



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 30 June 2009

location: council chambers

time: 5:00 p.m.



# mission statement

***“To create opportunities  
for a variety of work  
and lifestyle choices  
in a healthy, natural  
environment”***

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### SECTION 4 - Reports for Determination

#### GENERAL MANAGER

**Item: 110**      **GM - Complaint Under Council's Code of Conduct against Councillor J Reardon - (79351, 111628, 113886, 75574)**

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#### **REPORT:**

On 24 March 2009, a complaint was received under the Council's Code of Conduct (the Code) against Councillor J Reardon in respect of comments allegedly made during a telephone conversation with the complainant on 16 February 2009.

In accordance with Clause 12.9(d) of the Code, the General Manager decided to refer the matter to an independent Conduct Reviewer and subsequently appointed Mr J Kleem of John Kleem Consulting, a member of Council's recently appointed panel of Independent Reviewers under the Code, for this purpose with the matter being referred to Mr Kleem on 8 April 2009.

Mr Kleem has now submitted his "Review Report", a copy of which is included as Attachment 1 to this report. This report is now submitted to Council for its consideration in accordance with Clause 14.9 of the Code.

In respect of reports from conduct review committees/sole conduct reviewers, the guidelines issued by the Department of Local Government provide "advice" on a number of aspects of a reports submission to Council and some of these issues, together with comments, are as follows:

- *"The conduct review committee/sole conduct reviewer should be mindful that there may be a need to protect the identity of the person making the complaint when preparing the report to Council".*

The "Review Report" from Mr Kleem indicates that due to the nature of the complaint it was necessary to reveal the identity of the complainant to Councillor Reardon. Subsequently, the complainant has also indicated that he had no objection to his identity being generally revealed.

- *"The report will generally be dealt with in open session of Council. Council can only close a meeting to the public if the matter is one that meets the requirements of Section 10A (2) of the Act. In most cases, a report from the conduct review committee/sole conduct reviewer will not meet those requirements".*

It is not considered that this particular matter meets any of the requirements of Section 10A (2) of the Act.

- *"The Primary role of the conduct review committee/reviewer is to establish the facts of the allegation. The conduct review committee/reviewer will make findings of fact and may make recommendations that Council takes action.*

*The Council is the appropriate body to determine whether or not a breach of the Code has occurred and has the discretion as to whether or not a sanction is applied. Councillors need to ensure that there is no re-hearing of the evidence when debating the report from the conduct review committee/reviewer. The debate should focus on*

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*the outcome of the reviewer's enquiries and the appropriateness of any sanctions to be applied where there is a finding or a breach of the code of conduct".*

The issues and facts surrounding the allegation have been addressed in the "Review Report" and Mr Kleem has made a finding that the allegation is "unsubstantiated" and "does not represent a breach of Council's Code of Conduct to be pursued".

Accordingly, the following recommendation is submitted for Council's consideration in connection with this matter.

### **RECOMMENDATION:**

That the Review Report by the Sole Conduct Reviewer, Mr J Kleem of John Kleem Consulting, dated 31 May, 2009 in respect of a complaint under the Council's Code of Conduct regarding Councillor J Reardon be received and no further action be taken in view of the conclusions reached by the Sole Conduct Reviewer.

### **ATTACHMENTS:**

**AT - 1** Review Report by Mr J Kleem of John Kleem Consulting.



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### CITY PLANNING

**Item: 113**      **CP - Development Application - Construction of a Shop, Associated Car Parking and Landscaping (Dan Murphy's Outlet) - 7-9 East Market Street, Richmond - (DA0873/08, 95498, 4562)**

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#### Development Information

**Applicant:**            Fabcot Pty Limited  
**Owner:**                Fabcot Pty Limited  
**Stat. Provisions:**    Hawkesbury Local Environmental Plan 1989  
                             Sydney Regional Environmental Plan No. 20  
**Area:**                  2757sqm  
**Zone:**                  3(a) Business General  
**Advertising:**        5 January 2009 to 21 January 2009  
**Date Received:**      28 November 2008

**Recommendation:**   Conditional Approval

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#### REPORT:

##### Description of Proposal

This application seeks approval to construct a stand alone shop to operate as a Dan Murphy's retail liquor outlet. In summary the development comprises:

- A single storey commercial building of 1000m<sup>2</sup>, with a mezzanine floor of 125m<sup>2</sup>, positioned in the north-eastern corner of the site on a zero setback to East Market Street and the northern site boundary.
- A four metre high acoustic wall along the northern site boundary, extending between the rear wall of the building and the western site boundary.
- A combined entry/exit driveway to East Market Street, set along the southern site boundary providing access to a 40 place car parking area occupying the western half of the site.
- Associated drainage and landscaping works.
- Six advertising signs located at various positions on the façade of the building.

##### Description of the Land and its Surroundings

The site is centrally positioned within the Richmond Town Centre, being located on the western side of East Market Street, between the intersections with Francis and Windsor Streets.

The site is of a regular shape, with a street frontage of 37.4m, a depth of 73m and a total area of 2761m<sup>2</sup>. Gradients are essentially level, noting that there is a low retaining wall at the north east corner of the site where the land sits about 500mm above the level of the footpath along East Market Street. Vegetation is limited to a single tree positioned centrally at the street frontage which would be removed. There are no improvements over the site, which has been informally used as a public parking area until the land was enclosed with security fencing. The land is neither benefited, nor burdened, by any easements.

A two lane public accessway abuts the entire southern site boundary and connects East Market Street to a large Council car park which extends generally from the western boundary of the subject land through to West Market Street. Land to the south and west, beyond the car park, supports various commercial activities. Commercial activities also extend east of the site across East Market Street. The northern

boundary of the site is common with residential development addressing Francis Street, and commercial development to East Market Street.

### History

There is no record of any prior development applications over this land.

### Issues Relevant to the Decision

- Suitability of the location of the driveway access to East Market Street.
- Adequacy of the geometry of the access driveway, and onsite manoeuvring for service vehicles.
- Pedestrian safety at East Market Street.
- Adequacy of arrangements for the collection and disposal of stormwater.
- Amenity impacts associated with acoustic wall and the operation of mechanical plant and equipment.
- Social impacts.

### Section 79C Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

a. **The provisions (where applicable) of any:**

i. **Environmental Planning Instrument:**

**State Environmental Planning Policy 55- Remediation of land**

SEPP 55 provides a framework for the assessment, management and remediation of contaminated land. Clause 7 (1) prevents Council from consenting to a development unless it has considered whether the land is contaminated, and whether the land is suitable in its contaminated state (or will be suitable, after remediation) for land use for which consent is sought.

Table 1 within the Department of Planning's *Planning Guidelines for Contaminated Lands* identifies activities which may cause land contamination. The land the subject of this application has not been used for any activity listed in that Table. Further, this application is not seeking to use the site for a sensitive land use as identified in clause 7(4) of the SEPP.

Accordingly determination of this application can proceed without need for consideration of a preliminary contamination investigation report.

**State Environmental Planning Policy 64 - Advertising and Signage**

This Policy aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of a high quality design and finish. It also aims to regulate signage (but not content) under Part 4 of the Act and to provide time-limited consents for the display of certain advertisement.

The development includes six (6) illuminated signs located at various positions on the eastern (street), southern and western (rear) elevations. These signs are defined as *wall advertisements* being an advertisement that is painted on or fixed flat to the wall of a building.

Clauses 8 and 17 of the Policy provides that consent cannot be granted to signage unless it is consistent with the objectives of this Policy, and satisfies the assessment criteria specified in Schedule 1. The proposed signage has been assessed as satisfying these provisions.

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Clause 22 of the Policy prescribes various controls regarding the quantity, size and design of *wall advertisements* to ensure they are properly integrated into the form and presentation of buildings. The signage outlined in this application fulfils this criteria, except in relation to quantity. Clause 22 permits only one wall advertisement on each elevation of a building, however this application proposes two such signs for the street, rear and southern elevations.

This matter is therefore resolved by a condition which limits the quantity of signs affixed to this building.

### **State Environmental Planning Policy (Infrastructure) 2007**

Section 104 of the Policy requires that applications for certain types of traffic generating development must be referred to the Roads and Traffic Authority (RTA) for consideration.

This proposal, by virtue of its size and distance from a classified road, triggered the referral provisions of the Policy. The RTA identified the following concerns in their response:

- A preference to position access onto the site adjacent to the northern property boundary given the location of the driveway access serving the adjacent Council car park.
- Ensuring adequate sight distances for pedestrians and vehicles at the entrance to the site, and throughout the car park.
- Ensuring all parking spaces, aisle widths, grades, sight distances and turning paths comply with relevant Australian Standards.
- Manoeuvring for a 12.5m long rigid vehicle to and from the loading dock is tight, and should be resolved to Council's satisfaction.

These comments overlap with concerns raised by Council's Subdivision and Development Engineer. Detailed analysis of these matters is provided later in this report.

### **Hawkesbury Local Environmental Plan 1989**

#### ***General Provisions of HLEP 1989***

##### Clause 2 - Aims, objectives etc.

The proposed development is consistent with the general aims and objectives as outlined in this clause.

##### Clause 5 - Definitions

The proposal is defined as 'shop' being "*a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause*".

##### Clauses 8 and 9 - Zones and Permissibility

The subject land is within Zone No. 3(a) Business General 'A'. A 'shop' is permissible with development consent within that zone.

##### Clause 9A - Zone Objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the development is consistent with the objectives of the zone. These objectives are as follows:

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- *To promote the development and expansion of business activities to meet the optimum employment and social needs of the City of Hawkesbury;*
- *To permit non-commercial development within the zone where such development is compatible with the commercial character of the locality;*
- *To ensure that there is adequate provision for car parking facilities within the zone;*
- *To minimise conflicts between pedestrian and vehicular movement systems within the zone; and*
- *To preserve the historic character of the City of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.*

The proposal will meet these objectives subject to the implementation of conditions within the recommendation to this report, which modify the car park and limit the size of delivery vehicles attending the site in order to minimise the potential for conflict between pedestrian and vehicle movements. These matters are discussed elsewhere in this report.

### ***Specific Provisions of HLEP 1989***

#### Clause 18 - Provision of water, sewerage etc. services

Required utility services are available. Included in the recommendation to this report are conditions requiring connection to these services.

#### Clause 25 - Development on flood liable land

The site is above the 1-in-100 year flood level.

#### Clause 27 - Heritage items

The site is not listed as a heritage item in Schedule 1 of the LEP.

#### Clause 28 - Development in the vicinity of a heritage item

This clause provides that consent shall not be granted to development in the vicinity of a heritage item unless consideration has been given to the effect upon the significance and settings of those items.

A number of listed heritage items are located in close proximity to the site, including the Regent Theatre, the Commercial Hotel, the Royal Hotel and 'Toxana' (dwelling).

Council's Heritage Advisor has reviewed the proposal and has concluded that it would be unlikely to adversely impact upon any nearby heritage item.

