



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 05 February 2008

location: council chambers

time: 5:00 p.m.



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**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 1                    GM - Welcome to the Hawkesbury Entry Signs - Inclusion of Sister Cities  
Proposal - (79351, 95497)**

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**REPORT:**

Council at its Meeting on 9 October 2007 and 11 December 2007, considered a Question Without Notice from Councillor Finch, requesting that the names of the Hawkesbury Council Sister Cities be added to the Welcome to The Hawkesbury signs at our local government boundaries (LGA entry sign).

The request to add the names of the sister cities, to the LGA entry signs, has now been investigated and details of this investigation are outlined below for Council's consideration. Matters of interest are:

**(a) Land Use Authorisation - Council's Signage Policy (Directional) & the RTA's Tourism Signposting Policy**

The LGA Entry Signs form part of Council's Signage Policy (Directional). The policy provides for 15 LGA entry signs on the main road thoroughfare points to The Hawkesbury, including:

- Windsor Road - from Sydney;
- Richmond Road - from Blacktown;
- Northern Road - from Penrith;
- Londonderry Road - from Penrith;
- Castlereagh Road - from Penrith;
- Springwood Road - from Blue Mountains;
- Bells Line of Road - from Lithgow;
- Putty Road - from Singleton;
- River Road - from Baulkham Hills;
- Wollombi Road - from Cessnock and Gosford;
- St Albans Road - from Baulkham Hills;
- Settlers Road - from Baulkham Hills;
- Sackville Road - from Baulkham Hills;
- Pitt Town - Dural Road - from Baulkham Hills; and
- Cattai Road - from Wisemans Ferry.

The policy requires the design of all signs in the policy to "...contain clear and concise information to guide the travelling public" and hence the LGA entry sign's message was adopted to include "Welcome to The Hawkesbury" and "Thankyou for visiting The Hawkesbury" and a border graphic, as shown in Attachment 1. The LGA entry sign in its current format was felt to be appropriate for the travelling public at this broader level and took into consideration that compliance with the Road and Traffic Authority/ Tourism NSW's "Tourist Signposting Policy" was required for those LGA entry signs installed on State roads.

While the inclusion of the sister cities on the LGA entry signs may be appropriate, there are three steps involved to achieve this, being:

- Step 1                    Amend the Signposting Policy (Directional), where required, to provide for the sister cities on the LGA entry signs for the travelling public; and

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- Step 2 Obtain authorisation from the RTA/ Tourism NSW to add an additional panel to display the sister cities on the current LGA entry signs on State roads; and install (including design and manufacture) the additional panel; and
- Baulkham Hills Shire Council, Penrith City Council and a number of other councils in NSW already include sister cities on their LGA entry signs.
- Step 3 Install (including design and manufacture) an additional panel to display the sister cities on the current LGA entry sign on Local roads (controlled by Council).

As a matter of practice, Step 3 should not proceed without Step 2 being achieved, so that all the LGA entry signs have the same content. Budgeting for the work is also considered below.

### **(b) Proposed additional panel - Sister cities**

To retain the integrity of the current LGA entry sign and its content, it is proposed that if Council wishes to display the sister cities of Temple City, California USA and Kyotamba, Kyoto Japan that they be displayed on an additional secondary panel below the main panel, as shown in Attachment 2. A framed design is proposed for structural soundness and to allow for easier routine maintenance and repair, including any vandalism. With this in mind, the cost to design, manufacture and install the secondary panel for the 15 LGA entry signs is estimated to be \$14,500.

It is considered that the secondary panel would be useful on the LGA entry sign as it could convey key messages to the travelling public, beyond 'welcome to' and 'thank you for visiting'. However, the message range needs to be controlled and clear so that the integrity of the LGA entry sign is not undermined and that it can be understood by the travelling public. Sister city information would meet this criteria.

### **Conformance to Strategic Plan**

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

*"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City.*

*Service Statement: Facilitate economic development and growth via strategies that build local workforce capabilities; support success through modern infrastructure; and attract new investment."*

### **Funding**

The additional panel required to display the sister cities, and other proposed key messages, for the travelling public has not been included in the current 2007/2008 Budget. To fund the additional panel on the 15 LGA entry signs, the options available are to:

- (a) Consider the matter as part of the 2008/2009 Budget process; or
- (b) Undertake the works from the current Signage Policy (Directional) 2007/2008 budget. This would require other programmed directional signs, like the remaining town entry signs to be delayed to the 2008/2009 budget year.

