

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA15/0477.01
Description of development:	Defqon Music Event and Associated Camping and Entertainment for a Five (5) Year Duration (2015 - 2019) with Capacity for up to 30,000 people per day at the Sydney International Regatta Centre (Friday 18th September to Sunday 20th September) - Modification to amend Condition 3 & 27
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 21 DP 1092147
Property address:	153 - 233 Old Castlereagh Road, CASTLEREAGH NSW 2749

DETAILS OF THE APPLICANT

Name & Address:	Q Dance Australia Pty Ltd Suite 466, 311-313 Castlereagh Street SYDNEY NSW 2000
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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	27 August 2015
Date the consent expires	27 August 2017
Date of this decision	20 August 2015 as amended on 6 June 2017 under Section 96 of the Environmental Planning and Assessment Act.

POINT OF CONTACT

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

Assessing Officer:	Jane Hetherington
Contact telephone number:	+612 4732 8078

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 Sydney West 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.

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and 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 stamped approved plans issued by Penrith City Council, the application form and any supporting information received with the application and the documentation received by Council as required by Condition 3, except as may be amended in red on the attached plans and by the following conditions.

- 2 This consent permits the running of a one day annual music event accompanied by a two day camping festival to be held in September for a period of five (5) years. This consent is limited to a period of 5 years from the date to which the consent operates. Should the applicant wish to continue beyond this number, a separate application for development approval, demonstrating compliance with all conditions of this consent, must be lodged, and approval obtained, prior to operation.

- 3 Occurring on an annual basis, relevant documentation (including management reports and certification) are required to be submitted to Council for consideration in accordance with the following table:

Document Title	Timetable
Transport Management Plan submitted to Local Traffic Committee	3 months prior to the event
Event Management Plan including: <ul style="list-style-type: none"> - Operation Overview - Site Plan layout - Temporary Structure Plans - Structural Engineers Certificates - Annual Noise Impact and Management Plan - Emergency Plan - Risk Management Plan - Security Management/ Deployment Plan - Aquatic Safety Plan - Alcohol Management Plan - Waste Management Plan - Transport Management Plan - Medical Plans (including Major incident plan) - High risk and Amusement Ride Plan - Penrith Station Plan - Camping Management Plan 	60 days prior to the event
Access Report	60 days prior to the event
Final Emergency Management Plan	2 weeks prior to the event
Final Crowd Management Plan	2 weeks prior to the event
Final Helicopter details	2 weeks prior to the event
Confirmation of RMS approval of Traffic Management Plan	2 weeks prior to the event
Sanitary facility plan	2 weeks prior to the event
Acoustic Certificate	24 hours prior to the event

The approved documents are to be complied with throughout the event.

As amended under Section 96 of the Environmental Planning and Assessment Act 1979 on the 6 June 2017.

- 4 The event shall be managed in accordance with the requirements of Schedule 3A – Entertainment Venues of the Environmental Planning and Assessment Regulation 2000.
- 5 The event structures are to be inspected by Penrith City Council **at least 48 hours before the event operates for the public.**
Fees for the inspection are to be paid at least 7 days prior to the inspection booking date and will be charged as scheduled in Penrith City Council's Fees and Charges.
- 6 Final stage designs are to be submitted to Penrith City Council a minimum of 72 hours prior to the event.
- 7 Event organisers are to be available at a mutually convenient time, at the invitation of Penrith City Council and/or Penrith Police, to discuss and action agreed Community Safety issues in conjunction with other local Penrith stakeholders should the need arise.

The event shall comply with all the requirements and undertakings given to and approved by the NSW Police.

- 8 The entire property of the camping area as well as Stage/Event area shall be managed as an inner protection area (IPA) as outlined within Section 4.1.4 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- 9 An Emergency/Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plan' or as repealed and replaced. The requirements of this plan are to be implemented throughout the event.
- 10 A mechanism for the relocation of occupants on days of a total fire ban or adverse fire activity is to be prepared, submitted to Council prior to the event and completed with during the event where applicable.
- 11 Access to the site for the NSW Fire Brigades is to be made available from the eastern end and from the western end of the site, to the satisfaction of the Bridages.
- 12 Emergency vehicle access to the site through McCarthys Lane is to be maintained at all times.
- 13 The recommendations from the Local Traffic Committee Meeting are to be implemented in relation to the 2015 Defqon Event.

Requirements of the Local Traffic Committee are to be obtained then to be complied with for each subsequent event beyond 2015.

- 14 Prior to the Defqon.1 Event to be held from 2016 - 2019, a revised Transport Management Plan is to be submitted to Council for consideration by the Local Traffic Committee. The revised Transport Management Plan is to be submitted a minimum of three (3) months before each annual event and is considered any matters that have arisen from the previous Defqon.1 events and recommended solutions to these matters.