#### Clause 37 - Land affected by aircraft noise

The RAAF 2014 ANEF map places the site within the 25 - 30 ANEF contour. Australian Standard AS2021 indicates that commercial development within this contour is acceptable subject to "an analysis of building noise reduction requirements by an acoustic consultant" being made "and any necessary noise control feature included in the design of the building."

The recommendation to this report therefore includes a condition requiring the preparation of an acoustic report identifying required noise attenuation measures to accompany any application for a Construction Certificate.

#### Clause 37 A - Development on land identified on Acid Sulfate Soils Planning Map

The site is categorised as Class 5 land on the Acid Sulfate Soils Planning Map. Site works associated with this proposal are minor, and will not lower the water table by more than 1m. Therefore an acid sulfate management plan is not required.

**State Regional Environmental Plan No 20 - Hawkesbury Nepean River (No 2 - 1997)**

The development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context given that it is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies of this Plan.

**ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:**

Not applicable.

**iii. Development Control Plan applying to the land:**

**Hawkesbury Development Control Plan 2002**

An assessment of the proposal against the relevant provisions of this Plan is provided below:

Part A - Chapters 1 - 3 : General Information

This Part of the DCP is satisfied as:

- The proposed development is consistent with the general aims and objectives of DCP 2002.
- Sufficient information has been submitted with the application.
- The application was publicly notified in accordance with the DCP. Three submissions, all raising objections or concerns about the proposal were received. The issues raised in the submissions are addressed later in this report.

Part C - Chapter 1: Landscaping

Indicative landscaping is described on the site plan and essentially comprises the provision of small garden beds where opportunities allow within the car parking and vehicle access areas. Additional landscaping will result through the deletion of two (2) parking spaces in proximity to the entry driveway, as discussed later in this report.

On balance the extent of landscaping proposed is suitable having regard to the setting, context and use of the site.

The recommendation to this report includes conditions requiring the submission of a formal landscape plan for approval with any Construction Certificate.

Part C - Chapter 2: Car Parking and Access

Arrangements for access and manoeuvring as proposed are not satisfactory and fail to meet the aims of the DCP to:

- Encourage the efficient flow of traffic through carparks and to minimise the potential for pedestrian/vehicle and vehicle/vehicle conflict
- Ensure adequate traffic safety and management and to improve the amenity of car parking areas.

Opportunities to resolve these matters have been identified and these are discussed in detail later in this report.

The DCP also prescribes calculations to achieve an appropriate supply of on-site parking. The application proposes 40 spaces, exceeding the DCP requirement of 38 spaces. However this report recommends that two (2) parking spaces be deleted in order to improve traffic movements onto and over the site. This will not result in an undersupply of parking.

The dimensions of some of the parking spaces are also not satisfactory however this matter will be resolved via conditions included in the recommendation to this report.

#### Part C - Chapter 3: Signs

The relevant DCP objectives for signs in commercial zones are as follows:

- The design and location of signs are to:
  - be integrated and in proportion with the architecture and structure of the host building;
  - be placed to ensure that architectural features of the building, views or vistas are not obscured;
  - consider existing signs to avoid visual or physical clutter; and
  - avoid obstruction of pedestrian access or line of sight of vehicular traffic.
- Signs shall be simple, concise and uncluttered in appearance. Emphasis should be on clarity of communication.

The signage package nominated with this application is consistent with these objectives.

#### Part C - Chapter 4: Soil Erosion and Sediment Control

This application is accompanied by a Sediment and Erosion Control Plan which satisfies the objectives and controls of this Chapter of the DCP. Appropriate conditions addressing this matter are included in the recommendation to this report.

- iv. **Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:**

Not applicable.

- v. **Matters prescribed by the Regulations:**

None of the prescribed matters are relevant to this application.

- b. **The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:**

#### **Context & Setting**

The built form, scale, character and presentation of the development is appropriate for the setting and context of the site, which is positioned centrally within the Richmond town centre.

The residential interface along a section of the northern site boundary, and the inclusion of residential housing at the first floor at No. 5 East Market Street, also adjacent to the northern site boundary, does create a source of potential conflict in terms of amenity. This issue is addressed later in this report.

#### **Access, Transport & Traffic**

##### Access

*Location of driveway entry*

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The proponent was requested to justify the efficacy and safety of locating the entry accessway of this development immediately adjacent to the combined entry/exit for the adjoining Council car park.

Advice was received in response noting that the arrangement was acceptable for traffic safety given the good site distances available, low traffic volumes and low traffic speed. These contentions have been reviewed and are accepted.

To ensure pedestrian safety to the footpath along East Market Street, the proponent proposes to construct a concrete median island to separate the adjoining driveways serving the proposal and the adjacent Council car park.

Councils Subdivision and Development Engineer advises that this pedestrian refuge will not be successful given:

- The space to be occupied by this refuge is largely required for vehicles exiting the Council car park to manoeuvre out into East Market Street. As a consequence there would be insufficient space to provide barriers or bollards to provide protection to pedestrians relying on this refuge.
- Providing a raised refuge is not possible as insufficient space is available to include transitions for prams or less mobile pedestrians.

It is recommended that two (2) parking spaces immediately adjacent to the driveway entry (numbered 39 and 40) be deleted, and be provided as a raised hard stand area.

### *Design of driveway entry*

The applicant has nominated that the largest service vehicle to attend the site, up to twice a day, will be a Heavy Rigid Vehicle (HRV), 12.5m in length. Additional deliveries would be made by smaller vehicles (vans and small trucks) between 10-12 times per day.

The width of the driveway entry, at the boundary to East Market Street does not comply with the relevant Australian Standard for a HRV. If a HRV is to attend the site then it would occupy the entire width of the entry driveway when both entering and leaving the site. Further, this driveway is also not sufficient to accommodate a Medium Rigid Vehicle. It is only acceptable for a Small Rigid Vehicle.

The applicant has been given the opportunity to demonstrate that the geometry of the driveway is acceptable for a HRV and their advice is contradictory. In part it contends that the driveway is adequate, however it also recommends that the following condition be included in any consent granted for the development:

*The current arrangements for deliveries to the site by a HRV are not considered satisfactory in regards to the safety and amenity of passenger vehicles to the development. Additional information is required in regard to the frequency and timing of deliveries by this size of vehicle in order to establish whether the arrangement as proposed is acceptable.*

It appears the intention of this condition would be to allow for deliveries by a HRV to be limited to times outside of core trading hours, in recognition of the non-compliance with design requirements of the relevant Australian Standard. Such an approach is not supported. Instead the following two options are appropriate, being:

- Amend the siting and design of the development to ensure that access arrangements for a HRV are achieved; or
- Limit the size of the largest vehicle that can attend the site, being an SRV. This would necessarily result in an increase in the number of service vehicles attending the site however the traffic report provides sufficient evidence that the local road network has the capacity to absorb an increase in traffic.

The recommendation to this report includes a condition limiting access to a SRV.

*Onsite manoeuvring for service vehicles*

Separate to the consideration as to whether the driveway entry is adequate to manage access by a HRV is the issue of whether the geometry of the internal circulation areas are also able to accommodate a vehicle of that size.

The applicant has provided various plans demonstrating that the movements of a HRV through the site is achievable. However the Subdivision and Development Engineer's assessment indicates that these arrangements are not satisfactory as a HRV is only able to (just) circumnavigate the site by taking up the full width of the 2 way car parking aisles.

The following further issues impact upon the efficiency and safety of the car park for the movement of a HRV through the site:

- The width of the parallel parking spaces (numbered 36-40) located adjacent to the main entry access needs to be increased to comply with the relevant Australian Standard.
- The awning along the southern elevation of the building is likely to interfere with the movement of a HRV exiting the site.

These circumstances further support limiting service vehicles attending the site to a maximum size of a SRV.

Traffic

Accompanying the application is a traffic report which has:

- Established existing traffic levels on existing roads within the locality of the site.
- Established the levels of service at intersections within that road network.
- Estimated peak hour traffic generation associated with the proposal based upon the survey of an existing Dan Murphy's outlet.
- Reviewed traffic volumes and levels of service at intersections as a result of traffic predicted from the operation of this proposal.

This report concludes that the road network surrounding the site would be able to cater for the additional traffic resulting from this development given that surrounding intersections would continue to operate at satisfactory levels of service.

The report has been reviewed and its analysis and conclusions are accepted.

**Water**

A modified drainage plan has been provided which does resolve some issues of concern identified with the original hydraulic plans. However, the revised scheme still relies upon connection to an existing pit located within the adjacent Council car park. As this car park is classified as 'community land' under the Local Government Act, Council is not able to grant an easement to formalise this arrangement.

To overcome this, and other remaining design concerns, this report includes conditions which require the submission of an amended drainage scheme, incorporating On Site Detention of stormwater and a discharge connecting directly to the kerb in East Market Street.

**Waste**

Accompanying the application is a Waste Management Plan which makes provisions for the collection and disposal of wastes, both during the construction of the building and upon commencement trading. These details are satisfactory.



## Noise & Vibration

The application is accompanied by a Noise Impact Assessment report which considers likely impacts from the construction and operational phases of this proposal.

### Construction Noise

The report has identified:

- Relevant noise limits to apply to construction noise having regard to guidelines issued by the Department of Environment and Climate Change.
- Construction noise control measures consistent with relevant Australian Standards

A condition addressing this matter is included in the recommendation of this report.

### Operational Noise

#### *Mechanical plant and equipment*

Plans lodged with the application included a semi enclosed rooftop deck located at the East Market Street frontage of the site, and adjacent to No. 5 East Market Street. This deck would enclose some, but not all, of the mechanical plant and equipment necessary for the operation of the building. Additional rooftop mechanical plant was also foreshadowed in the application but was not described on the plans.

Two concerns were identified with this aspect of the proposal, being:

- The Noise Impact Report did not acknowledge that adjacent No. 5 East Market Street includes residential flats at the first floor, adjacent to the condenser deck.
- It is inappropriate to locate a service element of the building in such a visually prominent location.

To resolve these concerns the applicant has now repositioned the condenser deck to a location towards the centre of the main roof of the building, where it would be shielded from No. 5 East Market Street by the first floor of the building. A revised Noise Impact Assessment was also provided which confirms this amendment would not result in adverse noise impacts to any adjacent residential premises.

The revised location of the condenser deck also provides an appropriate solution with regard to minimising visual impact and maintaining an appropriate streetscape presentation.

#### *Car park and loading dock*

The loading dock and car park of this proposal is directly adjacent to residential housing adjoining the site to the north.

Given that the trading hours of Dan Murphy's extend until 9:00pm (Thursday - Saturday) and that deliveries will commence from 8:00am, this application proposes the construction of an acoustic fence, four metre high, along the entire northern boundary of the site.

It is recognised that a fence of this height and length is not a common element within the Richmond town centre, and will be particularly prominent from No. 94 Francis Street, which includes a two storey townhouse set one metre from the common boundary with the subject site. However, on balance it is concluded that this fence is acceptable for the following reasons:

- The need for the acoustic fence arises from the historical decision to juxtapose commercial and residential zones within the town centre, and is compounded by the construction of a

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townhouse 1m from the common boundary with commercial land. Arguably any development of this site would result in either the placement of a commercial building on the northern site boundary or, alternately, the construction of an acoustic fence on that boundary to attenuate noise.

