

CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS

ON MONDAY 21 OCTOBER 2013 AT 7:33PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Ross Fowler OAM read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Jim Aitken OAM and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM (left the meeting at 7:48 pm), Marcus Cornish, Greg Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Mark Davies for the period 14 October 2013 to 25 October 2013 inclusive.

APOLOGIES

There were no apologies.

His Worship the Mayor, Councillor Ross Fowler OAM then notified the meeting that there were three exchange students at the meeting and Councillor Jackie Greenow OAM introduced them to those present at the meeting. The students then presented the Mayor with a letter from the Mayor of Fujieda City, Japan, Council's Sister City for the past 30 years, and the Mayor read out the letter.

CONFIRMATION OF MINUTES - Ordinary Meeting - 30 September 2013

278 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 30 September 2013 be confirmed.

SUSPENSION OF STANDING ORDERS

279 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Greg Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:42 pm.

Ms Rhiannon Czajkowski

*Item 1 - Development Application 12/0989 Residential attached dual occupancy (No. 46)
Ironbark Drive, Cranebrook*

Ms Czajkowski, an affected neighbour, spoke in opposition to the recommendation. Ms Czajkowski stated that there are issues with noisy neighbours at this location, as well as antisocial behaviour and that she has reported this ongoing situation to the Department of Housing, to no avail.

280 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that an extension of time be granted to enable the speaker to complete her address, the time being 7:48 pm.

Councillor Kevin Crameri OAM left the meeting at 7:48 pm and did not return.

Ms Czajkowski concluded by stating her view that the Housing Department needs to instigate a better selection process for any future tenants and include conditions in the lease agreement to prevent ongoing antisocial behaviour and excessive noise.

Mr Rod Burndred

*Item 1 - Development Application 12/0989 Residential attached dual occupancy (No. 46)
Ironbark Drive, Cranebrook*

Mr Burndred, an affected neighbour, spoke in opposition to the recommendation, and in support of Ms Czajkowski's already stated concerns regarding noise, antisocial behaviour, as well as rubbish and a number of unroadworthy vehicles accumulating in the yard of the subject property. He stated that he had concerns about the number of people legally occupying the property.

281 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch that an extension of time be granted to enable the speaker to complete his address, the time being 7:55 pm.

Mr Burndred concluded his address by expressing concern over the privacy aspects for other neighbours as a result of the way the building is proposed to be situated.

Ms Brenda Tripp

*Item 2 - Development Application 13/0863 Fernhill - Race Day Lots 10 & 11 (No. 1041-1117)
Mulgoa Road, Mulgoa*

Ms Tripp, the applicant, spoke in support of the recommendation and outlined the economic, community and cultural merits of events such as the Race Day and other events on the Picnic Program. Ms Tripp outlined the benefits to the Penrith area of holding such events and that the positive aspects need to be balanced against possible traffic concerns.

Mr Tom Lawson

*Item 2 - Development Application 13/0863 Fernhill - Race Day Lots 10 & 11 (No. 1041-1117)
Mulgoa Road, Mulgoa*

Mr Lawson, spokesperson for the applicant, spoke in support of the recommendation, emphasising safety aspects. Mr Lawson outlined a summary of the works carried out to the racetrack to bring it up to the standard required by Racing NSW and Hawkesbury Race Club and advised that the race track at Fernhill is now properly licensed.

Ms Karen Callinan

*Item 2 - Development Application 13/0863 Fernhill - Race Day Lots 10 & 11 (No. 1041-1117)
Mulgoa Road, Mulgoa*

Ms Callinan, an affected person, spoke in opposition to the recommendation, with specific concerns about the traffic management plan. Ms Callinan stated that, as a resident of Farm Road, she had concerns regarding traffic being diverted along Farm Road and other back roads, during such events. Ms Callinan requested that traffic be directed along main roads in the area to avoid the likelihood of accidents.

282 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that an extension of time be granted to enable the speaker to complete her address, the time being 8:19 pm.

Ms Callinan concluded her address by requesting Council to keep Mulgoa residents up to date with any information regarding such events in the area, and also to ensure that any future events take into consideration her suggestion regarding traffic diversion to main roads only, during these events.

