

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

ON MONDAY 24 MARCH 2014 AT 7:40PM

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, Marcus Cornish, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Michelle Tormey for the period 4 March 2014 to 11 April 2014 inclusive and to Councillor Greg Davies for 24 March 2014.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Extraordinary Council Meeting - 10 March 2014

47 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch that the minutes of the Extraordinary Council Meeting of 10 March 2014 be confirmed.

Procedural Motion

48 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the Mayoral Minutes be considered before suspending standing orders to allow members of the public to address the meeting.

DECLARATIONS OF INTEREST

Councillor Jackie Greenow OAM declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - International Relations Program 2014*, as she is a member of the International Friendship Committee. Councillor Greenow OAM stated that she would leave the Council Chambers during consideration of this item.

Councillor Bernard Bratusa declared a Non-Pecuniary Conflict of Interest – Less than

Significant in *Notice of Motion Item 1 - Reopening of High Street, Penrith to Traffic through Triangle Park* as he is on the Board of the Penrith CBD Corporation.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Significant in *Item 3 – Fernhill Estate Events - Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041 -1187 Mulgoa Road, Mulgoa* and *Item 4 - Fernhill Estate Events - Development Application DA13/1505 for Fernhill Estate Symphony Concert at 1041 - 1187 Mulgoa Road, Mulgoa* as his wife is the Member for Mulgoa and the Development Application involves State Agencies, including the Office of Heritage and Environment.

Councillor Ben Goldfinch declared a Non-Pecuniary Conflict of Interest - Less than Significant in *Item 3 – Fernhill Estate Events - Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041 -1187 Mulgoa Road, Mulgoa* and *Item 4 - Fernhill Estate Events - Development Application DA13/1505 for Fernhill Estate Symphony Concert at 1041 - 1187 Mulgoa Road, Mulgoa* as he is a resident of Mulgoa.

MAYORAL MINUTES

2 [Passing of Samuel Morris](#)

49 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the Mayoral Minute on Passing of Samuel Morris be received.

The Deputy Mayor, Councillor Jim Aitken OAM and Councillors John Thain, Mark Davies and Prue Car spoke in support of the Mayoral Minute.

1 [Passing of Roger Nethercote](#)

50 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Passing of Roger Nethercote be received.

Councillors John Thain and Mark Davies spoke in support of the Mayoral Minute.

3 [Congratulations to Suzi Flynn on Ministers' Award for Women in Local Government](#)

51 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Congratulations to Suzi Flynn on Ministers' Award for Women in Local Government be received.

Councillor Jackie Greenow OAM spoke in support of the Mayoral Minute.

His Worship the Mayor, Councillor Ross Fowler OAM then presented Suzi Flynn with a framed copy of the Mayoral Minute congratulating her on receiving the Ministers' Award.

At the conclusion of consideration of the Mayoral Minutes, the Mayor, Councillor Ross Fowler OAM asked the Councillors, staff and gallery to stand for one minute's silence to

acknowledge the passing of Samuel Morris and Roger Nethercote.

Councillor Mark Davies left the meeting, the time being 8:07pm.

SUSPENSION OF STANDING ORDERS

52 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 8:08pm.

Ms Brenda Tripp

Item3 – Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041-1187 Mulgoa Road, Mulgoa

Ms Tripp, the applicant, spoke in support of the recommendation and advised that she was aware of residents' concerns with issues associated with use of the function centre, such as possible traffic congestion and noise. Ms Tripp stated that there were other venues in the Mulgoa area that also host functions and have on street parking issues, and that Fernhill has ample onsite parking. Ms Tripp advised that Fernhill has a strict noise management plan and a function manager in attendance at all times, and that they have adopted their plans to address neighbours' concerns.

Councillor Mark Davies returned to the meeting, the time being 8:13pm.

53 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM that an extension of time be granted to enable the speaker to complete her address, the time being 8:15 pm.

Ms Tripp concluded by stating that holding events and functions at Fernhill allows the estate to be shared with other people and that this also benefits local businesses, and requested that the applicants be given a chance to prove themselves.

Mr Rod Johnson

Item3 – Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041-1187 Mulgoa Road, Mulgoa

Mr Johnson, an interested neighbour, spoke in support of the recommendation and stated that he believed holding events at Fernhill would provide many benefits to the community including the area gaining a profile throughout Sydney for such events. Mr Johnson concluded that while there may be some traffic and noise issues associated with functions being held at Fernhill, the benefits to the local businesses and the community outweigh the slight, occasional inconvenience.

Ms Karen Callinan

Item3 – Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041-1187 Mulgoa Road, Mulgoa

Ms Callinan, an affected person, spoke in opposition to the recommendation. Ms Callinan expressed concerns that events may be held without approval and stated that this has occurred in the past at Fernhill. Ms Callinan sought clarification on the days the site has been utilised as a function centre under temporary land use provisions.

54 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Prue Car that an extension of time be granted to enable the speaker to complete her address, the time being 8:31 pm.

Ms Callinan concluded by reiterating her concerns regarding non-compliance with Council regulations and stated that she favoured a less aggressive business plan for the future of Fernhill so that the goals of preservation of Fernhill and providing income for its upkeep are not mutually exclusive.

Dr Heng Tey

Item3 – Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041-1187 Mulgoa Road, Mulgoa

Dr Tey, an affected neighbour, spoke against the recommendation and stated that Mulgoa is not a village designed for major activity involving a large number of participants. Dr Tey stated that during a previous event held at Fernhill, there was a lot of noise which could be heard throughout the valley and that the traffic congestion was extremely disruptive and that he views this as a serious issue if emergency services vehicles were needed in the area. Dr Tey concluded by stating that the noise levels from music being played at events resulted in residents being unable to sleep at night, especially as some events continue until 2.00am.

Mr Peter Harvey

Item3 – Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041-1187 Mulgoa Road, Mulgoa

Mr Harvey, representing the Mulgoa Progress Association, spoke against the recommendation on behalf of residents. Mr Harvey noted residents' concerns about the effects on amenity of Mulgoa valley as a result of multiple functions being held at Fernhill. Mr Harvey stated that the topography of the valley results in noise being carried long distances and that this will always be an issue when functions are held at the site.

55 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that an extension of time be granted to enable the speaker to complete his address, the time being 8:43pm.

Mr Harvey concluded by stating that development applications for functions could be unspecific and could include any type of function, ie inside, outside, and noise or lighting for an extended duration. Mr Harvey also stated that in his view a 'hotline' for resident complaints is not the answer to the concerns raised by Mulgoa residents.

Dr Michael Hunter

Item 3 – Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041-1187 Mulgoa Road, Mulgoa

Dr Hunter, an affected neighbour spoke in opposition to the recommendation. Dr Hunter stated that with more vehicular activity in the area, properties may be impacted by an increase in burglaries. Dr Hunter added that residents have already been kept awake by noise at night from functions being held at Fernhill. In addition, Dr Hunter expressed concerns about the roads in the area being not wide enough and therefore unable to sustain a regular increase in traffic volume.

56 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies that an extension of time be granted to enable the speaker to complete his address, the time being 8:52pm.

Dr Hunter concluded by stating that Mulgoa valley is an 'echo chamber' and that the sound monitoring equipment has been located in the wrong place.

Mr Graham McGregor

Item 3 – Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041-1187 Mulgoa Road, Mulgoa

Mr McGregor, an affected neighbour, spoke against the recommendation, citing his desire to maintain a quiet enjoyment of the rural nature of the valley. Mr McGregor stated that as his property is only 500m from the Hayshed on the Fernhill Estate he was very concerned about noise and vibration issues, if there are to be regular events held at this venue. Mr McGregor also stated that Mulgoa Valley forms a noise funnel, so that noise carries throughout its entirety, and suggested that Council place noise monitors on nearby residences.

