

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA14/0704
Description of development:	"Fernhill" Picnic Races to be held on 18 October 2014 & on One (1) Day per Calendar Year from 2015 to 2018 including Erection of Associated Temporary Structures
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 541825 Lot 11 DP 615085 Lot 10 DP 615085
Property address:	1041 - 1117 Mulgoa Road, MULGOA NSW 2745

DETAILS OF THE APPLICANT

Name & Address:	Ae Design Partnership 23 Barr Street CAMPERDOWN NSW 2050
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DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	11 September 2014
Date the consent expires	11 September 2017
Date of this decision	25 August 2014

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Belinda Borg
Contact telephone number:	(02) 4732 7505

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Advisory Notes

An annual information report will be prepared by Council Officers at the conclusion of the event every year will be brought to a Councillor Briefing prior to the report being presented to a Policy Review Committee meeting.

OTHER APPROVALS

CONCURRENCE AUTHORITIES

CONCURRENCE AUTHORITY	DATE OF CONCURRENCE	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
NSW Heritage Office	13 August 2014	2014/IDA/53	2	Heritage Act 1977

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council, the application form and any supporting information received with the application and the documentation received by Council as required by condition 6, except as may be amended in red on the attached plans and by the following conditions.
- 2 This consent permits the running of the “Fernhill Picnic Horse Racing Event” on 18 October 2014 and one day per calendar year from 2015 to 2018. 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.
- 3 The maximum number of tickets available for spectators involved in the “Fernhill Picnic Horse Racing” Event is limited to 10,000 people. Children under 14 are not included with the maximum spectator numbers. Evidence of compliance is to be provided to Penrith City Council within four (4) weeks of each Picnic Racing event concluding.
- 4 The date of the Fernhill Picnic Races to be held from 2015 – 2018 is to be provided to Penrith Council a minimum of four (4) months prior to the event being held.

Residents that were notified of this Development Application will be provided with notification letter by Penrith Council advising of the intended date of the Picnic Races Event to be held in 2015 – 2018. Fees for the notification are to be paid, as detailed in Penrith City Council’s Fees and Charges, and will be invoiced accordingly.

- 5 The “Bump In” period is limited to four (4) days prior to each event with the “Bump Out” period limited to two (2) days after each event.
- 6 The “Draft Fernhill Picnic Race Day Event Management & Operational Plan”, dated July 2014 is to be finalised to address all outstanding matters. The report is to be submitted to Council for consideration a **minimum of four (4) weeks before each event**.

The Event Management and Operation Plan, is to include, but is not limited to the following:

- Event Emergency Management Plan including First Aid and Medical Plan
- Emergency Access and Evacuation Plan
- Communications Plan detailing signage to be installed within the site
- Alcohol Management Plan
- Security Management Plan
- Adjoining Residents Action Plan
- Food and Beverage Management Plan
- Accessibility Compliance Plan
- Amenities
- Water Supply Management Plan
- Power Supply and Lighting Plan
- Horse Management Plan
- Access Report/ Statement

- Food and Beverage Management Plan
- Bushfire Management Strategy
- Environmental Management Plan.

The Environmental Management Plan is to include, but not limited to the following:

- Soil and Water Management
- Dust Suppression
- Litter Control / Rubbish removal
- Noise Control
- Waste Management
- Management of toilet and water facilities to ensure cleanliness
- Environmental impacts of the construction, use and dismantling of temporary structures
- Wet weather considerations
- Emergency response and spill contingency.

- 7 Prior to the Picnic Racing Events to be held from 2015 – 2018, a revised Access Report is to be submitted to Council for consideration by the Penrith Council's Access Committee. The revised Access Report is to be submitted a minimum of four (4) months before each annual event and is considered any matter that have arisen from the previous Picnic Racing events and solutions to be implemented to address these accessibility concerns.
- 8 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.
- 9 All entertainment and trading including the operation of a Public Address and speaker system is to cease at 9.00pm on the day of each event.
- 10 The event shall comply with all the requirements and undertakings given to and approved by the NSW Police.
- 11 All emergency services and key agencies involved in providing services for this event should also be provided with a copy of the completed "Fernhill Picnic Race Day Event Management & Operational Plan" at least two weeks prior to the event. This includes local Police, Fire, Ambulance, Hospital and transport providers.
- 12 Event organisers will be available at a mutually convenient time, at the invitation of Penrith City Council and/or Penrith Police, to discuss and action agreed Community Safety or Security issues in conjunction with other local Penrith stakeholders should the need arise.
- 13 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.
- 14 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.
- 15 Two NSW Rural Fire Service Category 1 fire truck shall be provided on the site for the race day.
- 16 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.

