
ORDINARY COUNCIL

ORD03

SUBJECT: MOUNT ANNAN OUTDOOR CINEMA, 141A MOUNT ANNAN DRIVE,
MOUNT ANNAN
FROM: Director Planning & Environmental Services
TRIM #: 15/310276

NO: 1169/2015
PROPOSAL: Temporary use of land for the purpose of an outdoor cinema
PROPERTY ADDRESS: 141A Mount Annan Drive, Mount Annan
PROPERTY DESCRIPTION: Lot 2601 DP 882676, Lot 132 DP 825469 & Lot 1001 DP 734436
ZONING: SP1 Special Activities
OWNER: Royal Botanic Gardens & Domain Trust
APPLICANT: The Greater Union Organisation Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the temporary use of land for the purpose of an outdoor cinema at 141A Mount Annan Drive, Mount Annan.

The DA is referred to Council for determination as there remain unresolved issues received in 6 submissions.

SUMMARY OF RECOMMENDATION

That Council determine DA 1169/2015 for the temporary use of land for the purpose of an outdoor cinema pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by approval subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA 1169/2015 for the temporary use of land for the purpose of an outdoor cinema at 141A Mount Annan Drive, Mount Annan.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA is Crown development as the owner of the land is a statutory body. A copy of the recommended conditions was provided to the applicant for review.

As the DA is a Crown development, in accordance with clause 89 of the *Environmental Planning and Assessment Act 1979*, a consent authority (other than the Minister) must not refuse its consent to a Crown development application, except with the approval of the Minister. Further, a Crown development application for which the consent authority

is a council must not be referred to the Minister unless it is first referred to the applicable regional panel.

The DA was publicly exhibited twice for 14 days in accordance with the DCP. The first exhibition period was from 14 October to 27 October 2015. The second exhibition period was from 13 November to 26 November 2015. Six submissions were received (all objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

Council staff contacted the submission writers to discuss their concerns, however were unsuccessful in resolving the issues raised in the submissions.

The issues raised in the submissions are as follows:

- concerns with the capacity of 2000 patrons per night, carparking and traffic flows;
- noise impacts;
- impact from lighting;
- negative impacts of alcohol consumption;
- ecological considerations;
- excessive litter;
- permissibility of the use;
- public liability insurance and vandalism of local residents property;
- provision of adequate sanitary facilities;
- provision of an adequate number of security personnel;
- the type and rating of movies to be played;
- the number of residents notified is unsatisfactory;
- market competition;
- quality of application material;
- bushfire affectation;
- heritage impacts; and,
- waterfront development.

A discussion which addresses the issues and concerns raised in the submissions is provided in this report.

The site is zoned SP1 Special Activities pursuant to the Camden Local Environmental Plan 2010 (LEP). The proposed outdoor cinema is identified as a “temporary use”. Under Clause 2.8 of the LEP, temporary uses are permitted in all zones provided they operate for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months. The proposed use is therefore permissible in the zone.

The DA was referred to Roads and Maritime Services who raised no objection to the proposal.