57 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Maurice Giroto that an extension of time be granted to enable the speaker to complete his address, the time being 8:59pm.

Mr McGregor concluded his address by stating that there are no barriers for sound mitigation and that in his view events involving music should not be permitted. Mr McGregor also made a brief reference to traffic and parking issues and emphasised that the natural character of Mulgoa should not be compromised for financial gain.

Councillor Mark Davies left the meeting, the time being 9:01pm.

Mr Paul Terracini

Item 4 – Fernhill Estate Events – Development Application DA 13/1505 for Fernhill Estate Symphony Concert at 1041-1187 Mulgoa Road, Mulgoa

Mr Terracini, Artistic Director and Conductor from Penrith Symphony Orchestra, spoke in favour of the recommendation. Mr Terracini stated that local residents would benefit from being able to attend an outdoor symphony at Fernhill Estate.

Councillor Mark Davies returned to the meeting, the time being 9:03pm.

Mr Terracini also expressed the view that being able to access the Fernhill Estate for outdoor concerts would be of value to the Penrith Symphony Orchestra in the development and employment of local musicians. Mr Terracini concluded his address that at a musical and cultural level, Fernhill was the better option for outdoor symphony concerts in the Penrith area.

Councillor Ben Goldfinch left the meeting, the time being 9:04pm.

Councillor John Thain left the meeting, the time being 9:05pm.

Mr Thomas Lawson

Item 4 – Fernhill Estate Events – Development Application DA 13/1505 for Fernhill Estate Symphony Concert at 1041-1187 Mulgoa Road, Mulgoa

Mr Lawson, the applicant's spokesperson, spoke in favour of the recommendation, stating that the Twilight Symphony is a suitable event for Fernhill. He went on to say that this event will provide an opportunity for the Penrith Symphony Orchestra to deliver something new and unique to Penrith, as well as it being an opportunity for the work of the Nordoff Robbins charity to gain exposure. Mr Lawson stated that this type of event supports a business vision for Penrith by attracting people from outside the area.

Mr Lawson concluded his address by stating that an event management plan will be put in place to ensure minimal disruption and minimal impact on the amenity of the local area.

Councillor Ben Goldfinch returned to the meeting, the time being 9:07pm.

Councillor John Thain returned to the meeting, the time being 9:08pm.

Ms Belinda Leonard

Item 4 – Fernhill Estate Events – Development Application DA 13/1505 for Fernhill Estate Symphony Concert at 1041-1187 Mulgoa Road, Mulgoa

Ms Leonard, CEO of the Nordoff Robbins musical therapy charity, spoke in support of the recommendation, stating that their partnership with Fernhill delivers significant benefits for the charity. Ms Leonard also stated that the Twilight Symphony was a fantastic opportunity and delivered valuable funding for Nordoff Robbins as well as providing greater exposure for the charity.

Mr James Broadbent

Item 4 – Fernhill Estate Events – Development Application DA 13/1505 for Fernhill Estate Symphony Concert at 1041-1187 Mulgoa Road, Mulgoa

Mr Broadbent, an affected neighbour, spoke against the recommendation and stated that, as a nearby resident, he is directly affected by events held at Fernhill. Mr Broadbent outlined his concerns for the conservation of the estate, in particular that the events being held on the site would facilitate exploitation of the property. Mr Broadbent stated that whilst the Twilight Symphony may have some community benefits, the traffic and detriment to amenity issues still apply. He also noted that no noise management plan was available for public viewing.

58 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown that an extension of time be granted to enable the speaker to complete his address, the time being 9:17pm.

Mr Broadbent concluded his address by stating that the applicants' record of non-compliance should be kept in mind when considering the approval of future events.

Mr Marcus Le Poer Trench

Item 4 – Fernhill Estate Events – Development Application DA 13/1505 for Fernhill Estate Symphony Concert at 1041-1187 Mulgoa Road, Mulgoa

Mr Le Poer Trench, an affected neighbour, spoke against the recommendation and stated that his property shares a boundary with the Fernhill Estate. Mr Le Poer Trench outlined his concerns over such issues as loss of amenity and impact upon local traffic caused by large events being held at the estate, as well as the potential subdivision on the estate causing loss of amenity to his property. Mr Le Poer Trench concluded by expressing doubt that the venue would really increase business opportunities in the local area and that if this is the case, then other venues will lose business as a result.

Mr John Wakeling

Item 5 – Section 96(A) Application DA12/0961.1 for Modifications to Charter and Tourism Facility at Lot 2 DP 612169, Tench Reserve, Penrith

Mr Wakeling, the applicant, spoke in support of the recommendation and introduced the new owners of the Nepean Belle, Chris and Carol Bennett. Mr Wakeling outlined the improvements being planned by the new owners, including paddleboats and a new takeaway kiosk on the site, in addition to the continued operation of the Nepean Belle. Mr Wakeling stated that he believed the facility serves a worthwhile purpose and is supported by the local community.

Councillor Marcus Cornish left the meeting, the time being 9:33pm.

Mr Adrian Harrison

Item 5 – Section 96(A) Application DA12/0961.1 for Modifications to Charter and Tourism Facility at Lot 2 DP 612169, Tench Reserve, Penrith

Mr Adrian Harrison, an affected person, spoke in opposition to the recommendation, stating that the opening of the takeaway kiosk will affect his wife's currently operating kiosk business, Nepean River Café, in Tench Reserve and that the competition could not be supported.

Councillor Marcus Cornish returned to the meeting, the time being 9:35pm.

Councillor Jim Aitken OAM left the meeting, the time being 9:35pm.

Mr Harrison concluded his address by noting objections made to the previous development application for this facility, and expressed the view that what is offered in the way of a takeaway kiosk is not really needed in that particular area.

Councillor Jim Aitken OAM returned to the meeting, the time being 9:37pm.

Mr Peter Laybutt

Item 6 – DA 13/0288.91 Proposed Section 82A Application & DA 12/0786.02 Section 96 Application – Lot 1 DP1144668 (Nos. 86-94) Andromeda Drive, Cranebrook

Mr Laybutt, the applicant on behalf of the landowner, spoke in support of the recommendation. Mr Laybutt outlined the efforts made in order to achieve a long term sustainable outcome for the vacant land at Cassar Crescent, Cranebrook, at the rear of the Corpus Christi Primary School site. Mr Laybutt noted that the site has been vacant for some years and has been zoned for residential development for many years and that the proposal is for development similar to that surrounding the site. Mr Laybutt concluded by commending the proposal to Council as being of significant environmental merit, and stated that he believed the current application addressed concerns raised by nearby residents.

Mr Donald Barnes

Councillor Karen McKeown left the meeting, the time being 9:42pm.

Item 6 – DA 13/0288.91 Proposed Section 82A Application & DA 12/0786.02 Section 96 Application – Lot 1 DP1144668 (Nos. 86-94) Andromeda Drive, Cranebrook

Mr Barnes, an affected neighbour, spoke in opposition to the recommendation, outlining his concerns with regard to environmental issues, such as drainage and issues of native flora and fauna preservation. Mr Barnes stated that, due to numerous outstanding issues with the site, a new development application should not be considered until all issues have been addressed.

Councillor Karen McKeown returned to the meeting, the time being 9:43pm.

Councillor Jackie Greenow OAM left the meeting, the time being 9:43pm.

Councillor Jackie Greenow OAM returned to the meeting, the time being 9:46pm.

59 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that an extension of time be granted to enable the speaker to complete his address, the time being 9:46pm.