RESUMPTION OF STANDING ORDERS

283 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Ben Goldfinch that Standing Orders be resumed, the time being 8:23 pm.

His Worship the Mayor, Councillor Ross Fowler OAM then advised that Council would need to move into Committee of the Whole at the conclusion of Urgent Business, to consider an urgent item.

DECLARATIONS OF INTEREST

Councillor Ben Goldfinch declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 2 - Development Application DA13/0863 - Picnic Horse Racing Event to be held on 9 November 2013 at 1041 – 1187 Mulgoa Road, Mulgoa* as he is a resident of Mulgoa.

His Worship the Mayor, Councillor Ross Fowler OAM, then provided an update of the status of the bushfire emergency currently affecting the Blue Mountains and surrounding areas.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on the 14 October 2013.](#)

284 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 14 October, 2013 be adopted.

2 [Report and Recommendations of the Policy Review Committee Meeting held on 14 October 2013](#)

285 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 October, 2013 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 [Development Application 12/0989 Residential attached dual occupancy \(No. 46\) Ironbark Drive, Cranebrook](#) Applicant: NSW Land & Housing Corporation; Owner: Aboriginal House Office C/- NSW Land & Housing Corporation

286 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application 12/0989 Residential attached dual occupancy (No. 46) Ironbark Drive, Cranebrook be received.

2. The State Environmental Planning Policy No. 1 objection to the 4 metre rear set back be supported for the reasons outlined in this report.
3. Development Application DA12/0989 for the construction of two x two bedroom attached dual occupancy at Lot 319 in DP231310 (No.46 Ironbark Drive, Cranebrook) be approved subject to the following conditions:

3.1 Standard Conditions

- B004 Dust
- B005 Mud/Soil
- D001 Implement Sediment & erosion control
- D005 No fill without prior approval
- D006 No filling without prior approval
- D009 Covering of waste storage area
- D010 Appropriate disposal of excavated or other waste
- G003 Section 73 – Sydney Water
- G004 Integral energy
- G005 Rainwater tank - plumbing
- H039 Rainwater tank pumps
- H041 Hours of work (other devt)
- K202 Roads act – minor roadworks
- K208 Stormwater Discharge – Minor Development
- K209 Stormwater Concept Plan
- L001 General Landscaping
- L002 Landscaping Construction
- L005 Planting of plant material
- L006 Australian Standard requirements for planting and landscaping
- L007 Tree protection measures
- P001 Costs
- P002 Fees Associated with Council Land
- Q010 BASIX Certificate

3.2 Special Conditions

- 3.2.1. The provision of high feature trees (Melaleuca and Angophora) located in the south portion of the site shall be revised to comprise of Grevillea and Lomandra (as identified in red) on the stamped approved Landscape Concept Plan.
- 3.2.2. The existing palm tree to the south of the site shall be removed as identified in red, on the stamped approved Landscape Concept Plan.
- 3.2.3. The development must be implemented substantially in accordance with the following plans:

Drawing Title	Drawing No.	Rev	Prepared By	Dated
Site Plan	BG9SP(Sheet 2 of 9)	F	Hely Horne Perry Architects Pty Ltd	29.7.13
Ground Floor Plan	BG9SP(Sheet 3 of 9)	C	Hely Horne Perry Architects Pty Ltd	21.5.13

Elevations	BG9SP(Sheet 5 of 9)	C	Hely Horne Perry Architects Pty Ltd	21.5.13
Sections	BG9SP(Sheet 6 of 9)	C	Hely Horne Perry Architects Pty Ltd	21.5.13
Landscape Plan	BG9SP (sheet 8 of 9)	C	Hely Horne Perry Architects Pty Ltd	21.5.13
Concept Drainage Plan	BG9SP (Sheet 16986H02)	B	Hely Horne Perry Architects Pty Ltd	12.3.13
Schedule of External Finishes	-	-	Hely Horne Perry Architects Pty Ltd	-

and stamped approved by Council and any supporting information received with the application, except as may be amended by the following conditions.