Option (a) would be the most appropriate course of action to fund the additional panel to endorse the overall budget process and Management Plan. This would allow time to seek authorisation for the LGA signs on the State roads and for preliminary work to be undertaken. A target installation date could be July 2008.

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### **RECOMMENDATION:**

That:

1. The information be noted.
2. Council's Signage Policy (Directional) be amended, where required, to provide for the inclusion of sister cities information.
3. Authorisation be sought from the Roads and Traffic Authority and Tourism NSW for the additional signage panel on the LGA entry signs that are installed on State roads.
4. Funding for the additional signage panel on the LGA entry signs be considered as part of the 2008/2009 Budget process.

### **ATTACHMENTS:**

**AT - 1** Current LGA Entry Sign (as adopted)

**AT - 2** Sample additional panel to add sister cities to LGA Entry Sign

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**AT - 1 Current LGA Entry Sign (as adopted)**



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AT - 2 Sample additional panel to add sister cities to LGA Entry Sign



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### CITY PLANNING

**Item: 4**                    **CP - Modification to Development Consent - Child Care Centre - Lot 3 DP 235807  
Vol 10752 Fol 35, 82 Midson Road, OAKVILLE NSW 2765 - (8185, 8186, 95498,  
96329, MA1001/01B)**

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#### Development Information

**Applicant:** Falson & Associates  
**Applicants Rep:** Glenn Falson  
**Owner:** Mr SM Sheridan & Mrs EA Sheridan  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan  
**Area:** 2.023 H  
**Zone:** Rural Living  
Rural Living under Hawkesbury Local Environmental Plan 1989  
**Advertising:** 27/07/2007 to 10/08/2007 - Two submissions received  
**Date Received:** 20/06/2007  
  
**Key Issues:**            ♦ Development not substantially the same development  
                         ♦ Traffic and Pedestrian Safety  
                         ♦ Visual Amenity

**Recommendation:** Refusal

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#### REPORT:

##### Introduction

The application seeks to modify Development Consent MA 1001/01, which approved an increase in the number of children that attend the childcare centre situated on the subject land.

The application is being reported to Council at the request of the Mayor, Councillor Bassett.

##### Background

16 November 2001 - Deferred Commencement Consent issued to extend the number of children at the pre-school to 39. The deferred commencement condition related to the submission of details demonstrating that the existing onsite effluent disposal system can cater for the additional children. The car park for the childcare centre was required to be extended and upgraded as part of Development Consent MA1001/01. The car park was constructed without approval (the issue of a construction certificate), has had no inspections carried out (the issue of compliance certificates) and had not been constructed in compliance with the approved development consent plans. An area between the front boundary of the subject property and the road was sealed without Council approval.

17 October 2002 - Notice of Intention to Serve an Order issued to applicant for non compliance with the deferred consent conditions.

8 November 2002 - Deferred commencement conditions complied with.

S.96 Modification Application MA1001/01A approved on 17 June 2003 and gave approval for part of a modified car park layout that was constructed without approval. However, the retention of the sealed road

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shoulder and verge in front of the development was not supported and it was a condition of the approval that the sealed road verge area be removed.

During a site inspection of the property on 3 October 2007, it was noted that six vehicles were parked on the road verge, nose to boundary at 90° to the road, and that no vehicles were occupying the available off street parking spaces. On 6 December 2006 a Notice of Intention to Serve an Order was issued to comply with the modification conditions (dated 17 June 2003).

The subject application has been submitted in response to Councils action in respect to non-compliance with conditions of consent, however this application does not address all non compliances.