Mr Barnes concluded by stating that there has been no management of flora and fauna and that the property has become overgrown with weeds.

RESUMPTION OF STANDING ORDERS

60 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Maurice Giroto that Standing Orders be resumed, the time being 9:49pm.

NOTICES OF MOTION

1 [Reopening of High Street, Penrith to Traffic through Triangle Park](#)

61 A MOTION was moved by Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that the 'Triangle Park' in High Street, Penrith be reopened to through traffic.

At 10:05pm, Councillors Jim Aitken OAM and Bernard Bratusa moved an extension of time to allow Councillor Marcus Cornish to finalise his comments on this matter.

Upon being PUT to the Meeting, the MOTION was LOST.

2 [Restoration of Weekly Recycling Bin Pick up service](#)

62 A MOTION was moved by Councillor Marcus Cornish that a weekly recycling bin (yellow bin) pick up service be introduced for all of the Penrith Local Government Area.

The MOTION then LAPSED due to the lack of a seconder.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Access Committee Meeting held on 12 February 2014](#)

63 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 12 February, 2014 be adopted.

2 [Report and Recommendations of the Local Traffic Committee meeting held on 3 March 2014](#)

64 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen

That:

1. The recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 3 March, 2014 be adopted, with the exception of GB Item 8.
2. A further report be considered by the Local Traffic Committee requesting the removal of stop signs on the Great Western Highway, Emu Plains, outside O'Donohue's Hotel, and that a slip lane be provided off Old Bathurst Road onto the Great Western Highway at Emu Plains.

3 [Report and Recommendations of the Policy Review Committee meeting held on 10 March 2014](#)

65 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 10 March, 2014 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

Having already declared a Non-Pecuniary Conflict of Interest -- Significant in Item 1, Councillor Jackie Greenow OAM left the meeting, the time being 10:13pm.

1 [International Relations Program 2014](#)

66 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on International Relations Program 2014 be received.
2. The Mayor of Penrith along with the Deputy Mayor and two nominated Council officers accept the invitation from the Mayor of Kunshan, People's Republic of China to attend the China Import Expo in May 2014.
3. The Mayor of Penrith and the Chairperson of the Penrith International Friendship Committee, along with a nominated Council officer, accept the invitation from the Mayor of Fujieda to attend the anniversary celebrations in Fujieda on 3 November 2014.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

Councillor Jackie Greenow OAM returned to the meeting, the time being 10:15pm.

2 [Concept Plan for Precinct F of Glenmore Park Stage 2 and Development Application DA13/1359 for Torrens Title Subdivision x 37 Residential Lots, 1 Residue Lot and Public Roads at Lot 2 DP 541090, \(No. 34 - 60\) Bradley Street, Glenmore Park](#) Applicant: CCL Development Pty Ltd; Owner: Mint Holdings

67 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Concept Plan for Precinct F of Glenmore Park Stage 2 and Development Application DA13/1359 for Torrens Title Subdivision x 37 Residential Lots, 1 Residue Lot and Public Roads at Lot 2 DP 541090, (No. 34 - 60) Bradley Street, Glenmore Park be received.
2. The Glenmore Park Stage 2 Precinct F Concept Plan be endorsed and adopted by Council.
3. DA13/1359 for the subdivision to create 37 Torrens title Lots, 1 Residue Lot and Public Roads at 34-60 Bradley Street, Glenmore Park be determined

under delegated authority upon receipt of Director General's Certification.

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 John Thain	
Councillor Karen McKeown	
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Bernard Bratusa	
Councillor Marcus Cornish	
Councillor Ross Fowler OAM	

Having already declared a Non-Pecuniary Conflict of Interest – Significant in Items 3 and 4, Councillor Mark Davies left the meeting, the time being 10:24pm.

3 [Fernhill Estate Events - Development Application DA13/1402 for Use of Site as a Function Centre for no more than 14 days within a 6 month period at 1041 -1187 Mulgoa Road, Mulgoa](#) Applicant: Simon Tripp; Owner: Angas Securities (mortgage in possession)

68 A MOTION was moved by Councillor Tricia Hitchen seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Development Application DA13/1402 - Use of the site as a Function Centre for no more than 14 days within a 6 month period at 1041 – 1187 Mulgoa Road, Mulgoa is received.
2. Development Application 13/1402 seeking consent to use the site as a Function Centre for no more than 14 days within a 6 month period at 1041 – 1187 Mulgoa Road, Mulgoa be approved subject to the following conditions:
 - 2.01 This consent permits the use of the existing and temporary buildings for a Function Centre for no more than 14 days within a six month period. Any future use of the site as a Function Centre would require a separate application for development approval, demonstrating compliance with all conditions of this consent and must be lodged, and approval obtained, prior to operation.
 - 2.02 One week prior to the use of the site as a Function Centre, details are to be provided to Penrith Council outlining the following:
 - a) The dates and times functions are to be held on the site;
 - b) The temporary structures to be installed to support the functions held on

the site;

- c) Delivery and removal dates of the temporary structures to support the Function Centre.
- 2.03 The use of the site as a Function Centre is limited to “The Great Hall” and “Hay Shed” only. The use of the “Ballroom” is not permitted to be utilised in the operation of the Function Centre.
- 2.04 The pool and pool house associated with the Main House is not be accessed by the public.
- 2.05 The operating hours of the Function Centre are limited to 7am to 6pm Mondays to Fridays, 8am to 11pm Saturdays and Sunday.
- All patrons and staff at each event are to leave the site before 12 midnight on Saturday and Sundays.
- 2.06 The maximum number of people attending a function on the site is limited to 300 at any one time.
- 2.07 Prior to the use of the temporary amenities and kitchen facility associated with the “Hay Shed”, a certificate from a Professional Engineer attesting to the structural adequacy of these the temporary structures is to be submitted to Penrith Council.
- 2.08 The temporary amenities and kitchen associated with the “Hay Shed” are to be connected to the temporary sewage storage tanks for the term of this approval. Once the approval of the use of the site as a Function Centre lapses, the amenities and the kitchen buildings are to be disconnected from the sewage storage tanks and the temporary structures are to be removed from the site within a period of twenty-one (21) days.
- 2.09 The development shall not be used as a Function Centre until an Occupation Certificate has been issued.
- 2.10 Access to car parking 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”.
- In particular, attention is drawn to the location of the accessible parking spaces and provision of accessible bathrooms in association with the use of the Hayshed.
- 2.11 The maximum number of patrons permitted within any part of the structures is to be clearly displayed in a prominent position on each structure.
- 2.12 The “Great Hall” and “Hay Shed” shall be provided with Emergency Lights, Exit Signs, Portable Fire Extinguishers and Fire Blankets, these items are to be installed in accordance with the Building Code of Australia and relevant Australian Standards. A Fire Safety Certificate is to be provided prior to each event.
- 2.13 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions, or
 - b) formulating an alternative solution which:

- complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

- 2.14 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 functions.