- While arguably this proposal could be reconfigured to locate the proposed building on the opposite side of the site to allow for the driveway access to be positioned along the northern site boundary, it is anticipated that noise from vehicles and delivery trucks would still require a significant barrier to protect the amenity of the adjacent residential sites. Repositioning the building would also isolate it within the streetscape, and result in the elevations of existing commercial buildings abutting the northern site boundary to remain visually exposed. These circumstances would not result in a satisfactory urban design outcome.

Accepting that the provision of this fence is reasonable, it is also necessary to consider whether the design and appearance of the fence is acceptable. In this regard it is noted:

- The design and presentation of the fence, as viewed from public areas to the south, west and east of the site, is acceptable.
- No details have been provided describing the presentation of the fence from the adjacent residential properties to the north. Given the nature of the proposed fence it is considered appropriate to require materials used in its construction to have a suitable level of durability so as not to require ongoing maintenance. This matter is addressed by a suitable condition in the recommendation to this report.
- To assist in improving its visual presentation, a horizontal glazed panel is provided along the top of the fence, as well as glazed vertical elements along the length of the fence. The glazing itself is acceptable in terms of its noise attenuation qualities, however the vertical panels will allow for view from the car park into the private open space areas of the adjacent residence, which is not acceptable. This matter is therefore also addressed by a suitable condition in the recommendation to this report.

### Social Impact in the Locality

Evaluation of the likely social benefits and costs of this proposal is relevant having regard to issues raised in public submissions, and noting also the objection received from NSW Police (Windsor Local Area Command).

The public submissions noted the following concerns:

- *There are enough liquor outlets in Richmond which contribute to liquor related crime and anti social behaviour. No more outlets are needed.*

The NSW Police submission noted the following concerns:

- *The Richmond CBD is considered to be a hot-spot for alcohol related crime, anti-social and loutish behaviour. Not all of this behaviour is associated with patrons attending the surrounding 'On-Licence' premises. A proportion of these crimes and incidents relate to young persons purchasing alcohol or being provided with alcohol from bottle shops and other avenues.*
- *Within the immediate vicinity of the site there are 7 'On-Licence' or 'Off-Licence' premises comprising pubs, a club, night clubs and retail outlets.*
- *Established licensed premises are already sufficient to serve the community. Any further off-Licence premises would no doubt increase the legal of alcohol within the community. This would no doubt increase the risk of associated medical and social problems, as well as increases crime, anti-social behaviour and traffic incidents.*

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- *An increase in supply risks the increase in secondary supply of alcohol to young people.*
- *Police are regularly confronted with young people under the influence of alcohol acquired from secondary locations. Intoxicated youths are responsible for criminal and anti-social behaviour in the Richmond CBD. This has been an ongoing problem and has had a significant effect upon the community. Increasing the availability of alcohol will increase the risk to the community.*

Separate to any approval which may be granted to this application, prior to the commencement of trading, the proponent must obtain a packaged liquor licence from the NSW Casino, Liquor and Gaming Control Authority. (the Authority)

An application for that licence must be accompanied by a Community Impact Statement (CIS). A CIS allows the Authority to be aware of the impact that granting an application will have on a local community by ensuring public consultation is undertaken. The Authority cannot grant a licence unless it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community.

A CIS received by the Authority will be placed on public display before an application is determined. Persons or organisations that are notified of a proposal will also be notified of the application if the proposal goes ahead. They will be able to view the CIS and make submissions directly to the Authority.

The proponent has already commenced the preparation of their CIS, and has provided the following details regarding that process:

- 69 neighbouring properties within 100m of the site have been issued with a CIS Notice.
- Stakeholders and interest groups issued with a CIS notice are Council, NSW Police, Sydney West Area Health Service, Department of Community Services, Roads and Traffic Authority, NSW Department of Aboriginal Affairs, Merana Aboriginal Community Association for Hawkesbury, Zone Youth Space, Hawkesbury Youth Services, Hawkesbury District Senior Citizens Inc, Australian Foundation for the Disabled and The Women's Cottage.
- 3 responses were received, one from NSW Police and 2 from neighbouring properties. All submission objected to the proposal on grounds of increased anti-social behaviour.

In response to the objections received from neighbouring properties, the applicant advises:

- One of the respondents is located between two existing hotels which are licensed to operate until 3.00 am Mondays - Saturdays. Existing anti-social behaviour is likely to be related to either of these premises and would be unlikely to be exacerbated by this proposal.
- Negotiations with second respondent has resulted in an agreement to install additional lighting to address their concerns.

In summary, the issues raised by the NSW Police in their submission to the CIA, are:

- The site is located in the heart of the Richmond CBD, is surrounded by a number of licenced premises and bottle shops, is in close proximity to a cinema, railway, large shopping centres and well used public park.
- It is difficult for Police to statistically forecast the impact this proposal would have on the community. However a realistic forecast would suggest that any increase in the availability of alcohol in the community, especially at discounted prices, would significantly increase the risk of alcohol related crime, anti-social behaviour and traffic incidents.

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- The Richmond CBD is the crime 'hot spot' especially on a Friday and Saturday night.
- Increased traffic to this site, which is adjacent to the driveway to a major car park, and opposite The Richmond Club, will increase danger to pedestrians.
- Consistent with its obligations to reduce crime anti-social behaviour under the NSW Government's State Plan, Police must take every opportunity to reduce the impact of alcohol in the community.
- If the application is successful, Police would seek to have an appropriate closing time to reduce opportunities for continued sales to patrons seeking to 'restock', and to limit secondary service to minors.
- Police would also strongly encourage the applicant to become involved in the Hawkesbury Liquor Accord and support youth programs and initiatives.
- Police would like to negotiate initiatives around high-risk times, such as the end of school year, Christmas and New year.
- All staff should be trained to retrieve CCTV footage to allow Police to take immediate action should incidents arise.

The Police submission included the following conclusion:

*Police find it difficult to object to an application such as this, as existing Dan Murphy's stores are no doubt managed in accordance with the law. It is not the management of the store that is in question. The impact of the increased availability and sale of discounted alcohol in any society would have an adverse impact upon the community. There is constant media and political coverage of the adverse impact of alcohol in society. This is a fact we cannot escape from. Police and all major stakeholders have a significant responsibility to reduce the impact of alcohol abuse in the community.*

In response to the Police submission the applicant advises:

- Management of the store will be undertaken in accordance with the requirements of the Liquor Act 2007 and Liquor Regulation 2008.
- Woolworths Limited adheres to the Alcohol Beverages Advertising Code, which requires that advertising does not detract from the need for responsibility and moderation in alcohol consumption, and that advertising does not encourage under age drinking.
- Woolworths has a 'ID25' policy requiring staff to verify the age of customers who appear to be under the age of 25. This policy is incorporated into Responsible Service of Alcohol training for employees.
- Trading hours conclude at 8.00pm or 9.00pm which is before the peak time for late night entertainment and possible anti-social behaviour.
- A security system incorporating CCTV would be installed, which would be monitored 24 hours a day. Digital recordings will be held for 30 days. The Licensee or duty manager, one of whom would always be on site whenever the premises are trading, will be available to retrieve footage for Police if required.
- Regular patrols of external areas would be conducted to ensure that alcohol is not being consumed on the premises.
- Adequate lighting would be provided to improve surveillance and discourage anti-social behaviour.

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- The applicant will participate in the Hawkesbury Liquor Accord, a voluntary industry based agreement by licensees and other stakeholders, via which participants agree to act in ways which will improve safety in entertainment areas and reduce alcohol related anti-social behaviour.
- The location of the site is not inappropriate, as it is located behind the main street of the town centre.
- The proposal is not likely to create additional impacts on the operation or enforcement of the current alcohol-free zone as it is licenced only for the sale of alcohol, and not consumption.
- In terms of public drinking in Richmond Park, existing licenced premises are located directly opposite this park, whereas this proposal is more distant, and not visible, from that Park.
- An additional licenced premises cannot create additional demand for alcohol and so cannot be expected to result in more alcohol being sold or consumed irresponsibly. It will also not increase the availability of discounted alcohol as there is already sufficient outlets to create competition for business.
- A greater problem is patrons attending and leaving other premises licensed to allow alcohol consumption.
- The applicant is open to negotiation with Police regarding high risk times.

In reaching a position on this matter it is considered that unacceptable social outcomes can only be directly attributable to this proposal where there is a likelihood this activity would be inappropriately operated and managed. There is no basis to conclude that the proponent would not operate these premises other than in accordance with relevant obligations and requirements.

This report therefore includes conditions which will ensure that the obligations and undertaking offered by the proponent to limit the potential for adverse social impacts are implemented.

### **Economic Impact in the Locality**

Economic benefits will accrue from the construction of the building and on-going employment opportunities once the activity is operational.

### **Construction**

The recommendation to the report includes conditions to manage construction works to ensure that disruption to the locality is minimised.

#### **c. Suitability of the site for the development:**

The site will be suitable for this proposal subject to the implementation of the conditions outlined in the recommendation to this report.

#### **d. Any submissions made in accordance with the Act or the Regulations:**

### **Public Consultation**

The application was publicly notified to adjoining owners from 5 January 2009 until 21 January 2009. Two submissions, both raising objections were received. These issues raised in these submissions (excluding social impact matters, which have already been addressed) are identified and considered below:

#### Siting and design

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- The building should be setback from East Market Street to match the adjacent commercial building to the north to avoid providing a blank wall which will attract vandals/graffiti, and create a dark alcove at night.
- Any excavation to construct the building should be conditioned to ensure adjacent sites are not affected by water runoff.

### *Response*

Positioning the building on the boundary to East Market Street is a typical and appropriate built form outcome for a commercial area. However it is acknowledged this will create an 'alcove' on No. 5 East Market Street, as the building on that site is setback from the street. Adequate lighting and passive surveillance from the first floor residential units at 5 East Market Street should provide a sufficient deterrent to discourage vandalism, graffiti etc.

Only minimal excavation of consequence is required to construct the proposed building. Adequate measures can be provided to control the collection and disposal of stormwater to prevent adverse impacts upon adjacent sites.

### Noise

- The condenser deck is located only a few metres from the upper level residential windows and lower level entry to the business at adjacent No. 5 East Market Street. This will create unacceptable noise impacts during the night and day, as well as heat emissions.

### *Response*

The condenser deck has been relocated to avoid adverse impacts upon adjacent No. 5 East Market Street. An acoustic report confirms that screening of the deck as proposed will limit noise intrusion to required levels.

### Safety and security

- Security lights and cameras will not be sufficient and will encourage anti-social or criminal behaviour to occur in locations which are out of sight. This will increase potential for trespassing on adjacent properties.
- Any lighting should be sympathetic to adjacent residences.

