



# Penrith Local Planning Panel

## Determination and Statement of Reasons

<b>DATE OF DETERMINATION</b>	13 June 2018
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Mary- Lynne Taylor (Expert) Geoff Martin (Community Representative)
<b>APOLOGY</b>	N/A
<b>DECLARATIONS OF INTEREST</b>	N/A
<b>LISTED SPEAKER(S)</b>	N/A

Public Meeting held at Penrith City Council on 13 June 2018, opened at 4pm.

### **Matter Determined pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979**

Development Application DA18/0422 at Lot 2 DP 851152, South Creek Park & Blair Oval No.2 Charles Hackett Drive, St Marys – Circus (Temporary Event - 2 years) & Erection of Circus Tent.

### **Panel Consideration/Reasons for the Decision**

The Panel noted an error in the report regarding the definition and characterisation of the proposal as a “recreation area”. Instead, a more appropriate characterisation would either be “recreation facility (major)” or “entertainment facility”, both of which are prohibited uses in the zone. However, the Panel gave consideration to clause 2.8 (3) (Temporary use of land) of Penrith Local Environmental Plan 2010 and formed a view the proposal met the requisite criteria within that clause.

Otherwise, the Panel generally agreed with the assessment of environmental considerations outlined within the Council staff report. It was noted a circus had occurred on the site many times previously, without apparent issues. The temporary use is suited to the site, served by appropriate parking and the use will have positive economic and social benefits.

The use is temporary, while impacts are able to be appropriately regulated and mitigated by recommended conditions of consent.

In terms of considering community views, the Panel noted there were no submissions received from the public exhibition of the DA.

## Panel Decision

A. Pursuant to the provisions of Section 4.16 & 4.17 of the Environmental Planning and Assessment Act, 1979, Development Application DA18/0422 for Circus (Temporary Event - 2 years) & Erection of Circus Tent be approved subject to the conditions in the Council staff assessment report to the Local Planning Panel meeting of 13 June 2018, as amended as follows;

1. Condition 5 be amended to read: "The circus" is only permitted to operate for a maximum of 28 days, consecutive or non-consecutive in any one year period, consistent with Clause 2.8 of Penrith Local Environmental Plan 2010, ceasing no later than 31 December 2020.
2. Renumber conditions so that Condition 11 follows Condition 5.
3. The typographical errors in Condition 8, 10, 11, 14, 15, 20, 25, 27 be corrected (as discussed with Council staff).

B. Pursuant to Section 2.20 (8) of the Environmental Planning and Assessment Act 1979, the Panel delegates subsequent determination(s) of Development Applications or modification applications following this approval and related to a temporary circus use on this land to Council's Staff provided;

1. There are no more than 10 objections;
2. There are no objections from the NSW Police Service;
3. The application includes a comprehensive plan of management; and
4. In making such a determination, Council staff shall have regard to the Conditions of approval in the subject DA (DA18/0422), if approval is granted.

## Votes

The decision was unanimous.

Jason Perica – Chair 	John Brunton - Expert 
Mary-Lynne Taylor – Expert 	Geoff Martin – Community Representative 