- 3.2.4. The work must be carried out in accordance with the requirements of the Building Code of Australia.
- 3.2.5. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia.
- 3.2.6. **Prior to the Occupation of the development**, the Land and Housing Corporation shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 4. A letter be sent to the Minister for Housing and the Member for Penrith expressing Council's concerns regarding the previous management of the property and seeking effective management of this property in future.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Against

Councillor Prue Car
 Councillor Greg Davies
 Councillor John Thain
 Councillor Karen McKeown
 Councillor Michelle Tormey
 Councillor Jackie Greenow OAM
 Councillor Jim Aitken OAM
 Councillor Ben Goldfinch
 Councillor Tricia Hitchen
 Councillor Ross Fowler OAM

Councillor Maurice Giroto
 Councillor Bernard Bratusa
 Councillor Marcus Cornish

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 2, Councillor Ben Goldfinch left the meeting, the time being 8:48 pm.

2 **Development Application 13/0863 Fernhill - Race Day Lots 10 & 11**
(No. 1041-1117) Mulgoa Road, Mulgoa Applicant: Brenda Tripp;
Owner: Angas Securities Limited

287 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Development Application DA13/0863 - Picnic Horse Racing Event to be held on 9 November 2013 at 1041 – 1187 Mulgoa Road, Mulgoa is received.
2. Development Application 13/0863 seeking consent to Conduct a Picnic Horse Racing Event to be held on 9 November 2013 at 1041 – 1187 Mulgoa Road, Mulgoa be approved subject to the following conditions:
 - 2.01 This consent permits the running of the “Fernhill Picnic Horse Racing Event” on 9 November 2013. Any future events on the site would require a separate application for development approval, demonstrating compliance with all conditions of this consent, must be lodged, and approval obtained, prior to operation.
 - 2.02 The maximum number of tickets available for spectators involved in the “Fernhill Picnic Horse Racing” Event is limited to 20,000 people. Children under 14 are not included with the maximum spectator numbers. Evidence of compliance is to be provided to Penrith City Council within three (3) weeks of the event concluding.
 - 2.03 All entertainment and trading including the operation of a Public Address and speaker system is to cease at 9.00pm on the day of the event.
 - 2.04 The development shall comply with the provisions of the Building Code of Australia at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire fighting facilities.
 - 2.05 The event shall comply with all the requirements and undertakings given to and approved by the NSW Police.
 - 2.06 Event organisers will be available at a mutually convenient time, at the invitation of Penrith City Council and/or Penrith Police, to discuss and action agreed Community Safety or Security issues in conjunction with other local Penrith stakeholders should the need arise.
 - 2.07 Access to car parking area, spectator areas and sanitary facilities for persons with disabilities is to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 “Design for Access and Mobility”.
 - 2.08 The temporary tent structures, stages and grandstands, when erected, are to fully comply with Part B1 and NSW Part H102 of Volume One

of the Building Code of Australia. A Structural Engineer's Certificate is to be submitted to Council prior to the event, certifying the structural adequacy of the structures.

The maximum number of patrons permitted within any part of the structures is to be clearly displayed in a prominent position on each structure.

- 2.09 The event structures are to be inspected by Penrith City Council at least 24 hours before the event operates for the public. Fees for the inspection are to be paid, as detailed in Penrith City Council's Fees and Charges, and will be invoiced accordingly.
- 2.10 The event shall be managed in accordance with the requirements of Schedule 3A - Places of Public Entertainment of the Environmental Planning and Assessment Regulation 2000.
- 2.11 Portable fire extinguishers shall be provided in all areas in accordance with Australian Standard AS 2444-2001 and BCA Part E1.6, with certification submitted to Council prior to the event.
- 2.12 Two NSW Rural Fire Service Category 1 fire truck shall be provided on the site for the race day.
- 2.13 Access to the site for the NSW Fire Brigades/ Rural Fire Service/ NSW Ambulance Service is to be made available at all times during the operation of the event.
- 2.14 Helicopters are not to be used as a method of transporting people to and from the Fernhill Estate, except when responding to any medical emergencies.
- 2.15 In the event that a helicopter needs to attend the site for a medical emergency, instructions are to be provided that overhead power lines are within the site and due care is to be taken when responding to the emergency.
- 2.16 Bins are to be provided at Penrith Station / Penrith Paceway and removed at the conclusion of the event. The area utilized by the event at Penrith Station/ Penrith Paceway is to be satisfactorily cleaned to that of pre-event conditions.
- 2.17 Appropriate place barriers are to be used to direct the pedestrians towards the bus entry point at Penrith Station.
- 2.18 The Event Management Plans prepared by Global Event Management Pty Ltd, dated August 2013 is to be updated to include the Risk Management Plan, as referred to in this document. The report is to be submitted to Council for consideration a minimum of two weeks before the event.