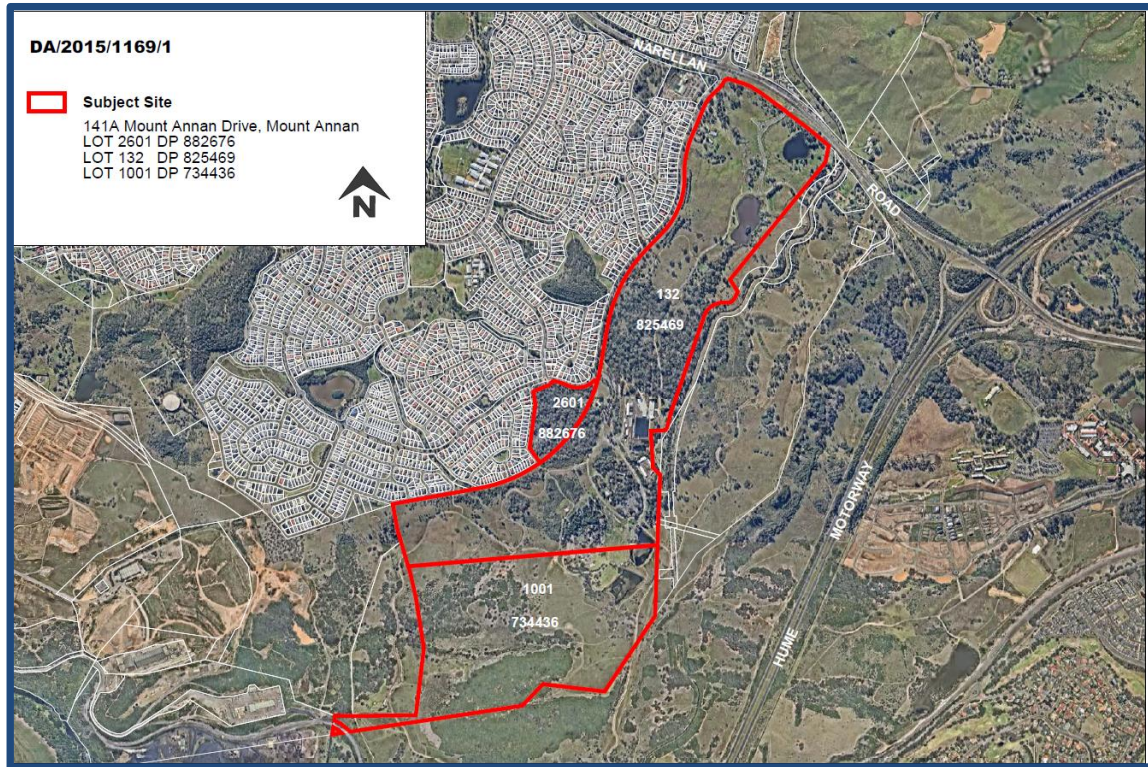
Competition between individual businesses is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*. Notwithstanding this, an outdoor cinema offers a different social experience to other cinemas in the area. Further, the outdoor cinema only offers one movie screening a night.

The application was referred to Council's Tourism Officer who advised that the addition of the moonlight cinemas at the Botanic Garden would contribute to Camden providing a variety of events for locals and visitors alike. The event will be a community activity and potentially increase visitation to Camden.

The proposed development complies with all applicable planning controls.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 141A Mount Annan Drive, Mount Annan and is legally described as Lot 2601 DP 882676, Lot 132 DP 825469 and Lot 1001 DP 734436.

The site has a frontage of approximately 530m to Narellan Road, a frontage of approximately 1.55km to Mount Annan Drive and an overall area of 111.8ha.

The site currently accommodates the Royal Botanic Gardens & Domain Trust.

The wider area is characterised by Mount Annan to the north, Currans Hills to the north-east, the Campbelltown local government area to the east and south and Spring Farm to the west.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
31 March 2015	Aroma Food and Wine Festival approved under DA 205/2015
8 April 2013	Aroma Food and Wine Festival approved under DA 101/2013
16 November 2012	Temporary use of the Lakeside Precinct for a Christmas carols event approved under DA 918/2012

11 April 2012	Aroma Food and Wine Festival approved under DA 220/2012
9 December 2010	Use of Lakeside Precinct for Christmas carols for a period of 5 years approved under DA 1239/2010

