

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA16/0206
Description of development:	Use of Land for a Temporary Carnival.
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 851152
Property address:	2 Charles Hackett Drive, ST MARYS NSW 2760

DETAILS OF THE APPLICANT

Name & Address:	Amusement Hire Services Pty Ltd 32 Wentworth Street GRANVILLE NSW 2142
-----------------	------------------------------------------------------------------------------

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	6 April 2016
Date the consent expires	6 April 2018
Date of this decision	30 March 2016

POINT OF CONTACT

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

Assessing Officer:	Mahbub Alam
Contact telephone number:	+612 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	-	-	-
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 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 The development shall not be used or occupied until an Occupation Certificate has been issued.

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

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

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

Health Matters and OSSM installations

- 18 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 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 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 Appropriate signage and arrows are to be displayed to reinforce designated vehicle circulation and parking arrangements.
- 22 Temporary parking spaces for people with accessibility issues are to be made available.
- 23 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 The applicant is to discuss overflow parking arrangements with surrounding businesses.

Landscaping

- 25 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 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 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 The site shall be rehabilitated at the cessation of occupancy to the satisfaction of Council.
- 29 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 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.

SIGNATURE

Name:	Mahbub Alam
Signature:	

For the Development Services Manager