The following conditions of consent are relevant to the subject modification application:

Condition 11        *The road frontage for the car park is to be fenced in accordance with approved stamped plan 02043R02 Revision B.*

Condition 11(c)    *A 4.5m wide strip of pavement, adjacent to the future front fence and between both access points is to be removed. Upon removal, this area is to be immediately grassed to prevent erosion. The remaining sealed road shoulder is to remain.*

### The Proposal

The proposed modification seeks to:

1. Amend Condition 11 to read:

*"The front boundary of the property between the 'in' and 'out' vehicular passageways be delineated by concrete wheel stops."*

2. Delete Condition 11(c) to allow the retention of the sealed verge area.

### Statutory Situation

#### Assessment of Section 96(2)

This application is to be determined under the provisions of s96(2) - *Other Modifications* - of the EPA & A Act, 1979.

#### S.96(2)

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*

*Comment:* The original development consent related to a development of Lot 3 DP 235807, 82 Midson Road, Oakville. Whilst there was a requirement for the construction of entry and exit driveways for the development there was no requirement to undertake additional construction works on the adjacent Public Road (Midson Road). A previous modification approval addressed unauthorised works within the Public Road by requiring the removal of some of those works. The current S96 application is proposing to authorise these works, ie, applying for approval of works that were constructed without approval.

It is considered that the development as proposed to be modified is not substantially the same as the approved development due to the works not being included in the original development consent,

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have been constructed without approval and relate to land that did not form part of the original development application and consent.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

*Comment:* No approvals are required by a Minister, public authority or approval body.

- (c) *it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*

*Comment:* The proposed modification was notified in accordance with Hawkesbury Development Control Plan – Part A, Chapter 3 – Notification.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Comment:* Two (2) submissions were received as a result of notification. The submissions are discussed further in the report.

### **S.96(3)**

*In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.*

*Comment:* The relevant matters for consideration under s.79C(1) of the EP&A Act are discussed below.

### **S.96(4)**

*Modification of a development consent in accordance with this section is not to be construed as the granting of development consent under this Part but a reference in this or any other Act to a development consent is a reference to the development consent so modified.*

*Comment:* Council has previously obtained legal advice (2001) in respect to s.96(2) of the EP & A Act, 1979, which advised that "Council may only approve or refuse a section 96 application in total and not approve one part and refuse another".

### **S.96(5)**

*Development consent of the kind referred to in section 79B(3) is not to be modified unless the requirements of section 79B(3)-(7) have been complied with in relation to the proposed modification as if the proposed modification as if the proposed modification were an application for development consent.*

*Comment:* The proposed modification is not located on land that is, or is a part of, critical habitat, or is likely to significantly affect a threatened species, population, or ecological community, or its habitat. Therefore section 79B(3) - (7) does not apply.



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### Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979

- a) the provisions of:
- i) any environmental planning instrument ( ie LEPs, REPs & SEPPs)

The relevant environmental planning instruments are:

#### Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The relevant clause to HLEP 1989 are assessed below:

#### General Provisions of HLEP 1989

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

The proposed modified development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the Hawkesbury LEP 1989.

##### Clause 5 - Definitions

The activity was originally approved under the HLEP 1989 definition of 'child care centre' which means:

*"a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:*

- (a) *the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the Education Reform Act 1990; and*
- (b) *the building or place does not provide residential care for any of the children (other than those related to the owner or operator);"*

##### Clause 8 - Zones indicated on the map

The subject land is zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989.

##### Clause 9 - Carrying out development

'Child care centre' is permissible with development consent within the Rural Living zone.

##### Clause 9A - Zone objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The objectives of the Rural Living zone are as follows:

- (a) to provide primarily for a rural residential lifestyle,
- (b) to enable identified agricultural land uses to continue in operation,
- (c) to minimise conflict with rural living land uses,
- (d) to ensure that agricultural activity is sustainable,
- (e) to provide for rural residential development on former agricultural land if the land has been remediated,
- (f) to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,

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- (g) to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,
- (h) to ensure that development occurs in a manner:
- (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
- (j) that satisfies best practice guidelines and best management practices,
- (k) to prevent the establishment of traffic generating development along main and arterial roads,
- (l) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

The modified proposal is considered to be inconsistent with objectives (a) and (c) of the zone. It is considered that the retention of the sealed area will promote the use of the area for car parking thereby resulting in reduced traffic and pedestrian safety for residents within the locality.