- 17 Helicopters are not to be used as a method of transporting people to and from the Fernhill Estate, except when responding to any medical emergencies.
- 18 In the event that a helicopter needs to attend the site for a medical emergency, instructions are to be provided that overhead power lines are within the site and due care is to be taken when responding to the emergency.
- 19 Bins are to be provided at Penrith Station, Penrith Paceway and Mulgoa Public School and removed at the conclusion of each event. The area utilized by the event at Penrith Station, Penrith Paceway and Mulgoa Public School is to be satisfactorily cleaned to that of pre-event conditions.
- 20 Appropriate place barriers are to be used to direct the pedestrians towards the bus entry point at Penrith Station.
- 21 The applicant must provide a combination of security personnel and paid Policing for the duration of the event to response to any social behaviour and litter management within the Fernhill Estate and Farm Road. This includes the number of security guards on the site and Farm Road determined in conjunction with Penrith Police and agreed to by Penrith City Council **2 weeks prior to the event**.
- 22 The guidelines contained in the Security and Alcohol Plan must be adhered to by security and event staff to promote responsible consumption of alcohol and minimise opportunities for alcohol-related antisocial behaviour to occur.
- 23 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.
- 24 Glass containers must not be permitted, with plastic containers or cans to be used instead. All cans must be opened at the bar.
- 25 Bags shall be searched upon entry in accordance with the Security and Alcohol Plan.
- 26 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.
- 27 Bar areas must comply with all RSA and legislative requirements concerning the sale and service of alcohol.
- 28 Free water at an appropriate temperature must be provided at all bar areas and bottle refilling stations.
- 29 The Crowd Control procedures provided in the "Fernhill Estate Race Day Security Planning Document" must be adhered to by security and event staff throughout each event.
- 30 Event organisers must be able to communicate with the crowd both for public announcements and in emergencies.
- 31 The 'First Aid Plan' provided by the applicant must be followed by all event staff. Training should be provided to staff to ensure they are familiar with the plans and steps that should be followed in the event of an incident or emergency.
- 32 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.
- 33 The 'Emergency Response Plan' provided by the applicant must be followed by all event staff and as

indicated, circulated to key emergency services for comment. In addition to the plan, a scenario planning workshop has been scheduled and should be conducted annually prior to the event. It will provide an opportunity to consider logistics and the interplay of various operational teams – security, medical, event management, traffic and the police.

- 34 Adequate lighting is provided so as to enable Police, Security and Medical staff to monitor activities and respond where required during the event.
- 35 Lighting is to be provided within the car park at Penrith Station, Penrith Paceway and Mulgoa Public School for the duration of the event.
- 36 Lighting should be provided to clearly illuminate entry and exit points, food stalls, toilets, first aid areas and stage area.
- 37 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.
- 38 Clear signage should be displayed throughout the event to clearly indicate entry/exit points, public transport locations, emergency help points, toilets, first aid, stage locations, telephones, vendors and licensed/non-licensed areas.

Additional signage is to be displayed throughout the event to clearly mark "Designated Smoking Areas" and the need to properly dispose of cigarette butts into the correct bins in order to protect the heritage of the premises.

- 39 All signage associated with the event shall be removed upon completion of each event.
- 40 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".

A temporary accessible toilet is to be provided to each bank of portable toilet facilities.

A minimum of 5 accessible portable toilets and 4 ambulant portable toilets are to be provided and distributed evenly amongst the banks of toilets.

Should ambulant facilities be unavailable, full accessible facilities are to be provided.

- 41 The temporary tent structures, stages and grandstands, when erected, are to fully comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia. A Structural Engineer's Certificate is to be submitted to Council prior to the event, certifying the structural adequacy of the structures. The maximum number of patrons permitted within any part of the structures is to be clearly displayed in a prominent position on each structure.
- 42 The event structures are to be inspected by Penrith City Council at least 24 hours before each 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.
- 43 The applicant must provide a combination of security personnel and paid Policing for the duration of the event to response to any social behaviour and litter management within the Fernhill Estate and Farm Road. This includes the number of security guards on the site and Farm Road determined in conjunction with Penrith

Police and agreed to by Penrith City Council **2 weeks prior to the event.**

Environmental Matters

- 44 Erosion and sediment control measures shall be installed prior to the commencement of works on site. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

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

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

- 45 No activities are to result in the pollution of waterways. All waterways located near the event sites (including the race track), whether ephemeral or otherwise, are to be appropriately protected with the use of sedimentation controls. No riparian or aquatic vegetation is to be removed as part of the event. The erosion and sedimentation controls are to be maintained until such time as any disturbed areas have been stabilised.
- 46 The "Draft Environmental Management Plan" as amended by Condition 6, is to be implemented and adhered to during the construction and operational phases of the event. The checklists included in Appendix B and Appendix C is to be completed as required by the Environmental Management Plan and submitted to Council **within twenty eight (28) days of the event.**
- 47 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.
- 48 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 49 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.
- 50 All disturbed areas that have experienced loss of ground cover or other vegetation as a result of the event is to be rehabilitated using native seed (including when seed spraying) or plants suitable to the local community and is to be of local provenance (western Sydney) only. No exotic plants or grasses are to be used. A list of suitable species is to be sought from a suitably qualified ecologist.
- 51 The monitoring proposed in the "Fernhill Estate Picnic Races Noise Management Plan" are to be implemented during the event. These locations cannot be changed without the prior consent of Council.