THE PROPOSAL

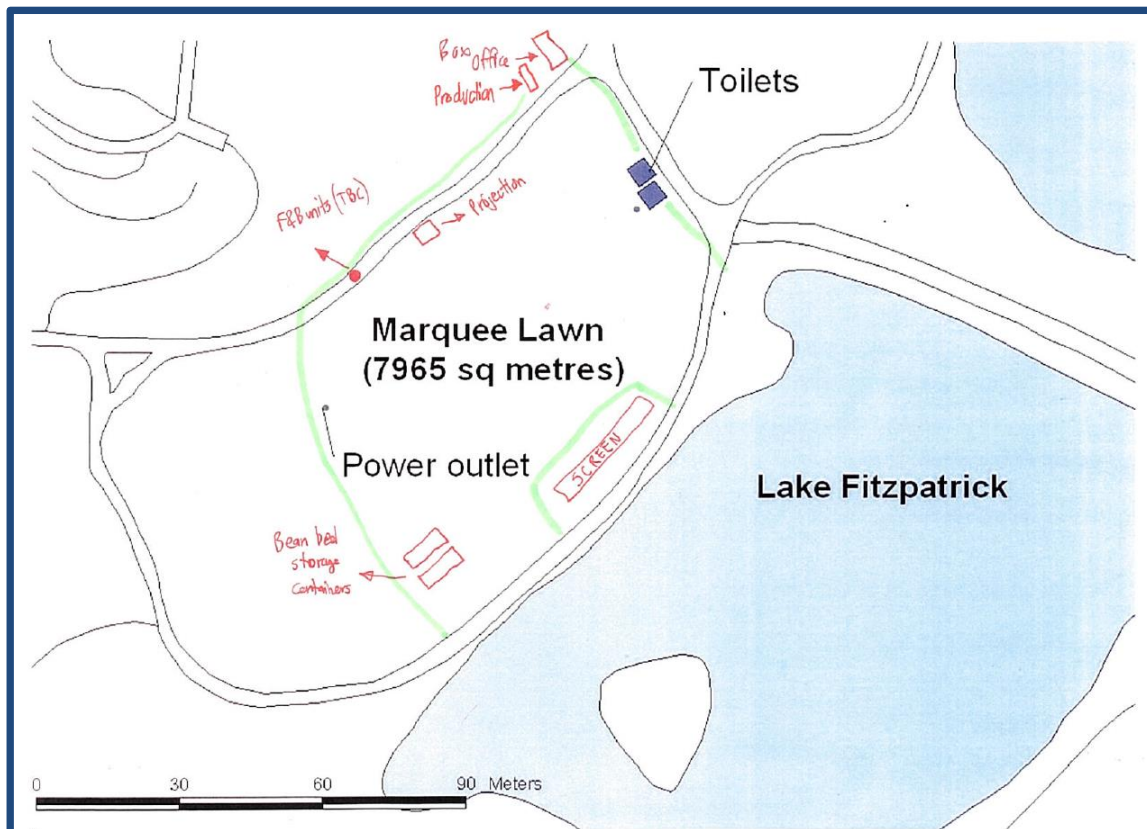
DA 1169/2015 seeks approval for the temporary use of land for the purpose of an outdoor cinema.

Specifically the proposed development involves:

- temporary use of the land for an outdoor cinema to operate from 2 January 2016 to 13 March 2016;
- provision of an inflatable screen, audio speakers, food stalls, storage containers for bean beds, box office, projection units and fencing;
- proposed site capacity limited to 2,000 patrons per night;
- proposed operation time of the event to be from 7:00pm to 11:00pm with patrons leaving the site until 12:00am; and
- proposed days of operation to be Wednesday to Sunday.

A copy of the proposed plans is provided as attachment 1 to this report.

PROPOSED PLANS



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River; and,
- Camden Local Environmental Plan 2010.

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aims of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts to the Hawkesbury-Nepean River system as a result of the proposed development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned SP1 Special Activities under the provisions of the LEP. The proposed development is defined as a "temporary use of land" by the LEP which is a permissible land uses in this zone.

Objectives

The objectives of the SP1 Special Activities zone are as follows:

- To provide for special land uses that are not provided for in other zones.

Officer comment:

The proposed development provides for a temporary outdoor cinema which is consistent with the context of a recreation area and is suitable in the zone.

- To provide for sites with special natural characteristics that are not provided for in other zones.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for an outdoor cinema, which is a temporary ancillary use of the land.

- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

Officer comment:

The proposed development is considered to be in keeping with the special characteristics of the Royal Botanic Gardens. The outdoor cinema engages the community and facilitates interest and visitation to the site. The proposed use is not considered to have any unacceptable impacts on the surrounding area.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the controls is provided after the compliance table.

Clause	Requirement	Provided	Compliance
2.8 Temporary use of Land	Development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months. The use must not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. Development consent must not be granted unless the consent authority is	The proposal seeks approval for a temporary outdoor cinema to operate from 2 January to 13 March 2016 on Wednesday through to Sunday. A condition has been included in the consent to ensure that the use does not operate for more than 52 days during the proposed operating period to ensure compliance with the LEP. A condition is also recommended limiting the temporary use to 2 January to 13 March 2016 only. The proposed structures are temporary and the land can be returned to its original condition following the end of the use. The proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality as discussed throughout the report.	Yes

Clause	Requirement	Provided	Compliance
	satisfied that: (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it	The proposed structures are temporary and the land can be returned to its original condition following the end of the use. The use will be conducted outside of daylight hours. The botanic garden is open to the public in daylight hours. As such there is no likely conflict with the existing use of the site. The proposed use will not adversely impact on adjoining land and the neighbourhood. The cinema is located a minimum of 580m downslope of surrounding residents, which is considered sufficient distance to avoid conflict with neighbours. Sufficient parking is proposed and access to the site will be via Narellan Rd. The proposed structures are temporary and will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards as discussed throughout the report. The proposed structures are temporary and the land can be returned to its original condition following the end of the use.	