Food

- 2.15 There are strict requirements for the sale of food at temporary events and functions in NSW. Any person selling food, operating food stalls, temporary kitchens, mobile food vans used for selling food for human consumption, including as part of any service is deemed a 'food business' under the *Food Act 2003 (NSW) (the Act)*. This includes not-for-profit organisations.
- 2.16 Council requires all food businesses, including Fernhill Estate, to apply for permission to operate at any event or function held at Fernhill Estate where food is "for sale." The event co-ordinator must provide a list of all food businesses attending any event or function and an application form must be completed and submitted by food businesses to Council a minimum of two weeks before any event. Late application will not be assessed or considered. Council will assess each application and issue approvals on the basis that the business operates in accordance with the Act and the Food Standard Code.
- 2.17 The Food Act requires all food handling businesses, including those at temporary events or functions, to "notify" their details to the NSW Food Authority (charitable and community not-for-profit organisations are exempt). All food businesses at any event or function (except charitable and community not-for-profit organisations) must have food notified and have their notification number with them at any event or function.
- 2.18 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 function or event. The certificate must be available at the day of the event or function for inspection by Council's Environmental Health Officers.
- 2.19 Existing kitchens and food preparation areas associated with the main house, great hall, hayshed or any other building shall not be used for "food for sale" until an application has been submitted to Council with supporting information demonstrating that the kitchens are fit for commercial use and compliant with the Food Standards Code and Council has issued an approval.
- 2.20 A detailed food management plan is required outlining all aspects of the food supply, storage, and delivery at Fernhill Estate for events and functions. The food management plan should cover all food supplied to the public and staff. The plan, as a minimum, should include the following:
- Food suppliers
 - Transport of the food to the event;
 - Food storage
 - Temperature control (coolrooms 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 and temporary kitchens
- 2.21 Temporary kitchens shall meet the requirements of the:
- Guidelines for Temporary Events (NSW Food Authority 2012), and
 - Mobile food vending vehicles: *Operation, construction and food handling guidelines* (NSW Food Authority 2009)
- 2.22 The event manager and food proprietors 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)

Potable Water Supply

- 2.23 A Potable Water Supply Management plan is to be provided to Council at least two weeks before each event or function demonstrating how potable water will be supplied to all required fixtures including food stalls and temporary kitchens, 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.

- 2.24 Water from the estate dams shall not be used for any water supply requiring potable water. Any water tanks that have been used for storing dam water must be thoroughly cleaned and disinfected, in accordance with NSW Health guidelines, before being used for potable water.
- 2.25 Any water carter providing potable water for the event must make available to Council, for inspection before the event, their water cart, cleaning records and logs, and chlorine testing equipment. The supply of water shall be completed in accordance with the *NSW Guidelines for Water Carters* (NSW Health & NSW Food Authority 2012). The carter must have approval or a license from Sydney Water or other Water Authority to take water from their potable supply.
- 2.26 Water carting receipts demonstrating the supply of potable water must be made available to Council's Environmental Health Officers upon request.
- 2.27 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.

Toilets for Food Handlers and Wastewater

- 2.28 Separate toilets must be provided for all food handlers at functions and events and maintained in a hygienic condition. These toilets must be separate to other event toilets and not available to the general public. 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.
- 2.29 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. Additional hand washing facilities must also be provided in food handling and preparation areas. 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.
- 2.30 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.

Noise

- 2.31 One week prior to the use of the site as a Function Centre, an amended Noise Assessment Report is to be submitted to Council for consideration. The amended report is to demonstrate that noise from the proposed development is within acceptable limits, with the following information required:
- 7 days of noise monitoring in accordance with the Industrial Noise Policy is to be undertaken. The monitoring is to establish an appropriate Rating Background Level for day, evening and night periods as all day activities are proposed.
 - An amended report is to be provided with DA13/1505 demonstrating that noise from the proposed concert can achieve the required noise levels based on the Rating Background Levels obtained from this monitoring;
 - The Rating Background Levels are to be used to demonstrate that the events greater than 300 people in DA13/1503 are within acceptable limits.
- 2.32 A Noise Management Plan is to be prepared by a qualified consultant that the addresses requirements of Table 3.1 of the Noise Assessment 'Fernhill Precinct' report prepared by Wilkinson Murray (ref 13101-a, version B, dated December 2013). The NMP shall be submitted and approved by Council prior to the first event being held and is to consider all noise generating activities from the events and include but is not limited to vehicle movements, crowd movements and PA system.
- 2.33 Noise levels generated by the events shall not be audible from the dwellings of neighbouring properties. Noise generated by the activity after 10pm is not to exceed the Sleep Disturbance Criteria provided in the Environmental Protection Authorities Industrial Noise Policy. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 2.34 A noise complaint hotline (landline and mobile) by the event organisers 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.

In the event of ongoing noise complaints relating to the development being received by Council or where any non compliance with conditions of this consent has been identified by Council, the owner and/or occupier of the development maybe required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

- 2.35 One (1) week prior to the any functions being held on the site, details of the noise complaint hotline (including landline and mobile phone), the dates and times of the events are to be distributed to residents within 1km of the property boundaries of the site.

Details of the function to be held on the site are also to be displayed within the Mulgoa Progress Association Notice Board, located within the Mulgoa Village Shopping Centre.

Environmental Management

- 2.36 Erosion and sediment control measures shall be implemented in and around the car parking areas to prevent mud and soil from vehicular movements from entering dams, tributaries and the stormwater drainage system.

Prior to the use of the site, a soil erosion and sediment control plan, prepared in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004 shall be submitted to Penrith Council for consideration and approval.

- 2.37 The erosion and sediment control measures shall installed in accordance with "Managing Urban Stormwater: Soils and Construction" 2004 and be maintained for the duration of the events.
- 2.38 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.
- 2.39 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.
- 2.40 Dust suppression techniques are to be employed at the parking areas during the events to reduce any potential nuisances to surrounding properties.
- 2.41 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

Waste Management

- 2.42 All waste generated by the events is to be collected, stored and disposed of in accordance with the Waste Management Plan prepared by Closed Loop dated 11/10/2013. No waste materials are permitted to enter the dams, tributaries and stormwater drainage system on the site or neighbouring properties. The designated waste storage areas shall be frequently emptied, allow for the separation of wastes and are to be fully enclosed when unattended.

Any material to be used as a confetti is to be biodegradable so as to not cause land pollution.

- 2.43 All wastewater generating activities (including toilets and kitchens) associated with each event in the Great Hall is to be serviced by portable wastewater facilities until such a time as a Section 68 application considering the wastewater generated by the use has been approved by Council and the system installed.

The number of portable toilets required to be provided is to comply with Clause 34 of Chapter 5 in the Emergency Management Practice Manual, prepared by the Attorney General's Department. All portable toilets are to be serviced by potable water.

Wastewater facilities used for each event is 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. Wastewater from the facilities is to be disposed of in a lawful manner at an appropriately licensed waste facility.

- 2.44 All wastewater generating activities (including toilets and kitchens) associated with each event in the Hayshed is to be serviced by temporary sewerage tanks, as detailed on the architectural plans.
- 2.45 Any existing toilet facilities in the Great Hall or Main House are not to be used for the purpose of events unless otherwise approved by Council. The demountable toilets associated with the Great Hall are not permitted to be used for any event.
- 2.46 All portable wastewater facilities used for the events are to be operated and located in a suitable location so not to cause water pollution or discharge onto land.

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.

Plan of Management

- 2.47 Prior to the commencement of the use of the site as a Function Centre, a Plan of Management must be prepared and submitted to Penrith Council addressing all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the Function Centre operations.

The plan must include but not be restricted to; compliance with all other operational conditions of this consent, hours of operation, noise, security management and handling complaints.

Bushfire Protection Requirements

- 2.48 Prior to the use of the site as a Function Centre, a Bushfire Evacuation Plan is to be submitted to Penrith Council for approval. The evacuation plan is to detail the following:
- a) Under what circumstances the function centre is to be evacuated.
 - b) Where will all persons be evacuated to.
 - c) Roles and responsibilities of persons co-ordinating the evacuation.
 - d) Roles and responsibilities of persons remaining with the function centre after evacuation.
 - e) Procedure to contact the NSW Rural Fire Service / Rural Fire Service and

inform them of the evacuation and where they will be evacuated to.