### *Response*

Arrangements for safety and security are considered adequate. Conditions of consent will require security lighting to avoid intrusion onto adjacent residential properties.

### Traffic and pedestrians

- The locations of the entry/exit adjacent to the Council car park access will exacerbate an already hazardous traffic condition.
- A footpath along the boundary of this site is needed to provide a safe area for pedestrians to access the adjacent public car park from East Market Street.

### *Response*

These matters have been the subject of detailed assessment as outlined earlier in this report.

### **Department of Defence**

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The Department did not indicate either its support or objection to the proposal, but provided the following comments:

- The need to comply with Australian Standard 2021-2000 to address impacts from aircraft noise.
- Any structure, landscape element or construction equipment with a height greater than 15m will require approval by the Department of Defence.
- External lighting is not to be directed upward to avoid confusion/interference for pilots attending Richmond RAAF base.
- External materials of construction are to comprise materials of low reflectivity to ensure glare similarly does not interfere with pilots attending Richmond RAAF base.

### *Response*

These matters can be managed through conditions as outlined in the recommendation to this report.

#### **e. The Public Interest:**

There are no additional matters to be considered.

### **Conclusion:**

This application seeks approval to construct a stand alone shop to operate as a Dan Murphy's retail liquor outlet, on a vacant allotment located at Nos 7-9 East Market Street, Richmond.

Assessment of the application has identified various concerns regarding:

- Arrangements for access and onsite manoeuvring by service vehicles.
- The adequacy of dimensions of certain parking spaces on the site.
- Pedestrian safety at the frontage to East Market Street.
- Adequacy of arrangements for the collection and disposal of stormwater.
- Impacts upon the amenity of adjacent residential development from noise associated with the location of mechanical plant and equipment, and the construction of a substantial boundary wall to achieve required noise attenuation.
- Likely social impacts from the introduction of an additional liquor retail outlet.

On balance this proposal is satisfactory, subject to the implementation of conditions outlined in the recommendation to this report.

### **Planning Decision**

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

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### RECOMMENDATION:

That development application DA0873/08 at Lot 1 DP 998889 and Lot A DP 161234, 7-9 East Market Street RICHMOND NSW 2753 for the construction of a shop, associated car parking and landscaping, and the occupation of the building for a Dan Murphy's retail outlet, be approved subject to the following conditions:

#### **General Conditions**

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall be modified in the following manner:
  - (a) To satisfy the requirements of SEPP 64, only one wall advertisement shall be displayed on each elevation of the building.
  - (b) Car parking spaces numbered 39 and 40 shall be deleted. The area for space 39 shall instead be landscaped. Plantings used in this location shall be of a type that will not interfere with sight distances for pedestrians and motorists. The area for space 40 shall be treated with an appropriate hardstand finish which prevents its use as a parking space, and allows the area to be used as a pedestrian refuge.
  - (c) The dimensions of car parking spaces numbered 36, 37 and 38 shall be altered to comply with Australian Standard 2890.4
  - (d) The vertical glazing elements within the acoustic fence along the northern site boundary shall be deleted and replaced with a solid material used elsewhere in this structure.

Full details demonstrating compliance with this condition shall be included on any plans approved with a Construction Certificate.

3. All external mechanical plant, machinery or like equipment shall be located within the rooftop condenser deck.
4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
5. The approved use shall not commence until all conditions of this Development Consent have been complied with.
6. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
7. The development shall comply with the provisions of the Building Code of Australia.
8. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
10. In order to satisfy the operational requirements of the Department of Defence, any external lighting shall be directed towards the ground. To maintain amenity for neighbouring properties, any external lighting shall not be directed towards those properties.

#### **Prior to Issue of Construction Certificate**



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11. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$ 23 000.00 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts confirming that the contribution has been fully paid are to be provided to the certifying authority.

12. An acoustic report, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority detailing any measures to be implemented to comply with Australian Standard 2021.
13. A landscape plan for the entire site, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority for approval.
14. The materials used in conjunction with the acoustic wall situated along the northern boundary of the site are to be of a high aesthetic standard, provide a suitable level of privacy for adjoining properties and are to have a suitable level of durability so as not to require ongoing maintenance. Details demonstrating compliance with this requirement are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
15. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
16. Construction of the access, car park, drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
17. Payment of a Construction certificate checking fee and a Compliance Certificate inspection fee when submitting Civil Engineering Plans for approval in accordance with Council's fees and charges.
18. Under the provisions of the Roads Act 1993, all works within the road reserve are to be approved by Council. Fees required if an accredited certifier is used for internal works will be provided on request.
19. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the traffic guidance scheme is to be approved by the Roads and Traffic Authority before submission to Council.
20. A revised drainage plan for the development is to be submitted to Council or the Principal Certifying Authority for approval. The design shall incorporate on site stormwater detention to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels. Connection to, or any modification, to Council's stormwater system in the adjacent car park is not permitted.
21. A Construction Management Program shall be submitted and approved by Council prior to the issue of any Construction Certificate. Any use of Council property shall require appropriate approvals. The program shall detail (but not necessarily be limited to):
  - (a) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the

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- location and type of temporary vehicular crossing for the purpose of minimizing traffic congestion and noise in the area;
- (b) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
  - (c) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period. Note that Council's car park is not to be used for access to the development, storage of equipment or materials etc. The operation of Council's car park is not to be compromised in any way by the proposed development;
  - (d) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
  - (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practicing Structural Engineer and shall not involve any permanent or temporary encroachment onto Council's property;
  - (f) The proposed method of maintain safe pedestrian access in East Market Street across the frontage of the site at all times during the construction;
  - (g) Proposed protection for Council's land and adjoining properties. Details are to include site fencing and the provision of hoardings over footpaths where appropriate;
  - (h) The location and operation of any on site crane; and
  - (i) Where a Works Zone is proposed to be installed adjacent to the site frontage in East Market Street, a separate application is to be submitted to Council for consideration.
22. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.
- (Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.
23. The roof shall utilise non reflective materials so as to limit interference with aircraft operations. Details being submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
24. If required, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued.
25. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

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### ***Prior to Commencement of Works***

26. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
27. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
28. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
29. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
30. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
31. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
32. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
33. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
34. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.
35. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
36. Off street parking associated with the proposed development, including driveway widths, aisle widths, grades parking bay dimensions, sight distance requirements and turning paths are to be in accordance with AS 2890.1-2004 and Council's Development Control Plan and AS2890.2 - 2002 for loading areas as appropriate.
37. Provision of adequate on site loading and unloading facilities to cater for the proposed use of the land.
38. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:

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- (a) must preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land

39. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
  - If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.
40. Prior to commencement of building works, the applicant must obtain approval in accordance with the requirements of the Roads Act for the erection of 'hoarding/scaffolding' should any work be carried out on Council property or required to be erected to comply with the Occupational Health and Safety Act and associated Regulation.
41. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Hawkesbury City Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

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### *During Construction*

42. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
43. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
44. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
45. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
46. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
47. Disabled parking shall be provided in accordance with AS2890.1-1993.
48. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
49. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
50. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
51. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c. Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
52. Compliance with construction noise control measures outlined in the report prepared by Marshall Day Acoustics dated 18 May 2009.
53. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
54. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
55. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
56. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.

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57. A heavy duty layback and footway vehicular crossing shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
58. All works associated with the proposed redevelopment are to be at no cost to Council or the RTA.
59. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
60. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

***Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.***

- (a) commencement of work (including erosion controls, site works and site set out);
- (b) piers;
- (c) internal sewer or stormwater lines prior to covering;
- (d) external sewer or stormwater lines, prior to backfilling; and
- (e) prior to occupation of the building.

### ***Prior to Issue of the Occupation Certificate***

61. Compliance with all conditions of this development consent.
62. Registration of a plan of survey consolidating the site into a single allotment. Documentary evidence to be submitted prior to occupation of the building.
63. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
64. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

65. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
66. Provide evidence to the Principal Certifying Authority demonstrating completion of works necessary to comply with Australian Standard 2021.
67. All works shown on the approved landscape plan shall be completed to the satisfaction of the Principal Certifying Authority.
68. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters

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for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.

69. The owner shall enter a positive covenant with Council which provides the following:
- (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
  - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
  - (c) Council only will be entitled to release or modify the Covenant.
- All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
70. Submission of a report by the applicant's Design Engineer to Council for approval stating the conformance or otherwise of the On Site Detention of Stormwater system in relation to the approved design.
71. Works-As-Executed drawings for the On Site Detention of Stormwater System which indicate the following shall be submitted to and approved by Council:
- (a) Invert levels of tanks, pits and pipes
  - (b) Surface levels of pits and surrounding ground levels
  - (c) Levels of surrounding kerb
  - (d) Floor levels of buildings
  - (e) Top of kerb levels at the front of the lot; and
  - (f) Extent of inundation
72. The applicant shall repair or reconstruct all damages caused by construction activity relating to the development to Council's satisfaction prior to release of the Occupation Certificate.

### ***Use of the Development***

73. To ensure compliance with Australian Standard 2890.2, the largest delivery vehicle to attend the site shall be a Small Rigid Vehicle (SRV). Delivery times shall be restricted to between 8.00am and 5.00pm.
74. In accordance with undertakings given in the submission from Scape, dated 27 May 2009, the operator shall:
- (a) Undertake regular patrols of external areas to ensure alcohol is not consumed on the premises.
  - (b) Participate in the Hawkesbury Liquor Accord.
  - (c) Maintain on-going consultation with NSW Police (Hawkesbury Local Area Command) with regard to high risk times such as the end of the school year, Christmas and New Year.
  - (d) A CCTV security system shall be installed and all staff shall be trained to retrieve footage. All footage is to be retained for 30 days, and is to be made available to Police or Council upon request.
75. Trading shall not commence until such time the appropriate license has been issued by the NSW Office of the Casino, Liquor and Gaming Control Authority.
76. Management of the store shall be undertaken in accordance with the requirements of the Liquor Act 2007 and Liquor Regulation 2008.

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77. No internal or external alterations shall be carried out without prior approval of Council.
78. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- (a) been assessed by a properly qualified person, and
- found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
79. Operating hours shall be limited to:
- 9.00 am until 8.00 pm Monday, Tuesday and Wednesday
  - 9.00 pm until 9.00 pm Thursday, Friday and Saturday
  - 10.00 am until 6.00 pm Sunday
80. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
81. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
82. The owner/manager of the site is to ensure that removal of graffiti from the building is undertaken within 48 hours of its application.
83. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
84. All work and the storage of goods or materials shall be confined within the building or approved areas at all times.
85. All vehicles being loaded or unloaded shall stand entirely within the property.
86. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
87. All waste materials shall be regularly removed from the property.
88. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
89. Sight distance to pedestrians and other vehicles are not to be obscured by landscaping, signage, cars or anything else at the entrance and throughout the car park.
90. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a. been assessed by a properly qualified person, and
  - b. found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

### **Advisory Notes**

- \*\*\* The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.