Clause	Requirement	Provided	Compliance
	was before the commencement of the use.		

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
Part B 1.6 Acoustic Amenity	Ensure the amenity of nearby residential uses is not unreasonably decreased by noise intrusion	The subject site is not located within the immediate vicinity of the residential zone (580m approximately from nearest neighbour). The proposed location of the audio equipment is situated within the lakeside precinct within a natural valley area. It is considered that the proposed use will not have an unacceptable acoustic impact on nearby residents. Conditions of consent have been recommended to address acoustic impacts.	Yes
Part B 1.9 Waste Minimisation and Management	Minimise waste generation Ensure effective waste management services are provided Ensure provision of adequate storage areas within each	It is proposed that staff will undertake regular litter collections. General waste and recycling bins are to be provided. General waste as well as recycling bins will be placed in marked	Yes

Control	Requirement	Provided	Compliance
	development for waste and recyclables Ensure waste is disposed of in a lawful manner.	areas. A skip bin is proposed to be placed in the back of house and managed through the Royal Botanic Garden's regular waste management system.	
Part B5 Parking and Access	Ensure pedestrian safety Ensure adequate provision, quality and safe parking is provided Ensure suitably located parking for persons with a disability is provided.	A Traffic Management Plan has been provided. Qualified traffic controllers are proposed to direct traffic on the road and within the designated carparking areas. Parking is located on site in the form of the main existing carpark and 2 overflow parking areas. There is also additional parking on the road loop on Yandelora Circuit on the central precinct (road verge parking). No public road closures are proposed. Access to the site is proposed to be available from Narellan Road from 7:00pm and remain open until 12:00am until all patrons have vacated the premises. A condition will be included in the consent to ensure that ingress and egress to the site is via Narellan Road only (aside from emergency vehicles). The proposal was referred to Council's Traffic Engineer for assessment. It was considered that the traffic generated by the proposal will not have an unacceptable impact on the locality.	Yes

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to the proposed development.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

The application was referred to Council's Tourism Officer who advised that the addition of the moonlight cinemas at the Botanic Garden would contribute to Camden providing a variety of events for locals and visitors alike. The event will be a community activity and potentially increase visitation to Camden throughout the year.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. The outdoor cinema will contribute to increased community interest in the Royal Botanic Garden and provides a positive temporary entertainment facility to the community.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited twice for 14 days in accordance with the DCP. The first exhibition period was from 14 October to 27 October 2015. The second exhibition period was from 13 November to 26 November 2015. Six submissions were received (both objecting to the proposed development). **A copy of a Public Exhibition and Submissions Map is provided with the Business paper supporting documents.**

The following discussion addresses the issues and concerns raised in the submissions.

1. *Concerns with the capacity of 2000 patrons per night, carparking and the generation of traffic flows during ingress and egress, particularly at the Mount Annan Drive entrance.*

Officer comment

A Traffic Management Plan was submitted with the DA. The proposed access points to the site for the outdoor cinema are Narellan Road and Mount Annan Drive (Emergency Vehicles only). Traffic is proposed to be controlled by qualified traffic controllers to ensure effective ingress and egress into the site.

Satisfactory parking arrangements within the property boundaries are proposed in the form of the main existing carpark with 130 car spaces and 2 designated overflow

carparks with a combined total of 800 car spaces. There is also additional parking available on the road loop on Yandelora Circuit in the central precinct.

The operating hours of the use in the evening does not coincide with the operating hours of the Royal Botanic Gardens to the public. Therefore, the carparking on the subject site is entirely available to the patrons of the outdoor cinema in the evening.

It is considered that sufficient carparking is provided within the property boundaries and patrons are not expected to overflow onto the local roads for parking.