Traffic

- 2.49 A Transport Management Plan, including a Risk management Plan, is to be lodged by the event applicant with the Roads and maritime Services for approval prior to the first event. A copy of the Roads and maritime Services approval must be submitted to Council prior to the first event.
- 2.50 A Traffic Control Plan is to be prepared by a qualified and certified professional and submitted to Roads and maritime Services prior to the first event. This Plan shall include:-
 - a) Details of where Variable Message Signs (VMS) are proposed to be located. The use of the VMS are to be in accordance with Roads and Maritime Services Technical Direction TDT2010/07.
- 2.51 Prior to each event the applicant is to apply for a Road Occupancy Licence (Form C & D) by contacting the Transport management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am – 4pm) or 131700 after hours.
- 2.52 The applicant will be required to submit the Road Occupancy Licence forms/ traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to the Supervisor Planned Incidents Unit, Transport Operations, Transport management Centre or on facsimile (02) 8396 1530.

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 Jim Aitken OAM
Councillor John Thain	Councillor Karen McKeown
Councillor Ben Goldfinch	Councillor Jackie Greenow OAM
Councillor Tricia Hitchen	Councillor Kevin Crameri OAM
Councillor Bernard Bratusa	Councillor Maurice Giroto
Councillor Ross Fowler OAM	Councillor Marcus Cornish

Upon the CASTING VOTE of the Mayor, Councillor Ross Fowler OAM, the MOTION was CARRIED.

4 [Fernhill Estate Events - Development Application DA13/1505 for Fernhill Estate Symphony Concert at 1041 - 1187 Mulgoa Road, Mulgoa](#) Applicant: Simon and Brenda Tripp; Owner: Angas Securities (mortgage in possession)

69 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Fernhill Estate Events - Development Application DA13/1505 for Fernhill Estate Symphony Concert at 1041 - 1187 Mulgoa Road, Mulgoa be received.
2. Development Application 13/1505 seeking consent to Conduct a Symphony Concert Event to be held on 11 May 2014 at 1041 – 1187 Mulgoa Road,

Mulgoa be approved subject to the following conditions:

- 2.01 This consent permits the conduct a “Symphony Concert” on 11 May 2014. 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 Symphony Event is limited to 3,000 people. Evidence of compliance is to be provided to Penrith City Council within two (2) 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 7pm on the day of the event.
- 2.04 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
 - a) complying with the deemed to satisfy provisions, or
 - b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - c) a combination of (a) and (b).

It is the owner’s responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

- 2.05 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.
- 2.06 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”.
- 2.07 The temporary tent structures, stages and platforms, 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.
- 2.08 The event shall comply with all the requirements and undertakings given to and approved by the NSW Police.
- 2.09 Event organisers will be available at a mutually convenient time, at the invitation of Penrith City Council and/or Penrith Police, to discuss

and implement agreed Community Safety or Security issues in conjunction with other local Penrith stakeholders should the need arise.

- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.

Bushfire Protection Requirements

- 2.14 Prior to the use of the site as a Function Centre, a Bushfire Evacuation Plan is to be submitted to Penrith Council for approval. The evacuation plan is to detail the following:
 - a) Under what circumstances the function centre is to be evacuated.
 - b) Where will all persons be evacuated to.
 - c) Roles and responsibilities of persons co-ordinating the evacuation.
 - d) Roles and responsibilities of persons remaining with the function centre after evacuation.
 - e) Procedure to contact the NSW Rural Fire Service / Rural Fire Service and inform them of the evacuation and where they will be evacuated to.

Transport Management Plan

- 2.15 The event applicant is advised that this is a Class 2 Event under the Roads and Maritime Services "*Guide to Traffic and Transport Management for Special Events*", and that all conditions and requirements specified in the Guide must be complied with prior to the event.
- 2.16 A Transport Management Plan, including a Risk Management Plan, is to be lodged by the event applicant with the Roads and Maritime Services for approval prior to the event. A copy of the Roads and Maritime Services approval must be submitted to Council prior to the event.
- 2.17 The event applicant is to obtain a separate approval from NSW Police and submit a Schedule 1 Form under the Summary Offences Act to the NSW Police prior to the event. A copy of the NSW Police approval must be submitted to Council prior to the event.
- 2.18 The event applicant is to provide confirmation of Public Liability Insurance (usually a Certificate of Currency) of minimum \$10 million,

prior to the event.

- 2.19 A Traffic Control Plan is to be prepared by a qualified and certified professional and submitted to Roads and Maritime Service prior to the event. This Plan shall include:
- Details of the proposed speed limit reduction on Mulgoa Road.
 - Details of a minimum 4.0m emergency lane to be maintained at all times during the event.
 - Details of where variable message signs (VMS) are proposed to be located. The use of VMS are to be in accordance with Roads and Maritime Services Technical Direction TDT2010/07.
- 2.20 The event applicant arrange to place barricades and provide Roads and Maritime Services accredited Traffic Controllers where required by the endorsed Traffic Management Plan. Where the Traffic Management and Traffic Control Plans indicate Traffic Controllers are to be used, all Traffic Controllers must have current Roads and Maritime Services certification.
- 2.21 The event organiser notify the Ambulance Service of NSW, Fire and Rescue NSW, Rural Fire Service, and the State Emergency Services of the proposed event and submit a copy of the notification to Council prior to the event. A request is to be made to Fire and Rescue NSW and Rural Fire Service that any programmed hazard reduction burning in the region that may impact on the Fernhill Symphony be postponed for the week of the event.
- 2.22 The event applicant is to provide advice to Council prior to the event that the event complies with the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011.
- 2.23 The event applicant is to notify private bus companies of the proposed event and submit a copy of the notification to Council prior to the event.
- 2.24 Where provided, variable message sign boards are to be located in accordance with the Roads and Maritime Services Technical Direction TDT2010/07.
- 2.25 Any proposed temporary / partial road closures will require the applicant to apply for a Road Occupancy Licence (Form C & D) by contacting the Transport Management Centre's Planned Incidents Unit (02) 83961513 during office hours (8am – 4pm) or 131700 after hours.
- The applicant will be required to submit the Road Occupancy Licence forms/ traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to the Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

Potable Water Supply

- 2.26 A Potable Water Supply Management plan is to be provided to Council at least two (2) 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.

- 2.27 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.
- 2.28 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.
- 2.29 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 Carters* (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.
- 2.30 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 Carters* (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

- 2.31 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
- 2.32 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 (2) 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.
- 2.33 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.
- 2.34 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.
- 2.35 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)
- 2.36 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.

- 2.37 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.
- 2.38 Hand basins must be provided to all food stalls and mobile vans, be readily accessible, and be no more than 5 metres from any food preparation area. They must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

Waste and Wastewater

- 2.39 Temporary sanitary facilities shall be provided for the event in accordance with Table F2.3 of the Building Code of Australia.
- 2.40 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. In addition, hand sanitary stations shall be provided in sufficient numbers for the event.
- 2.41 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.
- 2.42 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.
- 2.43 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 Penrith Council within one week of the event.
- 2.44 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 to

be frequently emptied.

Noise

2.45 One week prior to the Symphony Event being held, an amended Noise Assessment Report is to be submitted to Council for consideration. The amended report is to demonstrate that noise from the proposed development is within acceptable limits, with the following information required:

- 7 days of noise monitoring in accordance with the Industrial Noise Policy is to be undertaken. The monitoring is to establish an appropriate Rating Background Level for day, evening and night periods as all day activities are proposed.
- An amended report is to be provided with DA13/1505 demonstrating that noise from the proposed concert can achieve the required noise levels based on the Rating Background Levels obtained from this monitoring;
- The Rating Background Levels are to be used to demonstrate that the events greater than 300 people in DA13/1503 are within acceptable limits.