Transport Management Plan

- 2.19 The recommendations from the Local Traffic Committee Meeting, held on 14 October 2013 are to be implemented in relation to the event (Refer to Appendix 5 to the Notice of Determination).

Potable Water Supply

- 2.20 A Potable Water Supply Management plan is to be provided to Council at least two weeks before the event demonstrating how potable water will be supplied to all required fixtures including food stalls, bars, showers, hand wash basins and stations, and anywhere else where a potable supply is required.

The plan shall demonstrate how residual chlorine will be measured and recorded at the supply, delivery of water to storage tanks, and at the end use.

The plan should also include information on storage tanks, pumps and the distribution system, tank cleaning, location of storage tanks, and the security of tanks and the water supply.

- 2.21 The potable water supply shall be maintained in accordance with the *Australian Drinking Water Guidelines* 2004 and the NSW Health *Private Water Supply Guidelines* 2008. A residual of 0.2 to 0.5 mg/L free chlorine must be maintained in the water supply at all times.
- 2.22 Residual chlorine must be measured and recorded at the supply, delivery of water to storage tanks, and at the end use. Additional chlorine must be added if residuals cannot be maintained in accordance with NSW Health guidelines. Stored water shall be tested and results recorded a minimum of every 2 hours. Records must be available for Council's Environmental Health Officers to inspect at all times.
- 2.23 The supply of water shall be completed in accordance with the *NSW Guidelines for Water Caterers* (NSW Health & NSW Food Authority 2012). The carter must have approval or licensing from Sydney Water or other Water Authority to take water from their supply and the event coordinator must notify Council before the event where water is being sourced from.
- 2.24 Any water carter providing potable water for the event must make available to Council, for inspection, before the event their water carts, cleaning records and logs, and chlorine testing equipment. The supply of water shall be completed in accordance with the *NSW Guidelines for Water Caterers* (NSW Health & NSW Food Authority 2012) and the carter must have approval or a license from Sydney Water or other Water Authority to take water from their supply.

Food

- 2.25 A detailed Food Management Plan is to be provided to Penrith City Council a minimum of two weeks prior to the event, outlining all aspects of the food supply, storage, and delivery. The food management plan should cover all food supplied to staff and the public for this event. The plan, as a minimum, should include the following:

- Food suppliers

- Transport of the food to the event;
- Food storage
- Temperature control (cool rooms etc)
- Hand washing facilities and cleaning facilities
- Water, electricity and gas supplies
- Wastewater disposal
- Garbage bins and disposal
- Food display and fixtures
- Construction of stalls

2.26 Penrith City Council requires all food businesses attending this event to apply to Council for an approval to sell food. This application must be submitted to Council a minimum of two weeks before the event to allow Council sufficient time to assess the applications. Late applications will not be considered or approved. Council will provide the event organiser with a list of approved food businesses prior to the event.

Application to sell food forms are available on Council's website:
www.penrithcity.nsw.gov.au

Note: A person selling food or operating stalls or mobile vans used for selling food for human consumption, including produce, fruit and vegetables, drinks, or pre-packaged food, is deemed to be a 'food business' under the Food Act 2003. This includes not-for-profit organisations.