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.

- 52 Noise generated by the activity after 10pm is not to exceed the Sleep Disturbance Criteria provided in the Environmental Protection Authorities Industrial Noise Policy. In the event that the continuous noise monitoring detects any exceedance, the noise levels are to be reduced immediately.
- 53 A community contact hotline (landline and mobile) by the event organiser is to be made available to the surrounding area in case noise nuisance occurs. Any complaints are to be reported to the event manager and where necessary action is to be taken to resolve the noise nuisance. The event manager if so required by an authorised officer, the acoustic consultant or the NSW Police Force must have the authority to order the reduction of noise level produced.

Fourteen (14) days prior to each event being held, details of the noise complaint hotline (including landline and mobile phone) are to be distributed to residents within 500m of the property boundaries of the site.

A copy of the notification and details of the properties notified is to be provided to Penrith City Council for our records.
- 54 Any general waste located within the local road network affected by the local traffic diversions (St Thomas Road, Farm Road & Littlefields Road) is to be removed from these locations within one (1) week of each event being held.
- 55 Existing non-potable water taps that are accessible to the public or employees at the event must have warning signs that are clearly visible and readable stating:
"The drinking water here is not monitored or treated. Water quality may not meet Health Guidelines."
- 56 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.
- 57 All wastewater generated by the use of the horse washbays is not to enter waterways. This wastewater is to be captured and disposed of to an appropriately licensed waste management facility.
- 58 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.
- 59 The hosing out of the temporary horse stables/structures with water for cleaning purposes is not permitted. Stables are to be cleaned using predominantly dry methods that limit the use of water. Acceptable methods would include sweeping, mopping and manual collection and disposal of horse manure.
- 60 All waste generated by the horses associated with the event are to be disposed of in accordance with the existing Fernhill Estate waste management program, as outlined in the 'Fernhill Picnic Race Day Event Management and Operational Plan'.
- 61 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.

- 62 Temporary sanitary facilities shall be provided for each event in accordance with Table F2.3 of the Building Code of Australia.
- 63 Adequate waste and recycling facilities are to be located around the spectator area to cater for 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.
- 64 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 of at a lawful and licensed facility by a NSW EPA licensed contractor. Copies of receipts are to be provided to Council.

Health Matters and OSSM installations

- 65 Hand sanitiser must be readily available for people handling and coming into contact with animals. Signage must be provided directing people to the hand sanitiser and warning people of the risks associated with handling animals.
- 66 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 hand washing facilities that provide warm water through a single outlet and be provided with soap and paper towels.
- 67 Any water carter providing potable water for each race day must have in place a Quality Assurance Program that has been approved by NSW Health as required under the Public Health Act 2010.

Water carters 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 approved Water Authority to take water from their supply.

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.

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

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

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

69 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).

70 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 at all times.

71 A detailed Food Management Plan is to be provided to Council at least 21 days before each annual 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.

The Food Management Plan must also list all proposed food vendors.

72 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 each event. The certificate must be available at the day of the event for inspection by Council's Environmental Health Officers.

73 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.

74 Potable Water Supply Management Plan and Quality Assurance Program is to be provided to Council at least 28 days before each 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.

The management plan and program must address the elements of the Framework for the Management of Drinking Water Quality, set out in the Australian Drinking Water Guidelines 2011.

The potable water supply shall be maintained in accordance with the Australian Drinking Water Guidelines 2011 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.

Engineering

- 75 The recommendations from the Local Traffic Committee Meeting are to be implemented in relation to the 2014 Picnic Races Event (Refer to Appendix 2 to the Notice of Determination).
- 76 Prior to the Picnic Racing Events to be held from 2015 – 2018, a revised Transport Management Plan is to be submitted to Council for consideration by the Local Traffic Committee. The revised Transport Management Plan is to be submitted a minimum of four (4) months before each annual event and is considered any matter that have arisen from the previous Picnic Racing events and recommended solutions to these matters. Should a Traffic Management Plan not be approved prior to the staging of any subsequent Picnic Racing event that event cannot be undertaken.

Landscaping

- 77 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.
- 78 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.

Certification

- 79 An Occupation Certificate is to be obtained from Penrith City Council upon completion of all relevant bump-in installation and prior to the opening of the event to its patrons.

The certificate shall not be issued if any condition of this consent, but not the conditions relating to the operation of the development are outstanding.

80 The rehabilitation works are to be inspected by Penrith City Council within one (1) weeks of the rehabilitation works being completed. Fees for the inspection are to be paid, as detailed in Penrith City Council's Fees and Charges, and will be invoiced accordingly.

SIGNATURE

Name:	Belinda Borg
Signature:	

For the Development Services Manager