Should a Traffic Management Plan not be approved prior to the staging of any subsequent Defqon.1 event, then that event **cannot** be undertaken.

- 15 This consent permits for up to five thousand (5000) people camping on the northern bank of the Sydney International Regatta Centre (SIRC). This consent will expire on the cessation of the 2015 event. Should the applicant wish to continue this use beyond the 2015 event, a separate application or modification application for development approval, demonstrating compliance with all conditions of consent, must be lodged, and approval obtained, prior to operation.
- 16 Entertainment stages are to only operate for the time periods stated in Table 1 of the Annual Noise Impact Assessment and Management Plan, and no MC is permitted to use a microphone between 10:00pm and 11:00pm.

The small DJ setup in the camping area is to operate only between 12:00pm and 6:00pm on Friday and 8:00am and 11am on Saturday, and no MC is permitted to use a microphone during these periods.

The helicopter flights are only to be carried out between 11:00am and 6:00pm on the Saturday of the event.

17 Other conditions

- Ensure there are sufficient police officers, security/crowd controllers, Responsible Service of Alcohol (RSA) marshals as required by the NSW Police Force at the event
- Ensure there are sufficient medical staff (including doctors, paramedics and assistants) to manage the event effectively
- Provide details on the anticipated volumes/amounts of fuel (Jet A1) for aviation operations on the site throughout the event and how this will be stored (ie tanker, fuel tank, drums etc)
- Provide details of response to aviation accident as a result of aviation operations on site throughout the event
- Provide details of fire/rescue equipment which will be located on site to response to an aviation accident
- Ensure there are procedures in place to response to an aviation accident
- Ensure there are procedures in place on how they will deal with intoxicated passengers (ie identification and refusal to allow access) wishing to access aircraft
- Update Hazard Identification, Risk Analysis and Control documentation, Job Safety Analysis and Job Safety Briefing documentation to reflect the requirements under the new *Work Health and Safety Act 2011 (NSW)* and *Work Health and Safety Regulation 2011 (NSW)* from the repealed *Occupational Health and Safety Act 2001 (NSW)* and *Occupational Health and Safety Regulation 2001 (NSW)*

Environmental Matters

- 18 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

- 19 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the approved Annual Defqon.1 Festival: Noise Impact Assessment and Management Plan. The recommendations provided in the Annual Noise Impact Assessment and Management Plan shall be implemented and incorporated into the design, construction and operation of the event and camping.

Prior to the event, a certificate is to be obtained from a qualified acoustic consultant certifying that the event (including all equipment selected and stages) has been designed and constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be **submitted to Council in accordance with Condition 3, and is to be approved by Council prior to the event.**

- 20 All toilet and wastewater facilities are to be operated and located in a suitable location so as not to cause water pollution.

- 21 Any wastewater discharge or spill is to be cleaned up immediately, with the waste being disposed of by a licensed waste contractor.

In the event that wastewater enters the lake system or stormwater system, immediate action is to be taken to minimise any environmental or public health impacts. Council is to be notified of the incident within 24 hours.

- 22 All effluent from the portable toilets at the event and camping sites and at Penrith Railway Station is to be removed off the site to an appropriate licensed waste facility.

- 23 The noise monitoring proposed in the Annual Noise Impact Assessment and Management Plan is to be carried out during the event. The noise monitoring is to be undertaken with consideration of the monitoring procedures included in the EPA's Industrial Noise Policy and AS1055 Acoustics- Description and measurement of environmental noise. The nominated monitoring locations are not to be changed without the prior approval of Council.

Should the noise monitoring detect any exceedance to the noise criteria approved in the Annual Noise Impact Assessment and Management Plan, the noise levels are to be reduced immediately.

- 24 Sound limiter equipment is to be used for all sound amplification systems used as a part of the event. The sound limiter equipment is to be set and locked by a qualified acoustic consultant at a level which ensures compliance with the Annual Noise Impact Assessment and Management Plan.

- 25 A noise complaint hotline is to be made available to the residents of surrounding areas by the event organisers in case noise nuisance occurs. Any complaints are to be reported to the event manager and all necessary action is to be taken to resolve the noise nuisance. All complaints and action taken is to be logged (including time of complaint, time of response and location of resident), and this log is to be provided to Council as a part of the Post-Event Report.

- 26 A Post-Event Report is to be provided to Penrith City Council within ninety (90) days of the event. This report is to be prepared by a suitably qualified acoustic consultant and is to consider Section 8.5 of the Annual Noise Impact Assessment and Management Plan.

- 27 Pollution prevention mechanisms are to be put in place during all helicopter re-fuelling to ensure that land and water pollution does not occur. All fuel storage areas are to be bunded, with the size of the areas to be bunded equal to 10% of the total volume of the containers stored, or 100% of the largest container stored, whichever is the greater.