2.27 Prior to the operation of the food business at this event all food businesses must notify the NSW Food Authority of their details including:

- Contact details for the food business, including the name and address of the business and the proprietor of the business.
- The nature of the food business.
- The location of any other food premises associated with the food business, within the jurisdiction of NSW Food Authority.

Notification can be completed free of charge on the NSW Food Authority's Food Notify website at www.foodnotify.nsw.gov.au.

2.28 A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by each individual food business prior to the event. The certificate must be available at the day of the event for inspection by Council's Environmental Health Officers.

2.29 The proprietor of the food business shall ensure that the requirements of the following legislation, codes, and guidelines are met at all times:

- NSW Food Act 2003

- NSW Food Regulation 2010
 - The Australian and New Zealand Food Standards Code
 - Guidelines for Temporary Events (NSW Food Authority 2012), and
 - Mobile food vending vehicles: *Operation, construction and food handling guidelines* (NSW Food Authority 2009)
- 2.30 Coolrooms must be supplied by the event organisers for all food vendors and power must be maintained to these coolrooms. The event coordinator is to liaise with food businesses as to their coolroom and storage needs. Cool room temperatures must be routinely monitored and temperatures recorded. An alarm system must be provided to ensure correct temperatures are maintained overnight.
- 2.31 Toilets must be provided for all food handlers and maintained in a hygienic condition. These toilets must be separate to other event toilets and not available to the general public, employees or officials. The toilets must be located in the immediate vicinity of the food stalls and there should be sufficient toilets to cover the needs of all food handlers. Toilets shall be supplied with a hand washing facilities that provide warm water through a single outlet and be provided with soap and paper towels.

Petting Zoo

- 2.32 Hand sanitiser must be readily available for people handling and coming into contact with animals. Signage must be provided directing people to the hand sanitiser and warning people of the risks associated with handling animals.

Waste and Wastewater

- 2.33 Temporary sanitary facilities shall be provided for the event in accordance with Table F2.3 of the Building Code of Australia.
- 2.34 The provisions of toilets for the event are to comply with Clause 34 of Chapter 5 in the Emergency Management Practice Manual, prepared by the Attorney General's Department.
- 2.35 All toilet and wastewater facilities are to be operated and located in a suitable location so not to cause water pollution either through direct flow into the dams, tributaries or through stormwater drainage system. In the event wastewater enters the dams, tributaries or stormwater system, immediate action is to be taken to minimise any environmental or public health impacts. In addition Council is to be notified of the incident within 24 hours.
- Any wastewater discharge or spill is to be cleaned up immediately with the waste being disposed of by a licensed waste contractor.
- 2.36 All toilets and wastewater facilities are to be maintained in a clean manner for the duration of the event. The facilities are to be pumped out at a frequency deemed necessary to maintain cleanliness.

- 2.37 A wastewater discharge point is to be provided for food businesses by the event manager for all sullage, greywater and wastewater. No wastewater is to be discharged to the environment. All wastewater is to be transported and disposed off at a lawful and licensed facility by a NSW EPA licensed contractor. Copies of receipts are to be provided to Council.
- 2.38 Adequate waste and recycling facilities are to be located around the spectator area to cater of waste disposal. Separate waste and recycling facilities are to be provided for the food and refreshment business. Bins are to be located as to not cause pollution and are be frequently emptied.
- 2.39 Any general waste located within the local road network affected by the local traffic diversions (St Thomas Road, Farm Road & Littlefields Road) is to be removed from these locations within one (1) week of the event being held.

Noise

- 2.40 The services of a suitably qualified consultant is to be engaged to conduct noise testing during the event and provide an Event Acoustic Report to be submitted to Penrith City Council **within twenty eight (28) days of the event.**

The Event Acoustic Report is to comply with Australian Standard AS1055 Acoustics - Description of measurement of environmental noise and New South Wales Environment Protection Authority Industrial Noise Source Policy 2000.

