

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA13/1267
Description of development:	Circus (Temporary Event) Including Erection of Two Tents and Seating
Classification of development:	Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 851152
Property address:	2 The Kingsway, ST MARYS NSW 2760

DETAILS OF THE APPLICANT

Name & Address:	Loritz Circus C/- Maryann Schulz PO Box 501 ORMEAU QLD 4208
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DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	17 December 2013
Date the consent expires	17 December 2015
Date of this decision	16 December 2013

POINT OF CONTACT

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

Assessing Officer:	Mahbub Alam
Contact telephone number:	(02) 4732 7693

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Joint Regional Planning Panels

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

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

Drawing Title	Drawing No.	Prepared By	Dated
Site Plan	-	-	-
Emergency Lighting Plan	-	-	-
Waste Management Plan	-	Loritz Circus Pty Ltd	-
32m 4 Pole Circus Tent Perspective	15.242.111 (Revision G)	Baytex Manufacturing Company Ltd	19-12-12
32m 4 Pole Circus Tent Views for wire angle	15.242.112 (Revision G)	Baytex Manufacturing Company Ltd	08.06.12
32m 4 Pole Circus Tent Ball Ring & Cupola Details	15.242.113	Baytex Manufacturing Company Ltd	22.01.13
Plan & Elevation (20m Foyer Tent)	15.026.002	Baytex Manufacturing Company Ltd	21.06.2004
Seating Layout Plan	C:\DWG\WEBER\BROS\6471-24DIA-NZ-G.DWG (Sheet 1)	Loritz Circus Pty Ltd	27/02/2006
Sections	C:\DWG\WEBER\BROS\6471-24DIA-NZ-G.DWG (Sheet 9)	Loritz Circus Pty Ltd	27/02/2006

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 **The circus shall not commence its operation to the public until an Occupation Certificate has been issued.**

- 3 A satisfactory on site inspection of the food van and any associated areas from an authorised officer of Council's Environmental Health Department is required. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time on (02) 4732 8055.

- 4 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 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.
- 6 This consent permits a maximum of 536 patrons on the site at any give time; this includes patrons within the tent structure.
- 7 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 circus.
- 8 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
- 9 The circus is to abide by the National Consultative Committee for Animal Welfare (NCCAW) Position Statement No. 26 "Recommended National Circus Standards".
- 10 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.
- 11 The circus is to operate in accordance with letter dated 1 October 2013, prepared by Loritz Circus Pty Ltd and submitted in support of the Development Application.
Notwithstanding this, the circus is only permitted to operate between 26 December 2013 until 12 January 2014 without further consent from Council.
- 12 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 patrons.

- 13 No noise generating activities are to occur on the site between 10.00pm and 9.00am.
- 14 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.
- 15 All electrical services shall comply with Clause NSW H102.14 of the Building Code of Australia with certification to be submitted to Council prior to occupation.
- 16 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 circus.
- 17 Appropriate signage is to be displayed to reinforce designated vehicle circulation and parking arrangements.
- 18 Temporary parking spaces for people with accessibility issues are to be made available.
- 19 Attendants are to supervise the use of the parking areas 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.
- 20 The applicant is to discuss parking arrangements with surrounding businesses.
- 21 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).
- 22 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.
- 23 Toilets should be clearly visible and signposted.
- 24 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.
- 25 Doors should also have spring-opening hinges to allow doors to remain open when not in use.
- 26 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.

- 27 Lighting should be of a wide beam of illumination so as to prevent shadowing or glare.
- 28 Internal and external signage shall be large and legible with strong colours, standard symbols (e.g. for toilets and entrances/exits) and simple graphics.
- 29 Signs will assist with way-finding and indicate where to go for help or assistance.
- 30 Signage should be erected to denote areas not intended for public access.
- 31 · 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

- 32 Prior to the circus being occupied, the structure is to be inspected by Council. Fees for this inspection are to be paid, as detailed in Council's Fees and Charges, prior to the inspection being carried out.
- 33 The seating in the tent shall comply with Clause NSW H102.10 of the Building Code of Australia.

Environmental Matters

- 34 Disabled person's access shall be provided to the tent in accordance with Australian Standard AS1428.1-2001.
- 35 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
- 36 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.
- 37 No rubbish materials are to enter the stormwater system or neighbouring properties.
- 38 Litter patrols are to be conducted after each performance to collect litter disposed of by patrons. The litter patrols are to include the circus site and the associated car park.

- 39 Animal manure is to be removed from the yards daily and disposed of to a licensed waste management facility.
- 40 Use of any private water supply shall be in accordance with the *Local Government Act 1993*, *Public Health Act 2010*, *Public Health Regulation 2012*, *Food Act 2003* (where applicable) and the NSW Health *Private Water Supply Guidelines*. A copy of these guidelines is available for download from the NSW Health website www.health.nsw.gov.au.
- 41 The construction and operation of the premises shall comply with the NSW Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2000.

BCA Issues

- 42 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.
- 43 The temporary tent structure and seating platforms, when erected, are to fully comply with Part B1 of the Building Code of Australia. A 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.

Health Matters and OSSM installations

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

- 45 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.
- 46 The portable toilets are to be cleaned and serviced regularly. All wastewater 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.
- 47 Prior to the operation of the food business the business must notify the NSW Food Authority of their details including:
- (a) Contact details for the food business, including the name and address of the business and the proprietor of the business.

(b) The nature of the food business.

(c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Food Authority.

Should these details change during the operation of the business the business operator must provide the NSW Food Authority with an update of these details.

Notification can be completed free of charge on the NSW Food Authority's Food Notify website at www.foodnotify.nsw.gov.au.

- 48 A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.
- 49 Staff toilet/s for food handlers must be provided on site that are separate and in addition to the 5 unisex and 1 disabled toilet for patron use.
- 50 A hand basin must be located within the toilet cubicles. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.
- 51 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.
- 52 All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.
- 53 Bins, hoppers and other containers used for storing garbage or recyclable material shall be:
 - a. constructed of impervious material such as metal or plastic; and
 - b. have tight fitting lids
 - c. bins that cannot be lifted for draining after cleaning shall have drainage bungs at the base.

Construction

- 54 Documentary evidence that the tent fabric has a flammability index less than 6, shall be submitted to Council prior to occupation.
- 55 The risk management plan submitted with the development application shall be implemented and complied with at all times that the circus is operating.

Landscaping

- 56 All existing vegetation on the site shall not be damaged, removed, lopped, trimmed or pruned and must be retained and protected at all time.
- 57 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

- 58 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.
- 59 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.

- 60 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 (12 January 2013).
- 61 The site shall be rehabilitated at the cessation of occupancy to the satisfaction of Council.
- 62 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 Council's Development Services and Environmental Health Department to arrange the inspection (02) 4732 7991.

- 63 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.

64 An inspection by Councils Public Health Department will be required prior to operation of the event.

Please contact Councils Environmental Health Department on (02) 4732 7911 or (02) 4732 7991 to arrange the food inspection.

Certification

65 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.

SIGNATURE

Name:	Mahbub Alam
Signature:	

For the Development Services Manager