compliance](#)

The number of toilet facilities for able persons and persons with disabilities is to be monitored and additional facilities provided should the situation warrant.

17 [E01A - BCA compliance for Class 2-9](#)

All devices are to be installed and operated in accordance with the WorkCover registration document and included conditions.

Health Matters and OSSM installations

18 [F002 - Temporary food outlets](#)

All construction and operation of the temporary food outlet 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.

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.

19 [F065 - Mobile Food Vendors](#)

The construction and operation of the mobile food vending vehicle shall be carried out in accordance with the Food Act 2003, Food Regulation 2010, Food Safety Standards under the Australian and New Zealand Food Standards Code and the current guidelines for mobile food vendors produced by the NSW Food Authority.

An application to sell food form must be completed and submitted to council 14 days prior to operation from the mobile food van. An inspection from council's Environmental Health Department of the mobile food van must be carried out prior to the sale of food from the mobile food van.

Engineering

20 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Councils adopted fees and charges.

An application form together with an information sheet and conditions are available on Councils website.

Contact Penrith City Council's City Works Department on 4732 7777 or visit Penrith City Councils website for more information.

21 [K Special \(BLANK\)](#)

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

22 [K Special \(BLANK\)](#)

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

23 **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.

24 **K Special (BLANK)**

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

Landscaping

25 **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.

26 **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

27 **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 (26 April 2016).

28 **P Special (BLANK)**

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

29 **P Special (BLANK)**

Prior to the issue of an Occupation Certificate, a Dilapidation Report is to be prepared and submitted to Penrith City Council. The report shall include relevant documents and photographs of Council's infrastructure on site (footpaths etc). All damage to Council's infrastructure shall be repaired by the applicant at the applicant's cost.

Certification

30 **Q05F - Occupation Certificate for Class10**

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