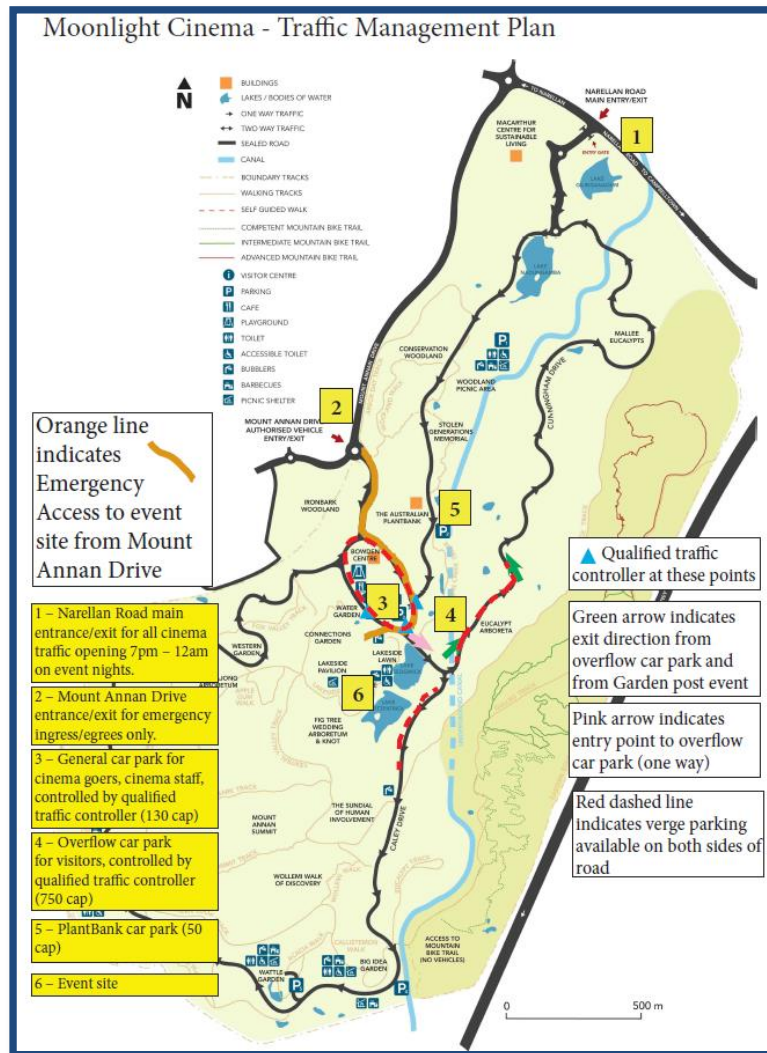
Lighting towers are proposed to be hired for the event to provide safe access to carparking area.

A revised Traffic Management Plan was submitted (shown below) which amended the location of the second overflow carpark (identified as number 5 on the Traffic Management Plan) away from Mount Annan Drive. This amendment reduces the impact on vegetation and ensures the lighting towers do not impact on adjoining residents.

A referral was sent to Roads and Maritime Authority (RMS) for consideration of the proposal. RMS raised no objections to the proposal.

A condition is recommended to require access to the site via Narellan Road (aside from emergency vehicles) to alleviate the impact of nearby residents of Mount Annan Drive. A condition is recommended that the applicant is required to contact the Roads and Maritime Transport Management Centre to adjust the phasing of the traffic signals on Narellan Road to prepare for patrons exiting the site at the conclusion of each event.

REVISED TRAFFIC MANAGEMENT PLAN



- Concerns that the operation of the outdoor cinema and large number of patrons leaving the cinema late at night will project excessive noise.

Officer comment

The location of the outdoor cinema and audio equipment on the subject site is approximately 580m to the nearest residents. The DA was referred to Council's Environmental Health Officer to identify potential acoustic impacts on the nearby locality. Council staff have assessed the potential noise impacts and are satisfied that the proposal will not have an unacceptable impact on the nearby residents.

Clarification was sought from the applicant to identify if fireworks will be displayed at the event. It was confirmed that fireworks will not be displayed and a condition is recommended to ensure that fireworks are not displayed at any event.

Conditions have been recommended to ensure that the use and occupation of the premises, including equipment installed, must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.

- The lights projections by the cinema and carparking area will cause a negative impact to the nearby residents.

Officer comment

The outdoor cinema is located a substantial distance away from nearby residents. Council staff are satisfied that the lighting projected by the use will not impact on nearby residents or traffic.