### **Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury - Nepean River (SREP No. 20).**

It is considered that the proposed modified development will not result in the development significantly impacting on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

#### **ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

There are no relevant draft environmental planning instruments that apply to the proposed development as modified.

#### **iii) any development control plan applying to the land**

The Hawkesbury Development Control Plan applies to the proposed s.96 application. An assessment of the proposal against the relevant provisions of this Plan follows:

#### **General Information Chapter**

This Chapter provides an explanation of the development application process and provides the requirements for lodging a development application for different landuses.

*Comment:* It is considered the subject application provides adequate information for the assessment of the proposed modification and therefore is consistent with this Chapter.

#### **Car Parking Chapter**

The aims of this chapter of the DCP are to:

- ensure that adequate and convenient off-street parking facilities are provided for all vehicles generated by new development;
- encourage the efficient flow of traffic through car parks and to minimise the potential for pedestrian/vehicle and vehicle/vehicle conflict;
- ensure minimum interference to the flow of traffic in the street network; and
- ensure adequate traffic safety and management and to improve amenity of car parking areas.

*Comment:* An off street car parking area, which complies with the requirements of this Chapter, has been approved for this development. A parking area has been constructed and appears to be in accordance with the approved plans, however, a works as executed plan, as required by Condition 11a of the Consent, is still to be submitted to formally confirm this.

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If it were to be removed it would be necessary to provide kerb and guttering along the frontage to stop ad hoc parking on the verge.

The existing car parking area available is considered to be adequate to cater for the development upon compliance with condition 11a of the development consent.

### Notification Chapter

The aim of this chapter is to identify under what circumstances development proposals will need to be advertised and the means by which it will be advertised to provide for public participation.

*Comment:* The proposal was publicly exhibited as per the requirements of the DCP. Two submissions were received and are discussed further in the report.

#### iv) any matters prescribed by the regulations

No relevant matters are prescribed by the regulations

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

The relevant considerations under s79C (1)(b) of the EP&A Act are assessed below:

### Context And Setting

The surrounding properties are predominantly used for rural residential purposes. It is considered that the proposed modification will have an adverse impact on the amenity of the locality due to vehicle/pedestrian conflicts resulting from the use of the sealed road verge for parking.

### Access, Transport and Traffic

The application requests Condition 11 of Development Consent MA 1001/01 to be amended from:

*The road frontage for the car park is to be fenced in accordance with approved stamped plan 02043R02 Revision B.*

to read:

#### Condition 11

*"The front boundary of the property between the 'in' and 'out' vehicular passageways be delineated by concrete wheel stops."*

#### **Applicants Justification:**

*"the paved area between the edge of the road seal and the front property boundary is already properly constructed and sealed including drainage provisions. There is nothing either environmentally or site usage wise to be gained by having a front fence rather than the concrete wheel stops in place. In fact wheel stops are probably safer than would be a fence given that there is no visual obstruction for drivers entering and leaving the site. Arguably these wheel stops are a "fence" for the purpose of the existing condition as they delineate a boundary and control access."*

#### **Comment:**

The requirement for a fence was imposed to restrict the entry points into and out of the carparking area to minimise vehicle/vehicle and vehicle/pedestrian conflicts as, without it, vehicles could enter or leave at any point along the frontage. The use of a fence, or any barrier, provides safety for the users of the site, especially in view of its use as a child care centre.

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This proposed amendment is supported for the reasons stated by the applicant (above) and because the use of wheel stops will provide for better manoeuvring on the site while still providing the necessary barrier.

The application also requests the deletion of Condition 11(c) of Development Consent MA 1001/01.

### **Condition 11(c)**

This condition stated the following:

*A 4.5m wide strip of pavement, adjacent to the future front fence and between both access points is to be removed. Upon removal, this area is to be immediately grassed to prevent erosion. The remaining sealed road shoulder is to remain.*

### **Applicants Justification:**

*"As mentioned this paved area exists and is eminently suitable for delineating the pre-school frontage and for providing an attractive frontage for the use. If this paving is removed and then grassed, people will still continue to park on the conditioned grassed area outside the boundary. There is nothing within the existing consent or traffic laws that prevents them from doing so."*

### **Comment:**

The retention of this sealed area is not supported for the following reasons:

