

DETERMINATION OF DEVELOPMENT APPLICATION NO. 85-4-2004

(FILE NO. S04/00829 PT 1)

**USE OF SYDNEY INTERNATIONAL REGATTA CENTRE FOR
RECREATION**

I, the Minister assisting the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 6 of Sydney Regional Environmental Plan No. 11 – Penrith Lakes determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To maintain the amenity of the local area; and
- (2) To ensure the orderly development of land.



Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney, 20th October 2004

SCHEDULE 1**PART A—TABLE**

Application made by:	Peter Eccleston Planning 8/2 Homebush Road, Strathfield, NSW 2135
Application made to:	Minister for Infrastructure and Planning
Development Application:	No. 85-4-2004
On land comprising:	Sydney International Regatta Centre, Castlereagh Road, Penrith. Lot 1, DP 1013504
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$0
Type of development:	Local Development
S.119 Public inquiry held:	No
BCA building class:	NA
Approval Body / Bodies:	Not Integrated
Determination made on:	20th October 2004
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2. A development consent is not granted for the reasons in Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of this consent.

PART B—NOTES RELATING TO THE DETERMINATION OF DA No. 85-4-2004**Responsibility for other approvals / agreements**

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Peter Eccleston Planning or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Penrith Council.

DA No. 85-4-2004 means the development application and supporting documentation submitted by the applicant on 2 April 2004.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Recreation means a pastime, diversion, exercise, occupation, pursuit or other activity affording relaxation, refreshment, consolation, amusement or enjoyment, which may include commercial activities.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SREP 11 means Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 85-4-2004

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out the development described in detail below:

- (1) Use of the Sydney International Regatta Centre for recreation purposes.

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number DA No. 85-4-2004 submitted by the applicant on 2 April 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the Statement of Environmental Effects entitled 'Sydney International Regatta Centre Use for Recreation' prepared by PEP – Peter Eccleston Planning, dated March 2004.

A3 Use for a nominated period

In order that the development of the land is undertaken in an orderly and coordinated manner, the use of the land for the recreational purposes permitted by this consent shall cease after a period of 5 years from the date of commencement of this consent.

A4 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—Prior to Use of site for recreational purposes

B1 Noise Control

Noise associated with the use of the site for recreation, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

B2 Special Event Approval

Where the proposed use of the site for recreation would be categorised as a "Special Event" in accordance with RTA guidelines for traffic generating activities or events, the applicant is to comply with the requirements of the local Traffic Committee, RTA and/or Police approval prior to the event, including any applicable conditions that may be imposed.

B3 Signage

Wayfinding signage that is ancillary to the proposed use of the site for recreation purposes and is consistent with previous consents issued for the site is permissible.

B4 Commercial Use of the Site

Any commercial use of the site made permissible by this consent must be ancillary to, or associated with, the recreation use of the site. Nothing in this consent gives consent to uses which are identified as prohibited under SREP 11 or any subsequent amendments thereto. Specifically, the following commercial uses are not permitted by this consent:

- Skydiving and parachute landing area;
- Trade shows/exhibitions attracting more than 10,000 people over the length of the trade show/exhibition. In addition, no more than 5 trade shows/exhibitions may take place each calendar year;
- Concerts attracting more than 10,000 people per event and movie screenings or outdoor theatre attracting more than 5000 people per event. In addition, no more than 75 of these events/performances may take place in each calendar year.

Notwithstanding the above, nothing in this consent prevents the use of the site for recreation purposes, whether they be commercial or not, when it is associated with a Regatta event or a community orientated event carried out in association with Penrith City Council.

ADVISORY NOTES**AN1 Structural Capability for Existing Structures**

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN2 BCA Compliance

The use of the site for recreational purposes is to comply at all times with the requirements of the BCA.

AN3 Place of Public Entertainment

The applicant will be required to obtain approval for the use of the premises as a "Place of Public Entertainment" under the provisions of the *Local Government Act, 1993*. The applicant shall provide evidence of receipt of the approval to the satisfaction of the PCA prior to the commencement of the use.

AN4 Temporary Structures

Prior to the erection of temporary structures associated with the use, an approval under Section 68 of the *Local Government Act 1993* must be obtained.