As discussed above, a revised Traffic Management Plan was submitted which amended the location of the second overflow carpark (identified as number 5 on the Traffic Management Plan) away from Mount Annan Drive. This reduces the impact on vegetation and ensures that the lighting towers do not impact on adjoining residents.

4. *Concerns with alcohol consumption and the loitering of people who are under the influence of alcohol will vandalise property, make noise and litter.*

Officer comment

The proposal entails the sale of alcohol and permits patrons to bring their own alcohol. The sale of alcohol on the premises will be monitored through the requirement of employees selling alcohol to have a valid liquor licence.

The DA was referred to Camden Local Area Command to undertake a Crime Prevention Through Environmental Design assessment. No objection was raised to the proposal subject to recommended conditions of consent.

Council staff are satisfied that subject to compliance with the recommended conditions of consent regarding controlled alcohol consumption, there will be no unacceptable impacts on nearby residents.

5. *The outdoor movies is not permissible in the SP1 Special Activities zone.*

Officer comment

The outdoor cinema is identified as a “temporary use”. Under Clause 2.8 of the LEP, temporary uses are permitted in all zones provided they operate for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months. It is considered that the Royal Botanic Gardens is a suitable location for the proposed use and provides entertainment to the local community. A condition of consent will limit the use from 2 January to 13 March 2016 only.

6. *Public liability insurance provided to the event will not cover potential damage caused to local vehicles and properties.*

Officer comment

It is a requirement that the operator of the outdoor cinema provide public liability insurance. As discussed above, the controlled sale of alcohol and provision of ample car parking will ensure that there is no overflow of patrons onto the local roads.

7. *The sanitary facilities on site are not adequate to service the number of patrons proposed.*

Officer comment

The existing toilet block adjacent to the Lakeside Precinct will be available for patrons. Council's Environmental Health Officer has assessed the provision of sanitary facilities on site. A condition is recommended to ensure that portable toilets are provided in addition to the existing facilities on site. Therefore, satisfactory sanitary facilities will be available.

8. *Concerns that food stalls will produce more people and litter.*

Officer comment

Catering services are proposed to be provided to the patrons of the outdoor cinema. A range of food and beverages will be served to patrons. General waste and recycling bins are proposed to be placed in conveniently located areas. General waste will be managed through the Royal Botanic Garden's regular waste management system. General waste will then be emptied into a skip bin which will be located in the back of house area.

Council's Environmental Health Officer has recommended conditions of consent to ensure that temporary food stalls comply with the relevant requirements of the *Food Act 2003*, the *Food Regulations 2004* and Council policies. Details of all temporary food stalls are to be provided to Council by the event organiser no less than 14 days prior to commencement of the event.

A condition is recommended that upon completion of the each movie screening, the site must be left in a clean and tidy state, including the removal of all waste materials generated by the proposal.

Council staff are satisfied that the proposal will not contribute to excessive litter as appropriate waste management measures have been identified.

9. *Impact on significant ecological communities and negative effects of litter, broken glass, and cars parked on grass.*

Officer comment

Concerns were raised that the site contains significant remnant vegetation some of which may be representative of endangered ecological communities. The site contains Shale Hills Woodlands. The overflow carparking number 5 on the Traffic Management Plan was relocated away from Mount Annan Drive to ensure that vegetation is not impacted.

No tree removal is proposed and the location of the proposal will not impact on significant vegetation. A condition will be included to ensure that no trees are removed or disturbed as a result of the proposal.

Appropriate waste management procedures have been identified and conditions are recommended to ensure that the litter is disposed of and collected efficiently.

10. *The Royal Botanic Gardens are short staffed and the proposed security personnel numbers proposed may not be sufficient.*

Officer comment

Royal Botanic Gardens rangers and security personal are proposed to patrol the area. It is a recommended condition of consent that security be present on the site throughout the entire duration of the outdoor cinema being open to patrons.

11. *What ratings will the movies be and how is age monitored.*

Officer comment

The rating and selection of movies is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

12. *The number of residents notified is unsatisfactory.*

Officer comment

The DA was publicly exhibited twice for 14 days in accordance with the DCP. The first exhibition period was from 14 October to 27 October 2015. The second exhibition period was from 13 November to 26 November 2015. The area of residents publicly notified was expanded for the second exhibition period. Council provided 125 adjoining residential households the opportunity to submit their concerns to Council.