BCA Issues

28 An access report prepared by a qualified Access Consultant is to be provided for the event. The report shall detail that equitable forms of access are available to patrons with the services provided for the event. The report shall cover details including but not limited to the following:

- Arrival to the site via the means of transport available to patrons including private vehicles and public transport;
- Accessible paths of travel to the areas of entry including the police and bag check areas, cloak rooms, ticket barriers, first aid tents, food and drink tents and other areas of the event requiring public access;
- Access to VIP tent and services provided to the VIP area;
- Camping groups and facilities provided for the campers of the event; and
- Additional portable toilet/shower facilities.

Any recommendations made in the report shall be incorporated into the operations of the event, unless agreed to, in writing, by Council. The report shall be provided to Penrith City Council a minimum of 60 days prior to the event operating.

As amended under Section 96 of the Environmental Planning and Assessment Act 1979 on the 6 June 2017.

29 The development shall comply with the provisions of the National Construction Code at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire fighting facilities. Certification of all fire safety measures installed for the duration of the event shall be provided to Penrith City Council a minimum of 48 hours prior to the event operating.

Health Matters and OSSM installations

30 The proprietor of the temporary food business shall ensure that the requirements of the following legislation, codes, and guidelines are met at all times:

- Food Act 2003
- Food Regulation 2010
- The Australian and New Zealand Food Standards Code
- Guidelines for Temporary Events (NSW Food Authority 2012) and
- Mobile food vending vehicles: Operation, construction and food handling Guidelines (NSW Food Authority 2009)

31 An "Application to Sell Food" form is to be completed for all temporary food businesses/outlets operating at the event. This application must be submitted to Penrith City Council a **minimum of 2 weeks prior to the event** commencement. Late applications will not be considered or approved.

32 To comply with Clause 4 of Food Safety Standard 3.2.2 each temporary food business is to notify food business details to the NSW Food Authority **prior to the commencement of any food handling operations**. This may be completed on the Food Authority website (www.foodnotify.nsw.gov.au).

33 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.

- 34 Toilets must be provided for all food handlers and maintained in a hygienic condition. These toilets must be separate to other event toilets and not be available to patrons, officials or other members of the event personnel or public except the operators of the food business. The toilets must be located in the immediate vicinity of the food stall and shall be supplied with a hand wash basin or facility that has warm running water through a single outlet and appropriately serviced with soap and single use towels.
- 35 Cool rooms must be supplied by the event organisers for all food vendors and power must be maintained to the coolrooms. Cool room temperatures shall be routinely monitored and temperatures recorded. An alarm system must be provided to ensure correct temperatures are maintained overnight.
- 36 Adequate waste and recycling facilities are to be provided for food businesses.
- 37 Catering shall be provided for campers by an approved food business as per the requirements of the Food Act 2003.
- 38 The designated swimming area is to comply with the requirements of the NHMRC Guidelines for Managing Risks in Recreational Water 2008. Evidence of compliance is to be submitted to Penrith City Council two (2) weeks prior to each event. Swimming is only permitted when the water temperature is between 16 and 34 degrees.
- 39 An adequate supply of potable water must be supplied with respect to toilet, shower and refreshment facilities (non-potable water should not be used without prior approval).
- 40 All portable toilets including toilets at Penrith Railway Station are required to be cleaned as appropriate.

Construction

- 41 All electrical services shall comply with Clause NSW102.14 of the National Construction Code. Certification shall be submitted to Penrith City Council 48 hours prior to the event.
- 42 The event structures are to be inspected by Penrith City Council **at least 48 hours before the event operates for the public**. The facilities provided at Penrith Railway Station are to be inspected no later than 9am on the day of the event. Fees for the inspection are to be paid, as detailed in Penrith City Council's Fees and Charges, and will be invoiced accordingly.
- 43 The final Emergency Management Plan shall be submitted to Penrith City Council in accordance with condition 3. The details are to include a list of the Wardens for the event, the chain of command and interaction with the emergency services who will be present for the vent, and a sequence of events to detail the actions that would be taken in the event of an emergency.
- 44 The event shall be managed in accordance with the requirements of Schedule 3A - Places of Public Entertainment of the Environmental Planning and Assessment Regulation 2000.
- 45 Portable fire extinguishers shall be provided in all areas in accordance with Australian Standard AS 2444–2001, with certification submitted to Penrith City Council 48 hours prior to the event.
- 46 Any temporary tent with a stage for the purpose of entertainment shall require a sign to be displayed in a prominent position in the tent that specifies the following:

- The maximum number of persons, as specified in the development consent, that are permitted in any part of the building used as a place of public entertainment;
- 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
 PO Box 60
 Penrith NSW 2751
 (02) 4732 7777

