

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA14/0153.01
Description of development:	Section 96 Modification to an Approved Family Carnival to Alter the Event Dates to 27th June 2014 to 13th July 2014
Classification of development:	Class 9b

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 Attn: John Phelan 32 Wentowrth Street GRANVILLE NSW 2142
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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	25 March 2014
Date the consent expires	25 March 2016
Date of this decision	13 March 2014 as amended on 20 May 2014 under Section 96 of the Environmental Planning and Assessment Act.

POINT OF CONTACT

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

Assessing Officer:	Lauren Van Etten
Contact telephone number:	(02) 4732 7777

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	-	-	-
Car Parking Plan	-	-	-
Waste Management Plan	-	Amusement Hire Services	-
Statement of Environmental Effects	Page (1-4), Page (2-4), Page (3-4), and Page (4-4)	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 development shall not be used or occupied until an Occupation Certificate has been issued.

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

6 The carnival is permitted to occupy the site from 27th June 2014 and shall vacate the site on 13th July 2014 and the operating times are restricted to the following:

- Monday to Sunday:- 12PM to 10PM

As amended under Section 96 of The Environmental Planning and Assessment Act 1979, dated 20 May 2014.

7 A Public Liability Insurance to the value of \$20,000,000 must be maintained for the duration of the use of the site.

8 All structures associated with the carnival must be removed from the site in a safely manner at the conclusion of the hiring period of the site. The applicant must ensure the site is in a clean and tidy condition before vacating the site.

9 Access and parking facilities are to be managed so as not to cause dust nuisances and being closed in periods of wet weather if soil, dirt or other material is being trafficked onto public roads.

10 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 Carnival.

- 11 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.
- 12 No rubbish materials are to enter the stormwater system or neighbouring properties.
- 13 Litter patrols are to be conducted at the end of each day to collect litter disposed of by patrons. The litter patrols are to include the site and any associated car park.
- 14 Prior to the carnival 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.

15 Access Control

- 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.
- Perimeter fencing or another form of access control is recommended to restrict public access to designated areas. If fencing is proposed the applicant will need to liaise with the emergency service providers such as Police, Fire Brigade and Ambulance to ensure that they can gain access.

16 Toilets

- 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.

17 Lighting

- 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.

18 Signage

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

19 Waste storage

- 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

- 20 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

Environmental Matters

- 21 All wastewater generated by the activities carried out on site are 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 adjacent waterways.
- 22 The portable toilets are to be cleaned and serviced regularly. All wastewater is to be disposed of to an authorised waste facility.
- 23 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.
- 24 No noise generating activities are to occur on the site between 9.00pm and midday.

BCA Issues

- 25 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".
- 26 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

Health Matters and OSSM installations

- 27 No washing down of equipment or rides is to be undertaken on site.

Construction

- 28 A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before works can commence on site.

The waste management plan shall be prepared in accordance with the Waste Planning Development Control Plan (2004), and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

Roads Act Requirements

- 29 Appropriate signage is to be displayed to reinforce designated vehicle circulation and parking arrangements.

- 30 Temporary spaces for people with accessibility issues are to be made available on the site.

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

- 32 The applicant is to discuss parking arrangements with surrounding businesses.

Engineering

- 33 **Prior to commencement of works**, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the event in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

34 **Prior to the Commencement of Works**, a dilapidation report of all infrastructures fronting the development in The Kingsway and Charles Hackett Drive is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20 m either side of the development.

35 Any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Penrith City Council.

Any rectification works within The Kingsway and Charles Hackett Drive will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.

36 The following flood management measures shall be fully complied with:

- The natural ground levels of the site shall not be altered.
- The area shall be restored and rehabilitated to the satisfaction of Council at the cessation of occupancy
- The generator shall be located above RL 24.30m AHD
- All electrical and mechanical equipment shall conform to the requirements listed in Council's DCP 2006 Section 2.10 Appendix A.

37 Traffic attendants must be provided during the event to supervise patrons using parking facilities available in the locality.

Parking along the nature strip is prohibited along Charles Hackett Drive, The Kingsway, Creek Road and any roadways in the vicinity of the site.

Landscaping

38 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

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

40 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

41 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.

42 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.

43 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.

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

Certification

45 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:	Gavin Cherry
Signature:	

For the Development Services Manager