13. *The proposal will have an financial impact on similar businesses in the area*

Officer comment

Competition between individual businesses is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*. Notwithstanding this, an outdoor cinema offers a different social experience from the experience of other cinemas in the area. Further, the cinema only offers one movie screening a night.

14. *Bushfire affectation has not been addressed*

Officer comment

The site is identified to be bushfire affected. A critical incident plan which is a current plan used by the Royal Botanic Gardens was submitted. The plan identifies prevention, preparedness, response, and recovery of emergency situations including bushfires. The plan includes details of the main and alternative emergency assembly points as well as fire hydrant locations. The critical incident plan is considered to be satisfactory.

15. *Heritage impacts have not been taken into consideration*

Officer comment

The proposal is located in the vicinity of the Upper Canal which is a State heritage item. The DA was referred to Council's heritage officer who advised that the proposal will have no impact on the Upper Canal as it is fenced off to protect its water quality. As such, patrons who attend the cinema will not have access to the Canal. It was also clarified that the NSW Office of Environment and Heritage does not require a referral.

16. *The proposed use is waterfront development and requires a Controlled Water Activity from the Department of Primary Industries Water*

Officer comment

The proposed use is located within 40m of a watercourse. A Controlled Water Activity under Clause 91 of the *Water Management Act 2000* is not required as the use and proposed structures are temporary. Council contacted the Department of Primary Industries water to clarify if a referral was required. It was clarified in writing that the DA is not Nominated Integrated Development. **A copy of the response from the DPI is provided as a Business Paper supporting document.**

17. *Quality of application material is insufficient to make an informed assessment of the proposed development*

Officer comment

The information submitted is considered sufficient to undertake a detailed assessment of the proposal. An outdoor cinema and other large scale events such as the Aroma Food and Wine Festival have been previously held on the subject site.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

Road and Maritime Services

The DA was referred to Roads and Maritime Services under Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* as the proposed use is identified as traffic generating development.

RMS raised no objection to the proposal subject to approval by Council's Local Traffic Committee. This has been discussed with Council's Traffic Engineer (a representative of the Local Traffic Committee) who advised that approval is not required to be sought from the Local Traffic Committee as there are no road closures, line marking or temporary traffic signage devices required or proposed.

Council's Traffic Engineer raised no objection to the proposal subject to recommended conditions of consent.

Camden Local Area Command

The DA was referred to Camden Local Area Command to undertake a Crime Prevention Through Environmental Design assessment to identify potential impacts on the nearby locality due to the nature of the development.

Camden Local Area Command raised no objection to the proposed development subject to recommended conditions of consent. The conditions have been included accordingly.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1169/2015 is recommended for approval subject to the conditions contained in this report.

Notwithstanding the above, as the DA is a Crown development, in accordance with clause 89 of the *Environmental Planning and Assessment Act 1979*, Council must not refuse its consent to a Crown development application, except with the approval of the Minister. Further, a Crown development application for which the consent authority is a council must not be referred to the Minister unless it is first referred to the applicable regional panel.

CONDITIONS

Details of Conditions:

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
	Site Map	Submitted with DA Documentation	Submitted with DA Documentation
	Traffic Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

Document Title	Prepared by	Date
Risk Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **Duration of Development Consent** – The outdoor cinema is consented for a maximum period of 52 days (whether or not consecutive) to begin operating 2 January 2016 with the final operation date being 13 March 2016.

The applicant is advised that a further development application is required to be submitted for any future events. In determining any further application, Council will have regard to the operation of the use within the initial approval period. It is recommended that the applicant lodge any additional applications at least three (3) months prior to the proposed commencement date.

- (3) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

7:00pm to 11:00pm with patrons exiting from the premises until 12:00am

- (4) **No Signs on Public Land** - No signs including A Frames, Digital Variable Message Boards, posters, banners and the like are to be displayed in a public place without prior written consent from Council such as an additional Development Application and/or Traffic management Plan.

Please note that no signage shall be nailed, stuck or adhered to any pole, post, tree or inanimate fixtures located on public or private land.