- Vehicles are parking nose to boundary and to leave the site they have to reverse into the traffic stream, temporarily stop and then proceed. This vehicle movement is dangerous in any circumstances and to permit this movement adjacent to a child care centre has greater potential for danger to users.
- Traffic sight distance for manoeuvring vehicles is restricted to the north. This restricted sight distance adds to the potential danger of the above vehicle movements.
- The verge area is narrow, about 5 metres, and a medium standard vehicle (5.2 metres AS 2890:1:2004) parked at 90° to the boundary will encroach onto the adjacent table drain. This has dangerous implications for the vehicles passing the premises on the existing carriageway.
- Pedestrians passing the site are forced onto the adjacent shoulder area of the road way.
- Rule 208 of the Australian Road Rules requires all vehicles that park on a road to parallel park, unless a parking control sign advises otherwise. The position of the vehicle must not unreasonably obstruct the path of other vehicles or pedestrians. The locality is not signposted and therefore all vehicles parking on the road are required to parallel park. As demonstrated above the vehicles parking at 90° to the boundary obstruct pedestrian access along the nature strip, as well as traffic on the road.
- Retention of the sealed area will only encourage the continuation of illegal parking. This is inconsistent with the aims and objectives of Hawkesbury Development Control Plan which requires the provision of, and encourages the use of, convenient off street carparking.
- Visually, the sealed area is an anomaly within the landscape. A grassed or landscaped area would be more in keeping with the existing footpath area adjacent to the dwelling house and truck depot located on the same land. A landscaped area would also define the entry and exit driveways and private land from the footpath area/public land, as well as discouraging its use for parking. This would also be a benefit should the use of wheel stops in place of fencing be approved in the future.

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- The burden of ongoing maintenance of the sealed area will fall to Council. This can have greater funding implications as, since the works were undertaken without approval, the standard of the construction is unknown and unlikely to meet Council's standards.

### c) the suitability of the site for the development

The S96 application relates to the front fencing and sealing of the Public Road verge. For the reasons set out previously in this report, the sealing of the Road verge is not considered suitable.

### d) any submissions made in accordance with the EPA Act or Regulations

Following notification of the proposal, two (2) submissions were received. The matters raised in these submissions are addressed below:

1. Non compliance with conditions of consent
2. Noise
3. *Staff (5) parking on the sealed nature strip stops traffic on Midson Road from seeing children/dogs coming between the cars from any direction, an accident waiting to happen. People walking past have to use the road.*
4. *Sealed nature strip is public land, does not belong to the pre-school.*

### e) the public interest

The retention of the sealed road verge will have an adverse impact on the locality in terms of traffic and pedestrian safety. As a result it is considered that the proposed modification is not in the public interest.

## Conclusion

The S96 application to authorise, retrospectively, works undertaken on the Public Road adjacent to the preschool site is not considered to be substantially the same development and cannot be dealt with via a Section 96 application.

The retention of the sealed road shoulder area is not supported as it will encourage the current use of the area for illegal and potentially dangerous parking. The child care centre provides off street car parking, which is considered adequate for the activity. The sealed area is not in keeping with the landscape character of the locality, and the maintenance of the sealed area will become the responsibility of Council. As the work was undertaken without approval the nature of the construction is unknown.

Whilst the use of wheel stops in place of fencing is supported, Council is unable to approve one component of a s.96 modification application and refuse another. The applicant has been given the opportunity of separating the components, however has not chosen to do so.

## RECOMMENDATION:

That the s.96 modification application be refused for the following reasons:

1. The proposed development is not considered to be substantially the same development as that approved in the original development consent.
2. The proposed modified development will have an adverse impact on the locality in terms of traffic and pedestrian safety.
3. The proposed modified development is likely to have an adverse impact on the amenity of residents in the immediate locality.
4. The proposed modified development will have an unacceptable impact on the visual quality of the area.

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5. The proposed modified development is inconsistent with objective (a) and (c) of the Rural Living zone contained within Hawkesbury Local Environmental Plan 1989 in that the proposal will result in conflicts between the use of the site and the use of adjoining land for residential purposes as the retention of the sealed area will promote the use of the area for car parking thereby resulting in reduced traffic safety for residents within the locality.
6. In the circumstances, approval of the development would not be in the public interest.