- 2.41 Noise generated by the activity after 10pm is not to exceed the Sleep Disturbance Criteria provided in the Environmental Protection Authorities Industrial Noise Policy. In the event that the continuous noise monitoring detects any exceedance, the noise levels are to be reduced immediately.
- 2.42 A community contact hotline (landline and mobile) by the event organiser is to be made available to the surrounding area in case noise nuisance occurs. Any complaints are to be reported to the event manager and where necessary action is to be taken to resolve the noise nuisance. The event manager if so required by an authorised officer, the acoustic consultant or the NSW Police Force must have the authority to order the reduction of noise level produced.
- Two (2) weeks prior to the event being held, details of the noise complaint hotline (including landline and mobile phone) are to be distributed to residents within 500m of the property boundaries of the site.

Environmental Management

- 2.43 Erosion and sediment control measures shall be installed prior to the commencement of works on site. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the

Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

No activities are to result in the pollution of waterways. All waterways located near the event sites (including the race track), whether ephemeral or otherwise, are to be appropriately protected with the use of sedimentation controls. No riparian or aquatic vegetation is to be removed as part of the event. The erosion and sedimentation controls are to be maintained until such time as any disturbed areas have been stabilised.

- 2.44 The 'Fernhill Picnic Races, Fernhill Estate Mulgoa: Draft Environmental Management Plan' prepared by GHD dated October 2013 is to be implemented and adhered to during the construction and operational phases of the event. The checklists included in Appendix B and Appendix C is to be completed as required by the Environmental Management Plan and submitted to Council **within twenty eight (28) days of the event.**
- 2.45 The 'Fernhill Picnic Races: Dust Management and Runoff Prevention Plan' dated 25 September 2013 is to be implemented and adhered to during the construction and operational phases of the event in relation to all areas of the Fernhill Estate utilised for the picnic races event.
- 2.46 All waste generated by the horses associated with the event are to be disposed of in accordance with the existing Fernhill Estate waste management program, as outlined in the 'Supplementary Information' prepared by Global Event Management Pty Ltd dated September 2013.
- 2.47 The hosing out of the temporary horse stables/structures with water for cleaning purposes is not permitted. Stables are to be cleaned using predominantly dry methods that limit the use of water. Acceptable methods would include sweeping, mopping and manual collection and disposal of horse manure.
- 2.48 All wastewater generated by the use of the horse washbays is not to enter waterways. This wastewater is to be captured and disposed of to an appropriately licensed waste management facility.
- 2.49 No trees or other vegetation (including native understorey and grass species) are to be removed, ringbarked, cut, topped, lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order Policy. Tree protection measures may be required where vehicles or

structures will be near trees.

- 2.50 No fill, machinery or materials are to be placed or stored within the drip-line of any tree, unless appropriate tree protection measures are in place.
- 2.51 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 2.52 Dust suppression and minimisation strategies must be employed to manage potential dust nuisances within the site. This is to apply to parking areas, access roads and within the event site.
- 2.53 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 2.54 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 2.55 All disturbed areas that have experienced loss of ground cover or other vegetation as a result of the event is to be rehabilitated using native seed (including when seed spraying) or plants suitable to the local community and is to be of local provenance (western Sydney) only. No exotic plants or grasses are to be used. A list of suitable species is to be sought from a suitably qualified ecologist.

Security and Safety

- 2.56 The applicant must provide a combination of security personnel and paid Policing for the duration of the event. This includes a number of security guards on the site determined in conjunction with Penrith Police and agreed to by Penrith City Council **2 weeks prior to the event.**

Drug and Alcohol Management

- 2.57 The guidelines contained in the Alcohol Management Plan must be adhered to by security and event staff to promote responsible consumption of alcohol and minimise opportunities for alcohol-related antisocial behaviour to occur.
- 2.58 Security personnel must be provided within the on-site car park and at each bar area for crowd control and to monitor intoxicated persons and minimise alcohol-related antisocial behaviour.
- 2.59 Glass containers must not be permitted, with plastic containers or cans to be used instead. All cans must be opened at the bar.
- 2.60 Bags shall be searched upon entry in accordance with the "Fernhill Estate Race Day Security Planning Document" provided by the

applicant. Eskies shall not be permitted into the event.