## ORDINARY MEETING

Meeting Date: 30 June 2009

- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
  - \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
  - \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
  - \*\*\* The applicant is advised to consult with:
    - (a) Sydney Water Corporation Limited
    - (b) Integral Energy
    - (c) Natural Gas Company
    - (d) a local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
  - \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
  - \*\*\* The temporary use of cranes during construction, higher than 15m above NGL, will require assessment from the Department of Defence.

### ATTACHMENTS:

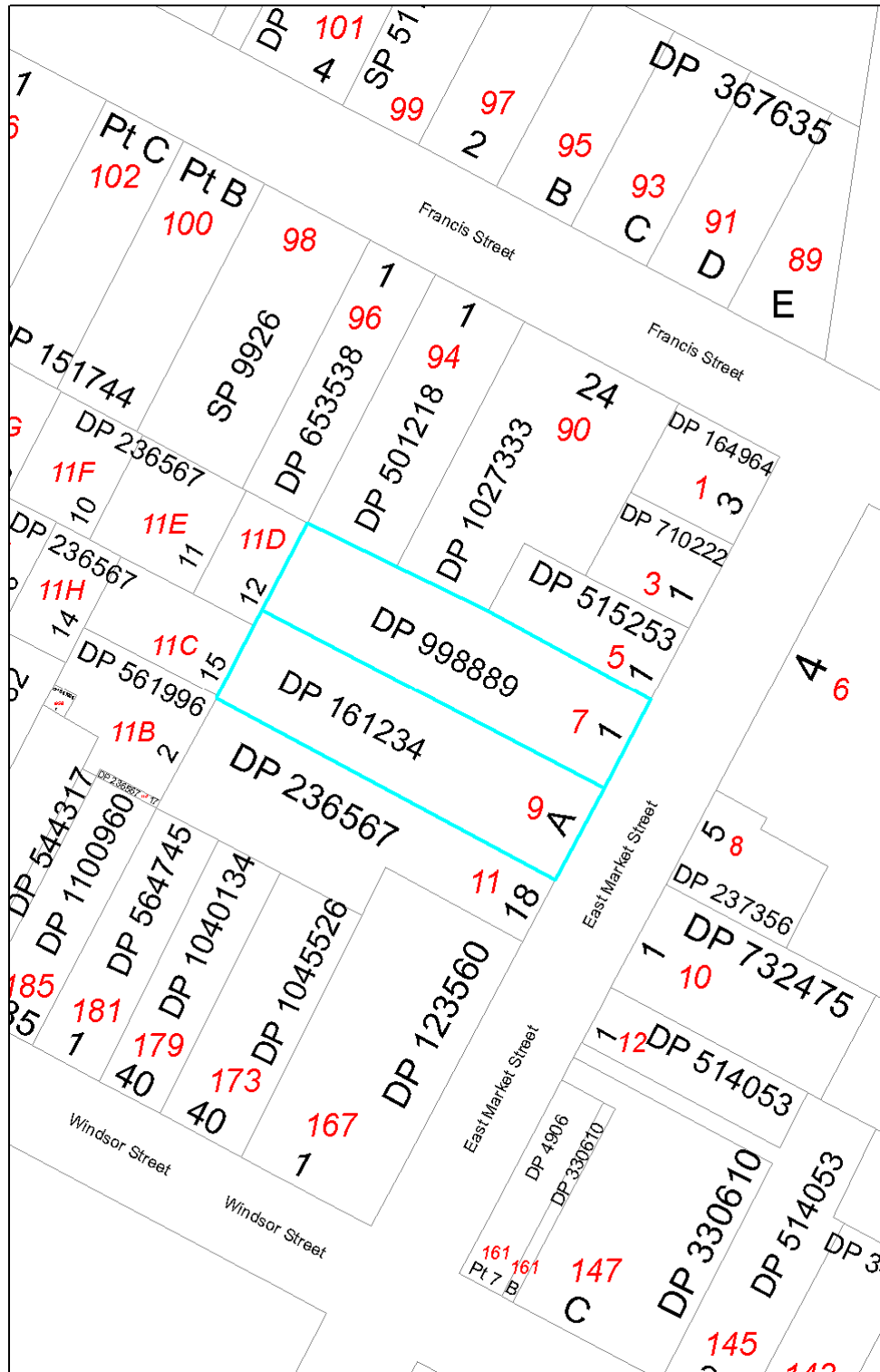
- AT - 1 Locality Plan
- AT - 2 Aerial Photograph
- AT - 3 Site Plan
- AT - 4 Elevation Plan

ORDINARY MEETING

Meeting Date: 30 June 2009

AT - 1 Locality Plan

Lot 1 DP 998889, Lot A DP 161234, No. 7 - 9 East Market Street, Richmond



**ORDINARY MEETING**

**Meeting Date: 30 June 2009**

**AT - 2 Aerial Photograph**

**Lot 1 DP 998889, Lot A DP 161234, No. 7 - 9 East Market Street, Richmond**



**Meeting Date:** 30 June 2009

The plan shows a building with a complex roof layout, including a large hatched area. To the right is a large parking lot with many spaces. To the left is another parking area with several cars parked. The building is adjacent to East Market Street. A label 'ADJOINING COUNCIL CARPARK (ZONED COMMUNITY LAND)' points to a specific area. Other labels include 'EAST MARKET STREET', 'COUNCIL CARPARK', and 'ADJOINING COUNCIL CARPARK (ZONED COMMUNITY LAND)'. The plan also shows various setbacks, easements, and property boundaries.



# ORDINARY MEETING

Meeting Date: 30 June 2009

## AT - 4 Elevation Plan



oooO END OF REPORT Oooo

**Item: 117      IS - Endorsement for Actions in the Draft Cumberland Plain Recovery Plan - (95494, 79354)****REPORT:**

The Department of Environment and Climate Change (DECC) has prepared a Draft Recovery Plan for threatened biodiversity of the Cumberland Plain. The Draft Plan includes objectives and actions for the recovery of threatened species, endangered populations and threatened ecological communities listed under the NSW Threatened Species Conservation Act 1999 (TSC Act) and the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Plan has been prepared to meet the requirement of both the TSC Act and the EPBC Act.

Under S.59 of the TSC Act, a recovery plan must state what actions must be carried out to ensure the recovery of that species and identify the persons or public authorities that are responsible for the implementation of actions identified in the plan. Further a measure must not be included in a recovery plan for implementation by a public authority unless the Chief Executive Officer responsible for the public authority approves of the inclusion of that measure.

As such, DECC is now undertaking formal consultation with relevant authorities in relation to the measures which have identified as Council's area of responsibility under the recovery plan, with a view to seeking Council's agreement by 30 June 2009. Some of these actions may potentially impact upon Council's resources and therefore require discussion and concurrence. A summary as provided by DECC is shown as Attachment 1, and significant comments in relation to a number of actions are provided below.

**Action 4.1 - *Support and promote the adoption of best practice standards for bushland management and restoration on public and private lands within the Cumberland Plain.***

Refers to best practice and may in the future require Council to develop a plan of management or a vegetation management plan. This could have implications relating to funding and staffing resources. Council staff, in time, will however endeavour to undertake this action in relation to protection of Cumberland Plain Woodland on Council owned and managed reserves through individual and generic Plans of Management. This will likely be undertaken with assistance from DECC and other appropriate entities and organisations.

In relation to private land there are no implications for Council other than to monitor and consult with DECC if any issues need to be addressed to manage Cumberland vegetation on private lands. It would be expected that DECC would give timely notification to Council upon changes to this legislation.

**Action 11.2 – *Work with Aboriginal communities, landowners, community groups, and students to deliver best practice management in the priority conservation lands, and to identify other opportunities for involvement in the recovery program.***

Council undertakes regular consultation and supports community groups that work within the Hawkesbury. Undertaking additional activities to deliver best practice management with other community groups could also have implications relating to available funding and allocation of staff resources.

**Action 12.2 – *Develop interpretive programs for key local reserves that contain examples of the threatened biodiversity addressed in the recovery plan.***

The development of interpretive programs for key local reserves could have implications relating to available funding and staff resources.

Discussions with DECC have highlighted that the development of interpretive programs would only result following consultation with Council. Currently some aspects of this action are covered within the bushcare program, community consultation programs, education opportunities, and through current written material.

## ORDINARY MEETING

Meeting Date: 30 June 2009

Generally, education of private landholders of the Cumberland Plain Woodland is encouraged and the development of interpretive programs, with assistance from DECC, would be supported.

All other actions identified by DECC are considered to have a minimal impact on existing arrangements and are therefore suitable for endorsement.

A further opportunity to provide feedback will be available on the draft recovery plan once it is placed on public exhibition in the near future.

### Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

*"Objective: Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".*

### Funding

As outlined within the report, there is a potential for future cost given the actions identified by DECC as the responsibility of Local Government. In the event that assistance is unable to be provided by DECC, this funding may need to be identified within a future budget allocation.

### RECOMMENDATION:

That

1. The proposed actions in the Cumberland Plain Recovery Plan, as identified by the Department of Environment and Climate Change, be endorsed in principle, and be subject to the allocation of available funding.
2. Council express its concern to the Department of Environment and Climate Change in relation to the possible funding implications which may result from the endorsement of these actions.

### ATTACHMENTS:

- AT - 1** Actions in Draft Cumberland Plain Recovery Plan for implementation by Local Government as provided by Department of Environment and Climate Change.
- AT - 2** Proposed Best Practice Management Standards for Bushland Management as provided by the Department of Environment and Climate Change.

**AT - 1 Actions in Draft Cumberland Plain Recovery Plan for implementation by Local Government as provided by Department of Environment and Climate Change**

**Attachment 1- Actions in draft Cumberland Plain Recovery Plan for implementation by local government**

Action 2.3 Local councils will have regard to the priority conservation lands identified in the recovery plan in identifying areas for inclusion in environment protection and regional open space zones.

Action 3.1 Preferentially target any future investment associated with the management of the Cumberland Plain's threatened biodiversity to the priority conservation lands where practicable.

Action 4.1 Support and promote the adoption of best practice standards for bushland management and restoration on public and private lands within the Cumberland Plain (as specified in Appendix 2).

Action 6.1 Local government agencies will manage, to best practice standards (as specified in Appendix 2), any lands which:

- are under their ownership or for which they have care, control and management;
- contain any of the threatened biodiversity addressed by the recovery plan and;
- are located within the identified priority conservation lands or, if located outside these lands, have primary management objectives that are compatible with biodiversity conservation.

Action 11.1 Work collaboratively with local government authorities to inform communities about the value and role of remnant vegetation on the Cumberland Plain, the best practice standards for its management, and any opportunities to participate in the recovery program.

Action 11.2 Work with Aboriginal communities, landowners, community groups, and students to deliver best practice management in the priority conservation lands, and to identify other opportunities for involvement in the recovery program.

Action 12.2 Develop interpretive programs for key local reserves that contain examples of the threatened biodiversity addressed in the recovery plan.

Action 15.1 DECC will encourage local councils to prepare or review biodiversity strategies to be consistent with the recovery plan and that guide protection, management and strategic investment in threatened biodiversity, both within and outside of the priority conservation lands.