2.46 A Noise Management Plan is to be prepared by a qualified consultant that the addresses requirements of Table 3.1 of the Noise Assessment 'Fernhill Precinct' report prepared by Wilkinson Murray (ref 13101-a, version B, dated December 2013). The Noise Management Plan shall be submitted and approved by Council prior to the event being held and is to consider all noise generating activities from the event and including but not limited to vehicle movements, crowd movements and PA system.

2.47 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.

2.48 The event applicant is to ensure that noise control measures are in place as required by the provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise and the Protection of the Environment Operations (Noise Control) Regulation 2000.

Noise levels generated by the events shall not be audible from the dwellings of neighbouring properties.

2.49 A noise complaint hotline (landline and mobile) by the event organisers 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.

In the event of ongoing noise complaints relating to the development being received by Council or where any non compliance with

conditions of this consent has been identified by Council, the owner and/or occupier of the development maybe required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

- 2.50 One (1) week prior to the any functions being held on the site, details of the noise complaint hotline (including landline and mobile phone), the dates and times of the events are to be distributed to residents within 1km of the property boundaries of the site.

Details of the function to be held on the site are also to be displayed within the Mulgoa Progress Association Notice Board, located within the Mulgoa Village Shopping Centre.

Environmental Management

- 2.51 Erosion and sediment control measures shall be implemented in and around the car parking areas to prevent mud and soil from vehicular movements from entering dams, tributaries and the stormwater drainage system.

Prior to the use of the site, a soil erosion and sediment control plan, prepared in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004 shall be submitted to Penrith Council for consideration and approval.

- 2.52 The erosion and sediment control measures shall installed in accordance with "Managing Urban Stormwater: Soils and Construction" 2004 and be maintained for the duration of the events.
- 2.53 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.
- 2.54 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.
- 2.55 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.
- 2.56 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.
- 2.57 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 2.58 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.

Security and Safety

- 2.59 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

- 2.60 The guidelines contained in the Section 9 – Liquor Licensing & management of the “Operational Plan of Management Events in Modes 1 – 3 Fernhill Estate - NSW” 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.
- 2.61 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.
- 2.62 Glass containers must not be permitted, with plastic containers or cans to be used instead. All cans must be opened at the bar.
- 2.63 Bags shall be searched upon entry in accordance with the “Operational Plan of Management Events in Modes 1 – 3 Fernhill Estate - NSW” provided by the applicant.
- 2.64 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.
- 2.65 Bar areas must comply with all RSA and legislative requirements concerning the sale and service of alcohol.
- 2.66 Free water must be provided at all bar areas and bottle refilling stations.

Crowd Management

- 2.67 The Crowd Control procedures provided in the Operational Plan of Management Events in Modes 1 – 3 Fernhill Estate - NSW” must be adhered to by security and event staff throughout the event.
- 2.68 Event organisers must be able to communicate with the crowd both for public announcements and in emergencies.

Major and Medical Incidents

- 2.69 The “Operational Plan of Management Events in Modes 1 – 3 Fernhill Estate - NSW” 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.
- 2.70 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

- 2.71 Lighting should be provided to clearly illuminate entry and exit points, food stalls, toilets, first aid areas and stage area.
- 2.72 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

- 2.73 Clear signage should be displayed throughout the event to clearly indicate entry/exit points, 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	Against
Councillor Prue Car	Councillor Marcus Cornish
Councillor John Thain	Councillor Jim Aitken OAM
Councillor Karen McKeown	Councillor Kevin Crameri OAM
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Bernard Bratusa	
Councillor Ross Fowler OAM	

**5 [Section 96\(1A\) Application DA12/0961.01 for Modifications to Charter and Tourism Facility at Lot 2 DP 612169, Tench Reserve, Penrith](#)
Applicant: John & Helen Wakeling; Owner: Penrith City Council**

Councillor Mark Davies returned to the meeting, the time being 10:51pm.

70 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto

That:

1. The information contained in the report on the Section 96(1A) Application DA12/0961.01 for Modifications to Charter and Tourism Facility at Lot 2 DP 612169, Tench Reserve, Penrith be received.
2. Council accept the applicant's response to the Schedule 1 conditions and, as such, issue an Operational Development Consent for the development.
3. Condition numbers 3, 5, 6, 8, 9, 12, 13 and 14 be amended to read as follows:
 - **Consent Condition No. 3:** *This consent is limited to a period until 1 May 2020. Prior to the expiry date of this consent, the applicant will be required to submit a new Development Application for any continuance of the use.*

- **Consent Condition No. 5:** Access for persons with disabilities is to be provided and maintained to the “Cruise Terminal” building in accordance with AS 1428 “Design for Access and Mobility”.
 - **Consent Condition No. 6:** The development should operate in accordance with the requirements of the Disability Discrimination Act 1992.
 - **Consent Condition No. 8:** Prior to the commencement of the use, an operational plan is to be prepared and submitted to Council for approval, which includes, but is not limited to the following details:
 - Details of proposed signage at the northern and southern end of the pedal boat area. The pedal boat area is to be limited to an area north of the existing landing and outside of the existing rowing lanes within the Nepean River.
 - Details of the control of pedal boats from encroaching beyond the designated area. This is to include details of a pre-hire briefing and a system for the operators of the facility to access pedal boats that might stray beyond the designated area.
 - Details relating to the operation of the Charter and Tourism Boating Facility without limiting access to the existing landing for other users of the Nepean River.
 - Details of sales and management of the Charter and Tourism Boating Facility within the pontoon area.
 - Procedures for the movement of the pedal boats and associated pontoon from the storage site, being Lot 31 DP 772 196, to the existing landing.
 - Safety procedures to protect the users of the pedal boats, including access to a safety boats to assist in the rescue/return of the pedal boats.
 - **Consent Condition No. 9:** No advertising is to be provided on the pedal boats without the prior approval of Council.
 - **Consent Condition No. 12:** At the end of each day the pontoon and pedal boats are to be moved from Council’s landing and transported upriver to the Nepean Belle storage berth.
 - **Consent Condition No. 13:** The Charter and Tourism Boating Facility is not to operate during times of flood or high water where the Roads and Maritime Services deems it necessary to cease operation.
 - **Consent Condition No. 14:** The operation of the Charter and Tourism Boating Facility is limited to the use of fifteen (15) pedal boats on the Nepean River at any one time.
4. The following conditions of consent be added:
- **Consent Condition No. 19:** A schedule of external finishes is to be submitted to Council for approval prior to the commencement of the use. The external finishes are to be non-reflective and in keeping with the natural surrounds of the area.