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Temporary sanitary facilities shall be provided for the event, with the number of facilities in addition to the permanent facilities available in the buildings, determined in accordance with F2.3 of the National Construction Code as outlined in the following table:-

User Group	WC's		Washbasins		Urinals	
	Population	Number	Population	Number	Population	Number
Male Spectators	1-250 251-500 >500	1 2 Add 1 per 500	1-150 >150	1 Add 1 per 150	1-100 >100	1 Add 1 per 100
Female Spectators	1-15 16-60 61-120 >120	1 2 3 Add 1 per 70	1-60 61-200 201-350 >350	1 2 3 Add 1 per 150		

Based on 20,000(i.e. 10,000 male and 10,000 female)

Gender	WC	Basin	Urinal
Male	21	67	100
Female	145	67	

Based on 30,000(i.e. 15,000 male and 15,000 female)

Gender	WC	Basin	Urinal
Male	31	100	150
Female	215	100	

A final design plan and layout of the toilet facilities is to be submitted to Penrith City Council a minimum of 48hours prior to the event. Aisle widths between each line/bank shall not be less than 2 metres wide to allow for pedestrian movement and passive surveillance of the area.

- 48 All amusement rides and activities shall be outlined in a plan which is to be submitted to Council in accordance with Condition 3. The activities shall be carried out in accordance with AS3533.2. All rides are to be inspected by Penrith City Council a minimum of 24 hours prior to the event commencing.

- 49 The bridge connecting the island to the camping is to be certified by a Structural Engineer. A copy of the certification is to be provided to Penrith City Council 48 hours before the event.
- 50 The temporary tent structures and stages, when erected, are to fully comply with Part B1 and NSW Part H102 of Volume One of the National Construction Code. A Structural Engineer's Certificate is to be submitted 48 hours prior to the event to Penrith City Council certifying the structural adequacy.
- 51 Emergency lighting and illuminated exit signs shall be provided in any tent proposed for the use of entertainment in accordance with Australian Standard AS 2293.1, with certification submitted to Penrith City Council 48 hours prior to the event.

Certification

- 52 Dust suppression and minimisation strategies must be employed to manage potential dust nuisances within the sites. This is to apply to parking areas, access roads and within the event site.
- 53 An Occupation Certificate is to be obtained from Penrith City Council upon completion of all relevant bump-in installation and prior to the opening of the event to its patrons.

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.

Operational Conditions

- 54 If security gates are proposed to control access, emergency service providers such as Police, Fire Brigade and Ambulance will need to be liaised with to ensure they can gain access.
- 55 Lighting is to be provided within the car park at Penrith Station for the duration of the event.
- 56 Generators should be provided to clearly illuminate entry and exit points, food stalls, toilets, first aid areas and stages.
- 57 Clear signage should be displayed throughout the event to clearly indicate entry/exit points, public transport locations, emergency help points, toilets, first aid, stage locations, telephones, vendors and licensed/non-licensed areas.
- 58 All signage associated with the event shall be removed upon completion of the event.
- 59 Access to the main lighting or house lights is essential in case of an emergency. The location of the controls for these lights, and the operation of the controls, must be known to those on-site responsible for emergencies.
- 60 A medic, temporary water station, toilets and bins are to be provided at Penrith Railway Station and removed at the conclusion of the event at Penrith Station is to be satisfactorily cleaned to that of pre-event conditions.
- 61 Appropriate placed barriers and directional signage are to be used to direct the pedestrians towards the busy entry point at Penrith Railway station.

- 62 The applicant must provide a combination of security personnel and paid Policing for the duration of the event. This includes a number of security guards on the island determined in conjunction with Penrith Police and agreed to by Penrith City Council 3 weeks prior to the event, in addition to the development of a security and crowd management plan for the Penrith Bus Interchanges and adjoining precincts.
- 63 Security personnel must be provided at each bar area for crowd control and to monitor intoxicated persons and minimize alcohol-related antisocial behavior.
- 64 Glass containers must not be permitted, with plastic containers or cans to be used instead. All cans must be opened at the bar.
- 65 Alcohol must not be brought in to the event, but must only be purchased on site from the licensed vendors.
- 66 Bar areas must comply with all RSA and legislative requirements concerning the sale and service of alcohol.
- 67 Free water at an appropriate temperature must be provided at all bar areas and bottle refilling stations.
- 68 Event organisers must be able to communicate with the crowd both for public announcements and in emergencies.
- 69 Records should be kept of all incidents at the event, and should details such as the date, location and time of incident, description of incident, contact details or person involved, and action taken. This is to be submitted to Council within 30 days of the event.
- 70 Temporary fencing around the perimeter of the lake edge should be provided and staffed by security personnel, to minimize the risk of people entering or throwing objects into the water.

SIGNATURE

Name:	Jane Hetherington
Signature:	

For the Development Services Manager