- (5) **Signage** – Banner signs advertising the event must be in accordance with Council's Banners and Signs on Road Reserves Policy dated 27 August 2001. Applications for the erection of signs or banners must be submitted at least ten (10) working days prior to the intended date of display. Articles may be erected for a maximum of fourteen (14) days prior to the advertised event.

- (6) **Public Liability** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.

- (7) **Temporary Structures** – Temporary structures including stages, tents, marquees or booths must be erected in accordance with the general requirements and development standards identified under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – Part 2, Division 3 Temporary Uses and Structures Exempt Development Code*

- (8) **Food and Beverage Service** – Staff responsible of the sale of alcohol must have a valid Liquor License.

- (9) **Sanitary Facilities** - Portable toilets and hand basins are required to be provided for the event and be located on the premises to where the event is held, in accordance with the *Planning Manual "Safe and Healthy Mass Gatherings" prepared by Emergency Management Australia (EMA) 1999*.

	Males			Females	
Patrons	WC	Urinals (or additional WC)	Hand Basins	WC	Hand Basins
<2000	5	11	5	12	5

(Note. The above is calculated at 75% rate based on 4 hour event and portable toilet numbers are in addition to the fixed toilets located at the premises which consist of 2 unisex toilets at Marquee lawn & two unisex toilets at the lake side Pavilion.

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- (10) **Waste Management** - All waste produced by the event must be collected and managed during the event separately from public place bins already in the park or area. All recycling waste should be separated where possible and disposed of at a licenced facility.
- (11) **Security and Safety:**
- i. Security shall be present on site during the nominated hours of operation;
 - ii. Outdoor lighting shall be installed around car parks, and exit and entry points;
 - iii. Lighting shall be designed to the Australian and New Zealand Standard 1158 – Lighting for roads and public spaces;
 - iv. All lighting shall be vandal proof throughout the complex; and,
 - v. Areas where alcohol is to be served shall have signage displayed outlining the NSW Liquor Act requirements.
- (12) **Vegetation Protection** – This consent does not permit the removal of trees or vegetation. The vegetation on the subject land shall be protected from damage throughout the duration of the temporary event.
- (13) **Fireworks** – This consent does not permit the use of fireworks.

2.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Food and Beverage Service Areas** – The construction and operation of the temporary food stalls must comply with relevant requirements of the Food Act 2003, the Food Regulations 2004 incorporating the Food Standards Code and Camden Councils Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Local Approvals Policy.
- (2) **Temporary Food Stalls** - Details of all temporary food stalls are to be provided to Council by the event organiser no less than 14 days prior to commencement of the event. Stallholders are to provide a completed Application for Approval to Conduct Temporary Food Stall in a Public Place (available on Council's website), together with appropriate application and inspection fee and a current copy of the stallholders Certificate of Currency prior to the event.
- (3) **Traffic Management Conditions:**
- i. Ingress and egress to the site shall only be via Narellan Road. No access is permitted via Mount Annan Drive (aside from emergency vehicles).
 - ii. The Road and Maritime Services Transport Management Centre is required to be contacted prior to the event to adjust the phasing of the signals as patrons are exiting the site on conclusion of the event;
 - iii. Traffic controllers shall be accredited by the RMS and be in position at all times as indicated in the Traffic Control Plans;

- iv. The organisers shall obtain NSW Police concurrence to the Special Event Approval; and
- v. The organisers shall maintain access for emergency vehicles along the closed road sections.

3.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Discharge into Waterways** - No wastewater, chemicals or other substances shall be permitted to discharge to the waterway that runs through the site or Council's stormwater system. Only clean, unpolluted water is permitted to discharge. All liquids (such as oils lubricants, hydraulic fluids, fuel, paints, detergents and any other chemicals) shall be stored in a covered and suitably bunded area.
- (2) **Music and/or Amplifiers** - Music and other amplified sound, including recorded or broadcast programmes or the like, played on the premises, shall be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists, and shall only be audible within the property boundaries.
- (3) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the *NSW Industrial Noise Policy 2000* (as amended).
- (4) **Amenity** - The event shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (5) **Waste Removal** – Upon completion of the event, the site must be left in a clean and tidy state, including the removal of all waste materials generated by the proposal.

RECOMMENDED

That Council approve DA 1169/2015 for the temporary use of an outdoor cinema at 141A Mount Annan Road, Mount Annan, subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Response from DPI - *Supporting Document*
3. Submissions - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*