- **Consent Condition No. 20:** Standard condition A012
- **Consent Condition No. 21:** Standard condition A021
- **Consent Condition No. 23:** Standard condition D014
- **Consent Condition No. 24:** All food shop construction works shall be carried out in accordance with the requirements of AS 4674-2004 Design, Construction and Fit-Out of Food Premises, the Food Act 2003 and the Food Regulation 2010.
- **Consent Condition No. 25:** The designated hand wash basins in the food preparation area must be supplied with warm water through a common spout in compliance with AS 4674-2004. This hand wash basin must also be supplied with liquid soap and disposable paper towel. All hand wash basins must be hand free operated as required by Section 4.4 of AS 4674-2004.
- **Consent Condition No. 26:** In addition to the hand wash basins located in the food preparation area, a hand wash basin provided with warm water through a common spout must be installed in the toilet area. This hand wash basin must also be supplied with liquid soap and disposable paper towel. A receptacle for used paper towels shall be provided, all in compliance with Section 4.4 of AS 4674-2004.
- **Consent Condition No. 27:** The kitchen must contain a double bowl sink or a dishwasher and single bowl sink to allow for cleaning and sanitising as specified in Section 4.1 of AS 4674-2004. If an above counter commercial dishwasher is to be installed, a mechanical ventilation exhaust must be fitted in compliance with Section 2.5 of AS 4674-2004.
- **Consent Condition No. 28:** All floor, wall and ceiling finishes throughout the premises must comply with AS 4674-2004. Coving shall be installed at the intersection of the floors with the walls. No exposed wooden shelving is permitted as per Section 3.1.5 of AS 4674-2004.
- **Consent Condition No. 29:** Adequate pest proofing must be provided to all entrances and windows, including servery windows, to prevent entry of flying insects as per Section 2.1.6 of AS 4674-2004.
- **Consent Condition No. 30:** All fixtures, fittings and equipment must comply with AS 4674-2004, Section 4.
- **Consent Condition No. 31:** All pipes, conduits and electrical wiring shall either be concealed floors, plinths, walls or ceilings or otherwise fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and any horizontal surfaces as per Section 3.2.9 of AS 4674-2004.
- **Consent Condition No. 32:** Prior to the operation of the food business,

the business must notify their details with the NSW Food Authority.

- **Consent Condition No. 33:** *If the business sells any potentially hazardous ready to eat food, a Food Safety Supervisor with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority must be appointed prior to the commencement of the business.*
 - **Consent Condition No. 34:** *A satisfactory inspection from Council's Environmental Health Department is required prior to the commencement of the use. The occupier is to contact Council to organise an appointment at least 72 hours prior to the anticipated commencement date.*
5. Those persons who made submissions in respect of the application be notified of Council's decision.
 6. A condition be added that requires the provision of a photo montage or artist's impression of the proposed development for consideration and approval prior to the commencement of the operation of the facility.

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 John Thain
Councillor Karen McKeown
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

- 6 **DA13/0288.01 Proposed Section 82A application for review of determination - proposed subdivision into 21 residential allotments, road construction and dedication of Bio-retention Basin.**
DA12/0786.02 Section 96 Application to modify the boundary of an approved two lot subdivision and amend condition 6 (c) of the consent regarding vegetation matters at Lot 1 DP1144668 (No. 86-94) Andromeda Drive, Cranebrook Applicant: Whelans Insites Pty Ltd; Owner: Trustees Roman Catholic Church

71 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies that consideration of this matter be deferred to allow for a briefing and site inspection for all Councillors.

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 John Thain	
Councillor Karen McKeown	
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Bernard Bratusa	
Councillor Marcus Cornish	
Councillor Ross Fowler OAM	

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

- 7 [**Tender Reference 13/14-08 Bank Stabilisation Works for Peachtree Creek, Penrith**](#)

72 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Tender Reference 13/14-08 Bank Stabilisation Works for Peachtree Creek, Penrith be received.
2. Cockerill Contracting Pty Ltd be awarded the contract for Bank Stabilisation Works for Peachtree Creek, Penrith for the amount of \$233,765 (excluding GST) for stabilisation works including Zone D landscaping.
3. Cockerill Contracting Pty Ltd be further engaged for soil disposal based on the submitted rates subject to soil testing.
4. The Common Seal of the Council of the City of Penrith be placed on all

documentation if necessary.

9 [Tender reference 13/14-09 for the construction of a Padmount Substation and the Supply and Installation of 100 lux Floodlighting to Fields 1 to 4 at Jamison Park, South Penrith](#)

73 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow OAM

That:

1. The information contained in this report on Tender reference 13/14-09 for the construction of a Padmount Substation and the Supply and Installation of 100lux Floodlighting to Fields 1 to 4 at Jamison Park, South Penrith be received.
2. The alternative tender (ii) from Hix Group for the sum of \$377,133.00 excl GST utilising the Disano Olympic IP65 Luminaries be accepted for the Construction of a Padmount Substation and the Supply and Installation of 100 Lux Floodlighting to Fields 1 to 4 at Jamison Park, York Road, South Penrith.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.

OUTCOME 6 - WE'RE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

10 [2014 ICF Canoe Slalom Junior & U23 World Championships](#)

74 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM

That

1. The information contained in the report on 2014 ICF Canoe Slalom Junior & U23 World Championships be received.
2. An amount of \$5,000 be allocated equally from each Ward's voted works towards hosting the 2014 ICF Canoe Slalom Junior & U23 World Championships at Penrith Whitewater Stadium.

11 [St Marys Development Committee - Dissolution](#)

75 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Prue Car

That:

1. The information contained in the report on St Marys Development Committee - Dissolution be received.
2. Unexpended funds from the dissolution be distributed according to the request from the St Marys Development Committee.
3. A letter of congratulations and thanks be sent to the St Marys Development Committee outlining Council's gratitude to the organisation for its years of enduring service to the community of St Marys.
4. Council host an afternoon tea to thank the St Marys Development

Committee for its years of service to the community of St Marys.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

12 Audit Committee

76 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Davies that the information contained in the report on Audit Committee be received.

13 Council Property - Easement for Stormwater Drainage over Lot 92 DP 28389, 245 Desborough Rd, St Marys

77 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Davies

That:

1. The information contained in the report on Council Property - Easement for Stormwater Drainage over Lot 92 DP 28389, 245 Desborough Rd, St Marys be received.
2. Council grant an easement over Council property Lot 92 DP 28389, 245 Desborough Road, St Marys to benefit Lot 90 DP 28389, 19 Maranie Avenue, St Marys in accordance with the conditions outlined in this report.
3. Council accept compensation as outlined in this report for the granting of the easement.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

14 2013-14 Borrowing Program

78 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Davies

That:

1. The information contained in the report on 2013-14 Borrowing Program be received.
2. Council borrow the \$25,213,000. This amount will be reduced by \$5.7m if the LIRS application is unsuccessful.
3. The General Manager be given delegated authority to negotiate the loans in accordance with this resolution.
4. The Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise these borrowings.
5. The final terms and conditions of the borrowings be reported to Council upon completion of the contracts.

17 [Transport for NSW - Rail Substation Project - Licence of Council Land](#)

79 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Davies

That:

1. The information contained in the report on Transport for NSW - Rail Substation Project - Licence of Council Land be received.
2. Licence agreements be entered into with Laing O'Rourke for the use of Council owned land adjacent to the Project Site in Jane St, being Lot 1 DP 218028 and for the use of the temporary overflow car park at Woodriffe Gardens, being Lot 903 DP 739989, for nil consideration.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

18 [Summary of Investments & Banking for the period 1 February to 28 February 2014](#)

80 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Davies

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 February to 28 February 2014 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 February 2014 to 28 February 2014 be noted and accepted.
3. The graphical investment analysis as at 28 February 2014 be noted.

15 [Impact of repeal of Carbon Price](#)

81 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Tricia Hitchen that consideration of this item be deferred to a future Ordinary meeting of Council.

16 [Nomination for the Greater Blue Mountains World Heritage Area Advisory Committee](#)

82 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Nomination for the Greater Blue Mountains World Heritage Area Advisory Committee be received.
2. Council nominate Councillors Ben Goldfinch and Kevin Cramer OAM to serve as a local government members on the Greater Blue Mountains World Heritage Area Advisory Committee.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Vacant Land - Pearra Way, Claremont Meadows

Councillor Prue Car requested that the vacant land on Pearra Way, Claremont Meadows be urgently mowed, and that a memo be provided to all East Ward Councillors advising how this area may be mowed more regularly.