### ATTACHMENTS:

There are no supporting documents for this report.

**AT - 1** Locality Plan

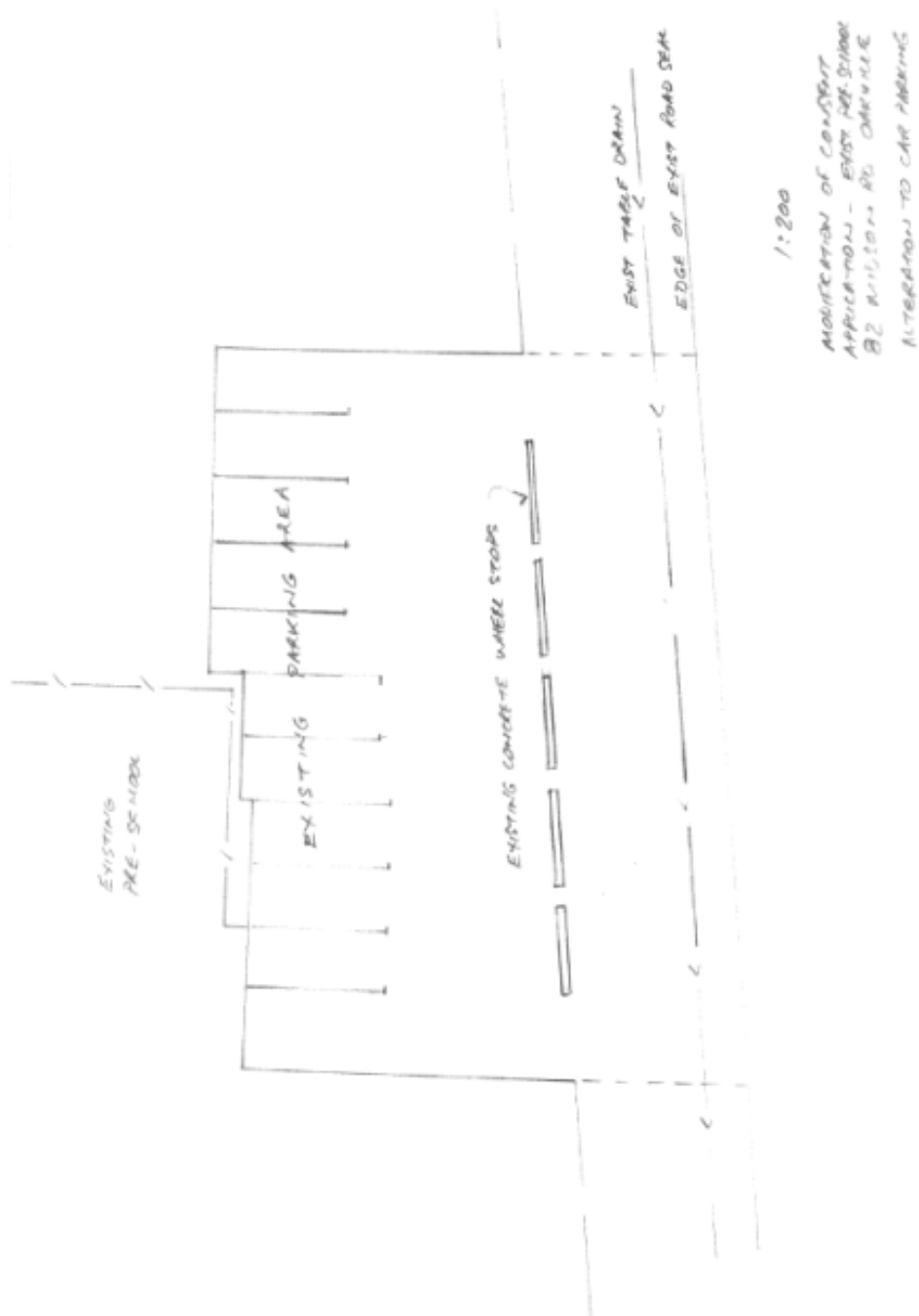
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AT - 2 Site Plan



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**Item: 5**                    **CP - Naming of Rooms within the Hawkesbury Regional Museum - (10342, 95498)**

**Previous Item:**        262, Ordinary (27 November 2007)

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### REPORT:

This Report has been prepared to advise Council of the outcome of consultation with local Aboriginal groups to identify appropriate indigenous names for rooms within the Hawkesbury Regional Museum. This consultation was complemented by research conducted by Council's Local Studies Librarian. The report also seeks Council's endorsement of further acknowledgment of the aboriginal heritage of the land on which the museum stands.