- 2.61 Alcohol must not be brought in to the event, but must only be purchased on site from the licensed vendors. The consumption of alcohol within the car park on the site is not permitted.
- 2.62 Bar areas must comply with all RSA and legislative requirements concerning the sale and service of alcohol.
- 2.63 Free water must be provided at all bar areas and bottle refilling stations.

Crowd Management

- 2.64 The Crowd Control procedures provided in the “Fernhill Estate Race Day Security Planning Document” must be adhered to by security and event staff throughout the event.
- 2.65 Event organisers must be able to communicate with the crowd both for public announcements and in emergencies.

Major and Medical Incidents

- 2.66 The ‘Sydney’s Country Race Day Medical Plan’ provided by the applicant must be followed by all event staff. Training should be provided to staff to ensure they are familiar with the plans and steps that should be followed in the event of an incident or emergency.
- 2.67 Records should be kept of all incidents at the event, and should include details such as the date, location and time of incident, description of incident, contact details of person involved, and action taken.

Lighting and Power

- 2.68 Lighting is to be provided within the car park at Penrith Station and Penrith Paceway for the duration of the event.
- 2.69 Lighting should be provided to clearly illuminate entry and exit points, food stalls, toilets, first aid areas and stage area.
- 2.70 Access to the main lighting or house lights is essential in case of an emergency. The location of the controls for these lights, and the operation of the controls, must be known to those on-site responsible for emergencies.

Signage

- 2.71 Clear signage should be displayed throughout the event to clearly indicate entry/exit points, public transport locations, emergency help points, toilets, first aid, stage locations, telephones, vendors and licensed/non-licensed areas.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Michelle Tormey
Councillor Maurice Giroto
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish

Against

Councillor Karen McKeown
Councillor Jackie Greenow OAM
Councillor Jim Aitken OAM

Councillor Ben Goldfinch returned to the meeting, the time being 9:15 pm.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

3 [Magnetic Places Neighbourhood Renewal Community Cultural Grants Program 2013-14](#)

288 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Magnetic Places Neighbourhood Renewal Community Cultural Grants Program 2013-14 be received.
2. The seven projects recommended by the assessment panel be funded as listed in Appendix 1.
3. All projects not funded as listed in Appendix 2 are provided with feedback including other avenues of funding.

4 [Tender Reference 13/14-07 – Construction Work for Amenities Block at Blair Oval, St Marys](#)

289 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Tender Reference 13/14-07 – Construction Work for Amenities Block at Blair Oval, St Marys be received.
2. The tender for the construction works to BMX/Athletics Amenities for the amount of \$249,900.00 (ex GST) from AUSCORP Constructions Pty Ltd be accepted.
3. The Common Seal of the Council of the City of Penrith be placed on all

documentation if necessary.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

5 [Floodplain Management Association 54th Annual Conference - 20 to 23 May 2014](#)

290 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Floodplain Management Association 54th Annual Conference - 20 to 23 May 2014 be received.
2. Councillors Greg Davies, Jackie Greenow OAM, Jim Aitken OAM, Kevin Crameri OAM and Michelle Tormey, and any other interested and available Councillors, be Council's delegates to the 2014 Floodplain Management Association Conference and Workshops to be held at Deniliquin from 20 May 2014 to 23 May 2014.
3. Leave of absence be granted to those Councillors attending the Conference from 20 May 2014 to 23 May 2014 inclusive.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

6 [Audit Committee](#)

291 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Audit Committee be received.
2. Council endorse the revised Charter of Internal Audit.

7 [2012-13 Financial Statements](#)

292 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch that the information contained in the report on 2012-13 Financial Statements be received.

8 [Pecuniary Interest Returns](#)

293 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch that the information contained in the report on Pecuniary Interest Returns be received.

9 Summary of Investments & Banking and the Agency Collection Methods for the period 1 September to 30 September 2013

294 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Summary of Investments & Banking and the Agency Collection Methods for the period 1 September to 30 September 2013.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 September 2013 to 30 September 2013 be noted and accepted.
3. The graphical investment analysis as at 30 September 2013 be noted.
4. The Agency Collection Methods as at 30 September 2013 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Overhanging Trees - Emu Heights

Councillor Marcus Cornish requested a memo reply to all Councillors regarding the trimming of overhanging trees in Palomino Road and Annie Spence Close, Emu Heights.