Action 16.1 DECC will work collaboratively with local councils to enhance the compliance and enforcement program in regards to the unauthorised clearing of bushland on the Cumberland Plain.



**AT - 2 Proposed Best Practice Management Standards for Bushland Management as provided by the Department of Environment and Climate Change**

**Appendix 2: Proposed best practice management standards for bushland management**

For the purposes of this recovery plan, DECC has defined best practice standards for the management of bushland on **public lands within the identified priority conservation lands or public lands outside the identified priority conservation lands which have conservation as a primary management objective** as follows:

- a Plan of Management, Management System or Biodiversity Strategy (or similar planning document) has been adopted which addresses management of the threatened biodiversity that is present and is consistent with the recovery plan;
- the implementation of the plan is funded such that its objectives are met, or the land is managed such that the objectives of the policy are met;
- details of the implementation of the plan are publicly reported;
- monitoring is undertaken periodically to determine the status of any threatened flora and fauna populations that are present, or to assess the effectiveness of any threat abatement measures that are being implemented and;
- management is consistent with the following documents, and any additional best practice documents that DECC may promote at a later date:
  - *Recovering bushland on the Cumberland Plain – Best practice guidelines for the management and restoration of bushland (DEC 2005)*
  - *the recommended fire regimes in the recovery plan*

For the purposes of this recovery plan, DECC has defined best practice standards for the management of bushland on **public lands outside the identified priority conservation lands and where conservation is not a primary management objective but is compatible with the primary management objective** as follows:

- a Plan of Management, Management System (or similar planning document) has been adopted which addresses management of the threatened biodiversity that is present and is consistent with the recovery plan
- the implementation of the plan is funded such that its objectives are met, or the land is managed such that the objectives of the policy are met
- details of the implementation of the plan are publicly reported
- monitoring is undertaken periodically to determine the status of any threatened flora and fauna populations that are present, or to assess the effectiveness of any threat abatement measures that are being implemented; and
- management is consistent with the following documents, and any additional best practice documents that DECC may promote at a later date:
  - *Recovering bushland on the Cumberland Plain – Best practice guidelines for the management and restoration of bushland (DEC 2005)*
  - *the recommended fire regimes in the recovery plan*

For the purposes of this recovery plan, DECC has defined best practice standards for the management of bushland on **private lands within the identified priority conservation lands** as follows:

- a site action or management plan has been prepared or reviewed which addresses the management of the threatened biodiversity that is present and is consistent with the recovery plan
- the land is managed in accordance with the site action or management plan; and
- management is consistent with the following documents, and any other best practice documents that DECC may promote at a later date:
  - *Recovering bushland on the Cumberland Plain – Best practice guidelines for the management and restoration of bushland (DEC 2005)*
  - *the recommended fire regimes in the recovery plan*

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 30 June 2009

**Item: 118**      **IS - Windsor Foreshore Parks Draft Plan of Management - (95494, 79354)**

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### REPORT:

Within the 2008/2009 Budget, funding was made available to develop a Plan of Management and Master Plan for the continuing management of the Windsor Foreshore Parks, Windsor, inclusive of Deerubbin Park, Howe Park, Holland's Paddock, Thompson Square, Macquarie Park, Windsor Wharf Reserve and Governor Phillip Reserve. This Plan will supersede an existing Plan of Management and draft Plan of Management for these sites.

As part of the community consultation process, a community meeting/workshop was held on 17 November 2008. Residents were notified by way of advertisements in the local paper and correspondence to other key stakeholders. Attendance at the meeting was high with over 15 residents, Councillors and representatives of the local indigenous community present.

The Draft Plan of Management Master Plan for Windsor Foreshore Parks, Windsor is now complete. It is proposed to place the plan on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Following the community consultation period, results from the feedback will be reviewed and a report will be submitted to Council for final consideration.

A number of formatting errors have been identified within the draft documentation and prior to exhibiting the document all the necessary amendments will be made.

### Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

*"Objective: Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".*

### Funding

Future improvements to the reserves are proposed to be funded from the Park Improvement Program, Section 94 funds and Grants, depending upon availability.

### RECOMMENDATION:

That the Windsor Foreshore Parks, Windsor, Draft Plan of Management be placed on public exhibition for the mandatory 28 day consultation period, with a further two week period for the completion of written submissions.

### ATTACHMENTS:

**AT - 1** Windsor Foreshore Parks, Windsor Draft Plan of Management and Master Plan - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date:** 30 June 2009

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Local Traffic Committee Minutes - 20 May 2009 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 20 May 2009, commencing at 3:00pm.

**ATTENDANCE**

<b>Present:</b>	Councillor B Bassett (Chairman) Mr J Suprain, Roads and Traffic Authority Mr R Williams, MP (Hawkesbury) Mr J Christie, Officer of Messrs A Shearan, MP (Londonderry) and J Aquilina, MP (Riverstone) A/Sgt T Costello, NSW Police Service
<b>Apologies:</b>	Sgt A Palmowski, NSW Police Service Snr Constable M Simmons, NSW Police Service
<b>In Attendance:</b>	Mr C Amit, Manager, Design & Mapping Services Ms D Oakes, Community Safety Officer Ms B James, Administrative Officer, Infrastructure Services

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**SECTION 1 - Minutes**

**Item 1.1      Minutes of Previous Meeting**

The Minutes of the previous meeting held on Wednesday 15 April 2009 were confirmed.

**Item 1.2      Business Arising**

Nil Business Arising

**SECTION 2 - Reports for Determination**

**Item 2.1      LTC - 20 May 2009 - Item 2.1 - The Hawkesbury 120 Ski Race Classic 2009- (Hawkesbury, Londonderry & Riverstone) - (80245, 92138)**

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**REPORT:**

**Introduction:**

An application has been received from Ski Racing NSW Inc. seeking approval to conduct the Hawkesbury 120 Ski Race Classic on Saturday, 29 and Sunday, 30 August 2009.

The Hawkesbury 120 Ski Race Classic was initially undertaken in 2006.

Event Details:

**ORDINARY MEETING**  
**Reports of Committees**

- 28 August 2009: 12.00noon - 5:00pm  
Vessel safety scrutineering at Governor Phillip Reserve, Windsor.
- 29 August 2009: 9.00am - 5:00pm  
Ski Race from Governor Philip Reserve, Windsor to Sackville Ski Gardens, Sackville and return.
- 30 August 2009: 9.00am - 5:00pm.  
Ski Race from Governor Philip Reserve, Windsor to NSW Ski Grounds Caravan Park (Known as NSW Ski Gardens) at Wisemans Ferry and return.

In addition to traffic management issues, exclusive use of Governor Phillip reserve has been requested by the applicant and this latter aspect requires Council approval. In the interests of effective administration, this matter will be dealt with as a joint report to Council via the Local Traffic Committee.

**Traffic Management Issues;**

The event organiser has provided the following information regarding the event:

i) Affected Streets are:

George Street, Windsor: between Bridge Street and Palmer Street from  
12.00noon to 5.00pm on 28 August 2009,  
7:00am on 29 August 2009, and  
6:00am on 30 August 2009,

Arndell Street, Windsor: the full length from  
7:00am on 29 August 2009, and  
6:00am on 30 August 2009,

Palmer Street, Windsor: the full length from  
7:00am on 29 August 2009, and  
6:00am on 30 August 2009,

North Street/Court Street, Windsor: the full length from  
7:00am on 29 August 2009, and  
6:00am on 30 August 2009,

- ii) The effect on traffic is not expected to be significant.
- iii) It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- iv) As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- v) Approximately 2000 spectators are expected across the 2 days (29-30 August 2009).
- vi) Parking will be at Governor Phillip Reserve with additional parking available off street utilising vacant land adjacent to Governor Phillip Reserve. Parking is available for approximately 4000 vehicles.
- vii) The number of entries (competitors and boat trailers) expected is approximately 150 to 200 for the event. Up to 4 participants per boat made up of the Driver, Observer and possibly 2 skiers.
- viii) A letter drop will be undertaken to all residents and businesses within proximity of the event location.

The event organiser is seeking Council / RTA approval for the following Ferry Services on 30 August 2009:

Lower Portland Ferry (HCC)	9.00am – 5.00pm - Total suspension. Requested as there is poor sight distance leading to the ferry due to the bends in the river. The total suspension will enable a free flow of competitors across the ferry crossing.
Sackville Ferry (RTA)	9.00am – 5.00pm - Reduced Operation of the ferry, whereby a full load of vehicles are to be aboard prior to the ferry undertaking a crossing. The

**ORDINARY MEETING**  
**Reports of Committees**

reduced operation will enable free flow of competitors across the ferry crossing.

Safety vessels with crews will be placed on the relevant side of the Ferry with suitable equipment to indicate to competitors that the Ferry may be operating. The course vessels will have radio communications with a marshal on both Ferries and the respective ferry masters. Use of both ferries by Emergency Vehicle Traffic will not be affected. The event organiser acknowledges that either Council or the RTA on the day may have the need to alter the suspension or reduced services at their discretion.

Webbs Creek Ferry and Wiseman Ferry are located downstream to the NSW Ski Gardens, and subsequently these ferry operations are not affected.

The event organiser has submitted the following items in relation to the event: Appendix 1 (Dataworks Document No: 3024117):

- i) Details of the Special Event - Traffic template,
- ii) Submission to the NSW Police Service,
- iii) Transport Management Plan (TMP) for the 2008 event.
- iv) Copy of intended advertisements of the event and in particular Ferry operating times.
- v) Copies of correspondence to be forwarded to the Residents, Businesses, NSW Ambulance Service, NSW Rural Fire Service, SES, Windsor Fire Brigade and Richmond Fire Brigade.
- vi) Public Liability Insurance to the value of \$20,000,000 which will expire on 31 May 2009.

## **Discussion**

### **Traffic Issues**

Even though the event will be held along the Hawkesbury River and within the Governor Phillip Reserve, this event and the spectators travelling to the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street and in particular the local roads such as George Street and Court Street as well as the Ferry services. It would be appropriate to classify the event as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads & Traffic Authority given that perceived impact.

The Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. The Sackville Ferry Services is the under the care and control of the RTA and hence, RTA approval is to be sought directly by the event organiser for the reduced ferry operations.

### **Governor Phillip Reserve**

The Ski Racing NSW Inc. has requested exclusive use of Governor Phillip Reserve on 29 & 30 August 2009 to conduct the Hawkesbury 120 Ski Race Classic. The applicant has not advised of an alternate date in the event of inclement weather.

The event organiser will need to comply with the Governor Phillip Noise Policy.

## **RECOMMENDATION:**

### **A. Traffic Issues**

That:

1. The Hawkesbury 120 Ski Race Classic 2009 event planned for 28, 29 and 30 August 2009 be classified as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.