RR 2 Tree Pruning - Pearra Way, Claremont Meadows

Councillor Prue Car requested a memo reply to all Councillors concerning tree pruning of trees at the park bordering on 25 Pearra Way, Claremont Meadows.

RR 3 Vacant Land - Myrtle Road, Claremont Meadows

Councillor Prue Car requested a memo reply to all Councillors concerning what plans there are, if any, for the vacant land on Myrtle Road, Claremont Meadows, where the playground used to be located.

RR 4 Playground equipment - Schultz Street, St Marys

Councillor Prue Car requested a memo reply to all Councillors regarding the replacement of old and dilapidated equipment at the small playground on Schultz Street, St Marys, and if this is likely to be included in future budgets.

RR 5 Path and ramp - Cnr of Station and Henry Streets, Penrith

Councillor Prue Car requested a memo reply to all Councillors on whether the path and ramp on the corner of Station and Henry Streets, Penrith, outside the NAB building and opposite Penrith Westfield, meets accessibility standards.

RR 6 Footpath construction - Schultz Street, St Marys

Councillor Prue Car requested a memo reply to all Councillors requesting the responsible contractor to improve the work done after the footpath construction on Schultz Street, St Marys.

RR 7 Rubbish in Harrow Road, Cambridge Park

Councillor John Thain requested a memo reply to all Councillors concerning the removal of rubbish in Harrow Road, Cambridge Park and also the street sweeper was unable to access the gutter last time it was in the vicinity. Councillor Thain suggested that a different cleaning time may be more appropriate for the street sweeper, possibly out of school hours.

RR 8 'Penrith: Makings of a City' Function

Councillor John Thain congratulated the Library staff who organised the 'Penrith: Makings of a City' launch as well as the history conference, and also extended thanks to Emeritus Mayor, Pat Sheehy AM for attending the launch.

RR 9 Seniors Week Concerts

Councillor Jackie Greenow OAM congratulated Penrith City Council staff involved in

organising the concerts for seniors, at Penrith and St Marys, during Seniors Week this year.

Councillor John Thain left the meeting, the time being 11:12pm.

RR 10 Property - corner of Nariel Street and Carinya Avenue, St Marys

Councillor Maurice Giroto requested a memo reply to all Councillors concerning the condition of the property located on the corner of Nariel Street and Carinya Avenue, St Marys, which currently has a quantity of rubbish dumped on it. Councillor Giroto also requested information as to whether this property could be sold in light of any future Council car park plans.

RR 11 Request for removal of No Parking signs on Carinya Avenue, St Marys

Councillor Maurice Giroto requested that the matter of removal of 'No Parking' signs on one side or another of Carinya Avenue, St Marys due to one-way traffic congestion when vehicles travel in opposite directions, and when cars turn off side streets into Carinya Avenue where cars are already parked, be referred to the Local Traffic Committee for consideration.

Councillor John Thain returned to the meeting, the time being 11:14pm.

RR 12 Glenmore Park - Mowing of Public Areas

Councillor Mark Davies requested a memo reply to all Councillors providing details of the frequency of mowing public areas in Glenmore Park.

RR 13 Litter Control

Councillor Mark Davies requested a memo reply to all Councillors providing details on campaigns to improve city amenity.

Councillor Maurice Giroto left the meeting, the time being 11:15pm.

RR 14 Grass Cutting - City Parks and Reserves

Councillor Bernard Bratusa requested a memo reply to all Councillors detailing the schedule for grass cutting in the City's parks and reserves in the lead up to School Holidays.

RR 15 Manhole - Rance Oval

Councillor Bernard Bratusa requested a memo reply to all Councillors concerning repairs to a potentially dangerous manhole in the vicinity of Rance Oval.

Councillor Maurice Giroto returned to the meeting, the time being 11:18pm.

RR 16 St Marys Rugby League Club - 2014 Season Launch

Councillor Bernard Bratusa requested Council send a letter of thanks to Mr Warren Smith, President, St Marys Rugby League Club for the recent Season Launch function, and pass on best wishes to the Club for their 2014 season.

RR 17 Number of Premises in St Marys - Legally and Illegally Operated

Councillor Marcus Cornish requested a report to Council on the number of legal and illegal brothels, massage parlours and tattoo parlours in St Marys, with the report to include how often Council checks compliance of these establishments.

Councillor Karen McKeown left the meeting, the time being 11:22pm.

URGENT BUSINESS

UB 1 Nepean Junior Easter Open Tennis Event

Councillor Bernard Bratusa requested that \$4,500 be allocated equally from each Ward's voted works to support the Nepean Junior Easter Open Tennis event to be held at Woodriff Gardens Tennis Complex.

83 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Mark Davies that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

84 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Mark Davies that \$4,500 be allocated equally from each Ward's voted works to support the Nepean Junior Easter Open Tennis event to be held at Woodriff Gardens Tennis Complex.

UB 2 Park Run to be held at Sydney International Regatta Centre

Councillor Kevin Crameri OAM requested that an amount of \$2,000 be allocated equally from each of the three Wards to support a Park Run to be held at the Sydney International Regatta Centre.

85 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Prue Car that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

86 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Prue Car that an amount of \$2,000 be allocated equally from each of the three Wards to support a Park Run to be held at the Sydney International Regatta Centre.

Councillor Karen McKeown returned to the meeting, the time being 11:23pm.

Councillor Marcus Cornish left the meeting, the time being 11:23pm.

Councillor Tricia Hitchen left the meeting, the time being 11:23pm.

COMMITTEE OF THE WHOLE

Councillor Marcus Cornish returned to the meeting, the time being 11:24pm.

Councillor Tricia Hitchen returned to the meeting, the time being 11:24pm.

87 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ben Goldfinch that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 11:24pm.

1 Presence of the Public

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

Outcome 7

2 Commercial Matter - Request to seal temporary carpark located between Derby St/Woodriff St/Reserve St, Penrith

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Outcome 6

3 Commercial Matter - Tender for the provision of Floodlight Control Systems for Sportsgrounds

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 11:40pm and the General Manager reported that the Committee of the Whole met at 11:24pm on 24 March 2014, the following being present

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

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 recommendations to Council.

CONFIDENTIAL BUSINESS

2 [Commercial Matter - Request to seal temporary carpark located between Derby St/Woodriff St/Reserve St, Penrith](#)

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow

CW2 That:

1. The information contained in the report on Commercial Matter - Request to seal temporary carpark located between Derby St/Woodriff St/Reserve St, Penrith be received.
2. The carpark not be sealed at this stage.

3 [Commercial Matter - Tender for the provision of Floodlight Control Systems for Sportsgrounds](#)

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

CW3 That the information contained in the report on Commercial Matter - Tender for the provision of Floodlight Control Systems for Sportsgrounds be received.

Commercial Matter – State Government Offices

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Jim Aitken OAM

CW4 That a report be presented to Council on the decision to relocate State Government Offices to Penrith.

Commercial Matter – Security Contracts

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

CW5 That further information be provided to Councillors concerning Council's security contracts.

ADOPTION OF COMMITTEE OF THE WHOLE

88 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

8 [Tender Report - Provision of Floodlight Control Systems for Sportsgrounds](#)

89 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Tender Report - Provision of Floodlight Control Systems for Sportsgrounds be received.
2. The tender from Hix Group Pty Ltd for the sum of \$249,590 exclusive of GST be accepted for the Provision of E State Automation's Playstate Floodlight Control system for Sportsgrounds.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.

There being no further business the Chairperson declared the meeting closed the time being 11:42pm.

I certify that these 41 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 24 March 2014.

Chairperson

Date