RR 2 Emergency Road Link - Emu Heights

Councillor Marcus Cornish requested a report to Council investigating the cost of providing an emergency road link between Emu Heights and Mt Riverview (also including Yellow Rock), continuing Emu Plains Road to Riverside Road, Emu Heights, or similar options.

RR 3 Reserve Street Carpark, Penrith

Councillor Marcus Cornish requested a memo reply to all Councillors detailing the cost of sealing and line marking the Reserve Street carpark in Penrith, including how many cars could be accommodated. In addition, providing information as to the future use and sale of the property.

RR 4 Regional Tennis Centre

Councillor Bernard Bratusa requested a memo reply to all Councillors providing an update on the status of the Regional Tennis Centre, in particular where it is likely to be located.

RR 5 Graffiti - Victoria Bridge

Councillor Bernard Bratusa requested a memo reply to all Councillors concerning action taken to remove graffiti from the pylons of Victoria Bridge.

RR 6 Great River Walk Signage

Councillor Bernard Bratusa requested a memo reply to all Councillors concerning graffiti on the signage for the Great River Walk.

RR 7 Access to Commuter Car Park, Penrith Railway Station

Councillor Bernard Bratusa requested a memo reply to all Councillors concerning multiple breaches of temporary access directions to the commuter car park in North Penrith.

RR 8 Fernhill Development

Councillor Jim Aitken OAM requested a memo reply to all Councillors in response to a number of questions raised by a constituent with regard to the Fernhill development at Mulgoa.

RR 9 Carpark at Nepean Hospital

Councillor Jackie Greenow OAM requested a memo reply to all Councillors providing a status report on what improvement has been made on parking issues in the vicinity of Nepean Hospital, since the new carpark at the Hospital has become operational.

RR 10 Proposed Football Team for South Creek

Councillor John Thain requested a memo reply to all Councillors regarding support for the establishment of a new football team for South Creek. Councillor Thain requested that the Access Committee and other disability groups in the Penrith LGA be contacted, seeking their support.

RR 11 Proposed Wheelchair Rugby League Club

Councillor John Thain requested a memo reply to all Councillors with regard to the possibility of establishing a Wheelchair Rugby League Club in the Penrith area, and requesting the use of the Mayoral Column and Penrith City Council social media, as well as contacting relevant disability organisations to assist in promotion of this proposal.

RR 12 Carer Car

Councillor Greg Davies requested a memo reply regarding the purchase of a table for Councillors to attend the fundraising function at Penrith Paceway on the evening of Thursday, 24 October 2013.

RR 13 Additional Waste Collection during Christmas Period 2013-2014

Councillor Marcus Cornish requested a memo reply on the status of his request for additional

waste collection days during the Christmas Period 2013-2014.

RR 14 School Pedestrian Crossing Flags

Councillor Prue Car requested a memo reply to all Councillors regarding the process required of local schools to put flags on school pedestrian crossings, and in particular, to address whether school principals are being required to put the flags out themselves.

COMMITTEE OF THE WHOLE

295 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch that the meeting adjourn to the Committee of the Whole to deal with the following matter, the time being 9:47 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Greg Davies seconded Councillor Ben Goldfinch that the press and public be excluded from Committee of the Whole to deal with the following matters:

2 Penrith Lakes

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contract to the public interest.

The meeting resumed at 10:25 pm and the General Manager reported that the Committee of the Whole met at 9:47 pm on 21 October 2013, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Jim Aitken OAM and Councillors Bernard Bratusa, Prue Car, Marcus Cornish, Greg Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendation to Council.

CONFIDENTIAL BUSINESS

2 Penrith Lakes

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

CW2 That the information regarding Penrith Lakes be received and noted.

ADOPTION OF COMMITTEE OF THE WHOLE

296 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Ben Goldfinch that the recommendations contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:26 pm.

I certify that these 21 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 21 October 2013.

Chairperson

Date