**ORDINARY MEETING**  
**Reports of Committees**

2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the event organiser is to obtain approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as this is a "Class 1" event; **a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4e. the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council;**
- 4f. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event (indicating the advertising medium); **a copy of the proposed advertisement has been submitted to Council;**
- 4g. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence has been submitted to Council;**
- 4h. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence has been submitted to Council;**
- 4i. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the reduced crossing/operation and closure of the ferries and obtain any necessary approvals from these Councils;
- 4j. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all participants; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4k. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and

design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);

- 4l. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4q. the competitors and participants are to be advised of the traffic control and other arrangements in place, prior to the commencement of the event; and,
- 4r. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity, and,

**Ferry Services**

5. The applicant is to seek RTA approval for the reduced operation of the Sackville Ferry Service. No objection is held to the suspension of the Lower Portland Ferry Service. Suspension/reduced operation of the ferry services is subject to the applicant complying with the following conditions, as well as any conditions imposed by the RTA:
- 5a) the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b) Advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
- traffic impact and delays,
  - exclusive use of Governor Phillip Reserve,
  - timings of suspension/reduce operation of ferry services,
- such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;
- 5c) signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d) safety precautions are to be outlined in the TMP and to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of NSW Maritime, RTA and Hawkesbury City Council; and,

- 5e) the Transport Management Centre, Roads & Traffic Authority and Council be authorised to alter ferry suspension/reduced operation times if necessary.

**B. Governor Phillip Reserve**

1. That approval be granted to Ski Racing NSW Inc for exclusive use of Governor Phillip Reserve on Saturday, 29 and Sunday, 30 August 2009, subject to compliance with the following conditions:
  - 1a) The applicant is to pay per day, the exclusive use contribution rate, plus the toilet cleaning charge, applicable at the time of the event;
  - 1b) The reserve is to be left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve;
  - 1c) The applicant is to obtain the appropriate licences from NSW Maritime regarding conduct of the event;
  - 1d) If required, the applicant is to obtain an appropriate licence/s from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event;
  - 1e) The applicant is to obtain all the necessary permits/approvals in relation to amusement devices/rides including that of Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines;
  - 1f) Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officers, on direct line 4560 4571;
  - 1g) The applicant is to lodge a damage bond for an amount applicable at the time of the event;
  - 1h) A letter box drop is to be undertaken to all affected residents in proximity to the event, by the applicant, with that letter advising full details of the event;
  - 1i) A copy of the event organisers Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted 1 (one) week prior to the event;
  - 1j) The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
2. That the applicant be allowed use of the Reserve on Friday, 28 August 2009 to facilitate set-up and vessel safety scrutineering;
3. Noise levels are to comply with the Governor Phillip Reserve Noise Policy;
4. As the applicant has not advised of an alternate date in the event of inclement weather, the Manager of Parks & Recreation be granted delegated authority to negotiate exclusive use on an alternate date, if required by the applicant.

**APPENDICES:**

- AT - 1**                Special Event Application - (Dataworks Document No. 3024117) - *see attached*

**Item 2.2      LTC - 20 May 2009 - Item 2.2 - Bridge to Bridge Water Ski Classic, November 2009 - (Hawkesbury, Londonderry & Riverstone) - (80245, 74204)**

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**REPORT:**

**Introduction**

An application has been received from NSW Water Ski Federation Ltd, seeking approval to conduct the Bridge to Bridge Water Ski Classic on Saturday, 21 and Sunday, 22 November 2009.

The Bridge to Bridge Water Ski Classic is an annual water ski racing event along the Hawkesbury River extending from Dangar Island, Brooklyn to Governor Phillip Reserve, Windsor.

Event Schedule:

Saturday, 21 November 2009: 7.00am – 5.00pm

Starting at Sackville Ski Gardens and finishing at Governor Phillip Reserve, Windsor

Sunday, 22 November 2009: 6.00am - 8.00pm

Starting at Danger Island Brooklyn and finishing at Governor Phillip Reserve, Windsor

In addition to traffic management issues, exclusive use of Governor Phillip reserve is required by the applicant and this latter aspect requires Council approval. In the interests of effective administration, this matter will be dealt with as a joint report to Council via the Local Traffic Committee.

**Traffic Management Issues**

The event organiser has provided the following information regarding the event:

a)    Affected streets are:

George Street, Windsor – between Bridge Street and Palmer Street from around 6.00am  
Arndell Street – Full length from around 6.00am  
Palmer Street – Full length from around 6.00am  
North Street – Full length from around 6.00am  
Court Street – Full length from around 6.00am

- b)    The effect on traffic is not expected to be significant and road closures have not been requested, as they are not deemed necessary.
- c)    It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- d)    As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- e)    This annual event has been held for over forty years,
- f)    Approximately 2000 spectators are expected for the event at the finish venue in Windsor
- g)    Parking will be at Governor Phillip Reserve with additional parking at Tebbutts Observatory for any additional overflow.
- h)    Parking is available for approximately 4000 vehicles.
- i)    Emergency vehicles will be allowed access at all times.

- j) Approximately 750 participants are anticipated.

The event organiser is seeking Council / RTA approval for the suspension of the following Ferry Services on 22 November 2009:

Wisemans Ferry (RTA)	11.15am – 11.45am
Webbs Creek Ferry (RTA)	11.15am – 11.45am
Lower Portland Ferry (HCC)	8.30am – 1.30pm
Sackville Ferry (RTA)	8.30am – 1.30pm

Suspension of Wisemans Ferry and Webbs Creek Ferry is required only for the Super Class Series competitors. Reduced Operation of these two ferries will apply at all other times, whereby a full load of vehicles are to be aboard prior to the ferry undertaking a crossing. The suspension and reduced operation of these two ferries is required to cater for the respective type of competitors and will enable free flow of competitors across the ferry crossings.

Total suspension of Lower Portland Ferry and Sackville Ferry is required due to poor sight distance leading to these two ferries and the bends in the river. The total suspension of these two ferries will enable a free flow of competitors across the ferry crossings.

Emergency vehicles will be allowed access onto the ferries. Safety vessels with crew will be placed downstream from each ferry with suitable equipment to indicate to competitors that a ferry may be operating and with communication between the boat and the ferry vessel.

Ferry operations are not affected on 21 November 2009 as Wiseman Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens.

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Document No. 3058378):

- i) Details of the Special Event - Traffic template,
- ii) Submission to the NSW Police Service,,
- ii) Transport Management Plan (TMP) and Traffic Control Plan (TCP),
- iii) Copy of intended advertisements of the event and in particular Ferry operating times – however the ferry operating times do not match the times outlined in the (TMP).

## **Discussion**

### **Traffic Issues**

Even though the event will be held along the Hawkesbury River and in the Governor Phillip Reserve, the event and the spectators travelling to and from the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street and in particular the local roads such as George Street and Court Street as well as the Ferry services. It would be appropriate to classify the event as a **“Class 1”** special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads & Traffic Authority given that perceived impact.

The Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. The Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services are under the care and control of the RTA and hence, RTA approval is to be sought directly by the event organiser for the suspension of ferry services maintained by them.

### **Governor Phillip Reserve**

The NSW Water Ski Federation Ltd has requested exclusive use of Governor Phillip Reserve on 21 & 22 November 2009 to conduct the annual Bridge to Bridge Water Ski Classic. The applicant has not advised of an alternate date in the event of inclement weather.

The event organiser will need to comply with the Governor Phillip Noise Policy.

**RECOMMENDATION:**

**A. Traffic Issues**

That:

1. The Bridge to Bridge Water Ski Classic 2009 event planned for 21 and 22 November 2009, be classified as a **"Class 1"** special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the event organiser is to obtain approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as this is a **"Class 1"** event; **a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4d. the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council;**
- 4e. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4g. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4h. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the reduced crossing/operation and closure of the ferries and

obtain any necessary approvals from these Councils;

- 4i. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4j. access is to be maintained for businesses, residents and their visitors;
- 4k. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4l. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4m. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4n. the competitors and participants are to be advised of the traffic control and other arrangements in place, prior to the commencement of the event; and,
- 4o. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity,

**Ferry Services**

5. The applicant is to seek RTA approval for the suspension/reduced operation of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services. No objection is held to the suspension of the Lower Portland Ferry Service. Suspension/reduced operation of the ferry services is subject to the applicant complying with the following conditions, as well as any conditions imposed by the RTA:
- 5a) the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b) Advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to :
- traffic impact and delays,
  - exclusive use of Governor Phillip Reserve,
  - timings of suspension/reduced operation of ferry services,
- such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;
- 5c) signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d) safety precautions outlined in the TMP are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of NSW Maritime, RTA and Hawkesbury City Council; and,
- 5e) the Transport Management Centre, Roads & Traffic Authority and Council be authorised to alter ferry suspension/reduced operation times if necessary.

**B. Governor Phillip Reserve**

1. That approval be granted to NSW Water Ski Federation Ltd for exclusive use of Governor Phillip Reserve on Saturday, 21 and Sunday, 22 November 2009, subject to compliance with the following conditions:
  - 1a) The applicant is to pay per day, the exclusive use contribution rate, plus the toilet cleaning charge, applicable at the time of the event;
  - 1b) The reserve is to be left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve;
  - 1c) The applicant is to obtain the appropriate licences from NSW Maritime regarding conduct of the event;
  - 1d) If required, the applicant is to obtain an appropriate licence/s from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event;
  - 1e) The applicant is to obtain all the necessary permits/approvals in relation to amusement devices/rides including that of Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines;
  - 1f) Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officers, on direct line 4560 4571;
  - 1g) The applicant is to lodge a damage bond for an amount applicable at the time of the event;
  - 1h) A letter box drop is to be undertaken to all affected residents in proximity to the event, by the applicant, with that letter advising full details of the event;
  - 1i) A copy of the event organisers Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted 1 (one) week prior to the event;
  - 1j) The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
2. That the applicant be allowed use of the Reserve on Friday, 20 November 2009, to facilitate set-up;
3. Noise levels are to comply with the Governor Phillip Reserve Noise Policy;
4. As the applicant has not advised of an alternate date in the event of inclement weather, the Manager of Parks & Recreation be granted delegated authority to negotiate exclusive use on an alternate date, if required by the applicant.

**APPENDICES:**

**AT - 1** Special Event Application - (Dataworks Document No. 3058378) - *see attached*.



**Item 2.3 LTC - 20 May 2009- Item 2.3 - Spinks Road, Glossodia - Proposed Alterations to Linemarking (Hawkesbury) - (80245, 113868)**

**REPORT:**

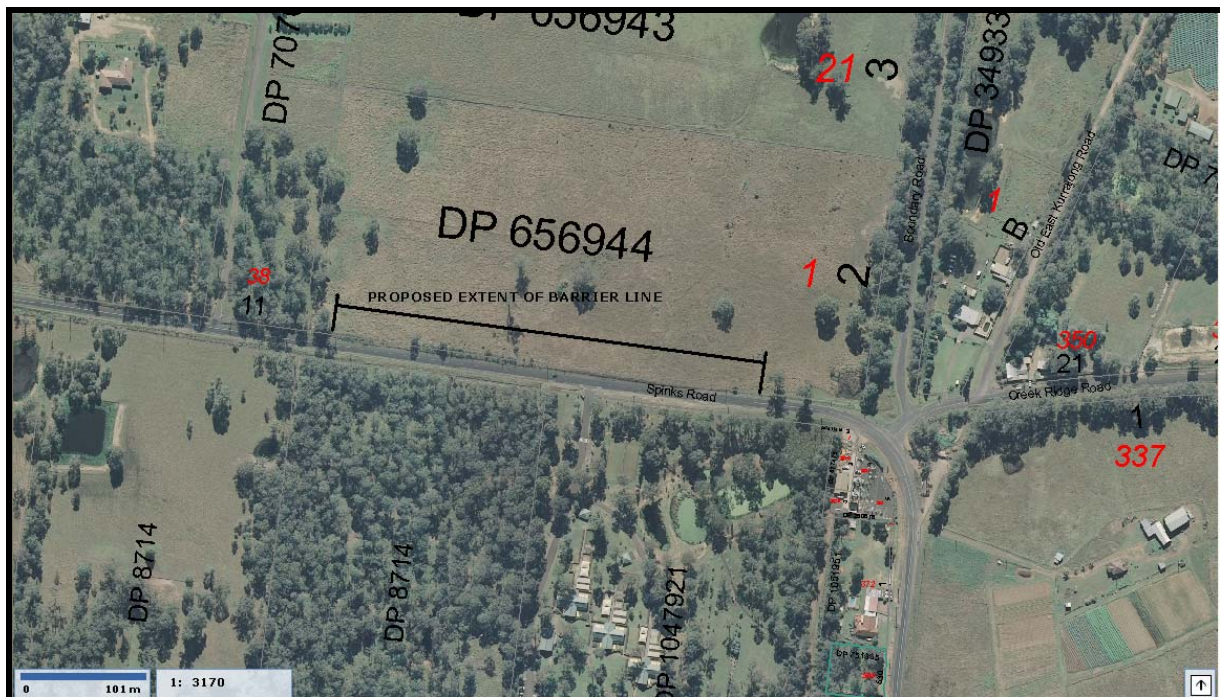
Representation has been received from Direct Traffic Solutions (DTS) - (Dataworks Document No. 3083157) on behalf of the Priority Sewerage Program Alliance (PSP) requesting alterations to the existing centre line marking in Spinks Road, Glossodia, adjacent to the PSP site compound.

The PSP are currently undertaking the Glossodia, Freemans Reach and Wilberforce Sewerage Scheme for Sydney Water. The PSP site compound is located at No. 1 Spinks Road (Lot 2 DP 656944), Glossodia.

The RTA have approved a reduction in the speed limit from 80kph to 60kph in the vicinity of the PSP site compound resulting in a 60kph speed limit zone along Spinks Road extending from Mitchell Drive into Creek Ridge Road to Jordan Avenue. The reduction in the speed limit was required to satisfy OHS requirements relating to the safe entry and exit of work vehicles as well as to protect passing motorists. The change in speed limit will be in force for the duration of this project which is anticipated to be approximately 2 years.

As part of the speed limit change DTS has requested that the road centre line marking be Barrier Line (BB) adjacent to the frontage of the PSP site compound along Spinks Road. This will result in changing the existing Separation Line (S1) to Barrier Line (BB) for a distance of approximately 400 metres. Whilst the change in speed limit is temporary, it is considered appropriate that the change to the line marking be made permanent given the close proximity of this location to the existing bend leading into Creek Ridge Road and the crest to the West of this location.

All costs associated with these works are to be met by PSP.



**RECOMMENDATION:**

That

1. The existing Separation Line (S1) be changed to Barrier Line (BB) with the appropriate RRPM's for an approximate distance of 400 metres in Spinks Road adjacent to the Priority Sewerage Program Alliance (PSP) site compound located at No. 1 Spinks Road (Lot 2 DP 656944), Glossodia.
2. All costs associated with these works are to be met by the PSP.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 3 - Reports for Information**

**Item 3.1      LTC - 20 May 2009 - Item 3.1 - Response by RTA to Upgrade of Pitt Town Road and Pitt town Bypass - Funding Source - (Hawkesbury) - (80245, 73625)**

**Previous Item:**      Item 4.3, LTC (15 October 2009)

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**REPORT:**

At the Local Traffic Meeting on 15 October 2009, Councillor Basset requested the RTA to investigate if funding is available similar to that sourced from the sand mining companies within the Maroota area, currently utilised to upgrade Old Northern Road and Wisemans Ferry Road.

Mr Williams advised that the funding was sourced by Baulkham Hills Shire Council from the sand mining companies for the RTA to upgrade these roads.

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 19 November 2009 resolved the following:

*"That the matter be referred to the RTA"*

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 3055392) advising the following:

*"I refer to your letter dated 1 December 2008 with regard to the above-mentioned subject, which was referred to the Roads and Traffic Authority (RTA) for investigation and comment. I apologise for the lateness of this reply.*

*In your letter you request the RTA to investigate if funding is available from a similar arrangement such as is sourced from sand mining carried out in the Maroota area for roadworks purposes. RTA has carried out investigations into this matter and the following advice is provided.*

*The funds resulting from the sand mining activity at Maroota are resulting from a section 94 plan administered by The Hills Shire Council (formerly Baulkham Hills Shire Council). The funds are collected and spent by The Shills Shire Council and in this case are restricted to*

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*being spent on the Old Northern Road and Wisemans Ferry Road within the Local Government Area (LGA) that they are collected in. While it may now be possible for collected funds to be spent outside of the LGA that they are collected, this would only apply to new quarries or mines and would need a nexus demonstrated and require consent of that particular Council.*

*We are of the belief that the funds for the next 5 years contributions have been fully allocated under The Hills Shire's section 94 plan for the extractive industry at Maroota and we are not aware of any similar schemes within the Hawkesbury City Council LGA"*

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 3.2      LTC - 20 May 2009 - Item 3.2 - Response by Member for Riverstone to the School Zone Alert System - (Riverstone) - (80245, 109742)**

**Previous Item:**      Item 1.2.1, LTC (18 February 2009)  
                              Item 3.1, LTC (14 January 2009)

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**REPORT:**

At the Local Traffic Meeting on 18 February 2009, the Chairman requested an update in relation to the installation of School Zone Flashing Lights within the vicinity of Windsor Public School.

Mr Christie advised that there is no further information to report to the Committee at this stage, however the Member for Riverstone is in the process of following up with the Minister.

Subsequently the Member for Riverstone has forwarded correspondence containing a response from the Office for the Minister for Roads relating to the School Zone Alert System. The information provided by the Office for the Minister for Roads is listed below (Dataworks Document No. 3050701)

*"Thank you for your letter to the Minister for Roads on behalf of Mr Mike Watson, Principal, Windsor Public School and Mr Peter Jackson, General Manager, Hawkesbury City Council about the installation of a School Alert System at Windsor Public School. The Minister asked me to respond on his behalf.*

*Flashing light technology and electronic alert systems are being installed in 400 School Zones, comprising the rollout of 100 systems a year over four years. School Zones are being selected for the new technology rollout based on safety criteria including traffic and pedestrian volumes, crash history and crash risk.*

*Mr Watson's and Council's interest in having flashing lights installed at Windsor Public School has been noted and will be considered in the four-year program."*

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 3.3      LTC - 20 May 2009 - Item 3.3 - RTA Advice on Proposed Speed Limit changes along Springwood Road, Yarramundi - (Londonderry) - (80245, 80761, 73625)**

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**REPORT:**

Advice has been received from the Roads and Traffic Authority indicating that a review of the existing speed limits along the Springwood Road, Yarramundi, has been undertaken. The information provided by the RTA in part is listed below (Dataworks Document No. 3081535)

*"Speed limit reduction from 100km/h to 80km/h on a 2.3 kilometer length of Springwood Road between 570 meters north east of Rivatts Drive to 430 meters north east of the entrance to the YMCA Camp grounds. This provides a continuous length of 80km/h for 4.4 kilometers.*

*The change is scheduled to commence on Tuesday, 2 June 2009."*

Springwood Road extends from Castlereagh Road to the Local Government Boundary with Blue Mountains Council for a distance of 8.90 kilometres. The change in speed limit from 100 km/h to 80 km/h is in the vicinity of chainage 2.60 to 4.90 kilometres from Castlereagh Road.

The speed limits along Springwood Road as of 2 June 2009 will be;

- 60 km/h from Springwood Road to chainage 1.60 kilometres,
- 80 km/h from chainage 1.60 to 6.00 kilometres
- 100 km/h from chainage 6.00 to 8.90 kilometres (LGA boundary).

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 4 - General Business**

**Item 4.1: ROC - Local Traffic Committee Minutes - 20 May 2009 - (80245)**

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A/ Sgt Trent Costello

**REPORT:**

Advised that a complaint had been received by Windsor Police from a Mr Ron Nattrass (Dataworks No. 3096895), regarding cars overtaking turning traffic on Grose Vale Road, North Richmond in the vicinity of the Public School to the top of the hill past Pecks Road.

Mr C Amit advised the committee that the same correspondence was forwarded to Council by Mr Nattrass.

Mr C. Amit advised that a road audit was conducted in 2006 by Consultants Parsons Brickerhoff, for the full length of Grose Vale Road. The Audit only recommended road edge lines be installed in Grose Vale Road from the School to the top of the hill. The existing centre line was considered to be satisfactory.

Mr C Amit advised the committee that a response was forwarded to Mr Nattrass in May 2009 (Dataworks No. 3087248), as well as the matter being referred to the Police to monitor speed and the RTA, to review the speed limit.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SUPPLEMENTARY REPORTS**

**Item 3.4 LTC - 20 May 2009 - Item 3.4 - RTA Advice on Proposed Speed Limit changes in Gadds Lane, Meadows Road, Tierney Road and Silks Road, Kurmond - (Londonderry & Hawkesbury) - (80245, 80761, 73625)**

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**REPORT:**

Advice has been received from the Roads and Traffic Authority indicating that a review of the existing speed limits along Gadds Lane, Meadows Road, Tierney Road and Silks Road, Kurmond, has been undertaken. The information provided by the RTA in part is listed below (Dataworks Document No. 3094846)

*"the RTA will be reducing the maximum speed limit from 60km/h to 50km/h along Gadds Lane, Kurmond from 11 June 2009, following a speed limit review.*

*In reviewing Gadds Lane, the RTA proactively assessed Meadows Road, Tierney roads and Silks Road, Kurmond, to ensure consistency, and will be installing 50km/h signage."*

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The speed limits will apply for the full length of each road as listed below. These roads are cul-de-sac (No Through) roads and are accessed from Kurmond Road;

- Gadds Lane = 1004 metres,
- Meadows Road = 1087 metres,
- Tierney Road = 715 metres,
- Silks Road = 431 metres.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday 17 June 2009 at 3:00pm in the Large Committee Room.

The meeting terminated at 3:30pm

**oooO END OF REPORT Oooo**



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meeting

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