### Background

Council has adopted a number of resolutions regarding the naming of rooms within the Hawkesbury Cultural Precinct (and the Hawkesbury Regional Museum in particular).

On 9 November 2004 Council resolved (in part):

*"That:*

5.     *The Theatrette within the Hawkesbury Regional Museum be named the "Hugh Williams Theatrette".*

On 8 March 2005, Council resolved (in part):

*"That:*

8.     *The main pavilion of the Hawkesbury Regional Museum be named the Doug Bowd Pavilion.*
9.     *The temporary exhibition space within the Hawkesbury Regional Museum be named Jan Barkley Jack Room.*
11.    *Staff investigate long term sponsorship for the naming rights of the Hawkesbury Regional Gallery and the Hawkesbury Regional Museum as a means of raising additional funding for the operation of the Precinct."*

On 27 November 2007 Council resolved (in part):

*"That:*

2.     *Council further acknowledge the indigenous heritage of the City of Hawkesbury by consulting with local Aboriginal groups to identify appropriate indigenous names for rooms within the Hawkesbury Regional Museum with this consultation to be complemented by research conducted by Council's Local Studies Librarian.*
3.     *Recommendations for naming of rooms within the Hawkesbury Regional Museum to be reported to Council.*
4.     *Agriculture and the RAAF be considered in regard to the naming of rooms within the Hawkesbury Regional Museum."*

In implementing these resolutions, Council staff have investigated opportunities for raising additional revenue for the operation of the Hawkesbury Regional Museum while also acknowledging the indigenous

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and European heritage of the Hawkesbury and those persons who have directly contributed to the establishment and growth of the regional museum.

### The museum extension

The new museum extension at 8 Baker Street, Windsor has six exhibition spaces that could be considered for naming. The six spaces are not enclosed rooms but spaces with partition walls between them (a floor plan of the museum extension is appended to this report - Attachment 1). These exhibition spaces are all located within the western 'wing' of the museum which has been named the *Doug Bowd Pavilion* in accordance with Council's resolution of 8 March 2005. One of the six exhibition spaces has been named the *Jan Barkley Jack Room* while the audio visual/activity room in the eastern 'wing' of the building has been named the *Hugh Williams Room*.

This leaves five exhibition spaces to be named and/or used to realise sponsorship opportunities.

### Consultation with traditional owners with regard to indigenous names

On 7 December 2007, forty letters were sent to local Aboriginal groups and individuals including:

- Darug Tribal Aboriginal Corporation
- Darug Custodian Aboriginal Corporation
- Deerubbin Local Aboriginal Land Council
- Merana Aboriginal Community Assoc. for the Hawkesbury
- Womens Cottage Aboriginal Art Group
- Wyung Indigenous Unit, UWS

A written response was received from the Darug Tribal Aboriginal Corporation. Initially Mr Des Dyer, the Secretary of the Darug Tribal Aboriginal Corporation and Darug Elder, nominated Yarramundi and Maria Lock as suitable names representing the Darug people. Subsequently, on reading the research conducted by the Council's Local Studies Librarian, Mr Dyer, endorsed the recommendation that the name Gomebeeree be used to name a room in the Hawkesbury Regional Museum. Mr Dyer's letter is attached to this report (Attachment 2).

### Research conducted by Council's Local Studies Librarian

A research report has been completed by the Local Studies and Outreach Librarian (Attachment 3). The report incorporates a brief overview of tribe, clan and country names as well as information on a selection of Aboriginal individuals or families.

The report recommends that an exhibition space be named after **Gomebeeree** (Gom-beè-ree or Go-me-bee-re) - an Aboriginal Elder who made contact and befriended an exploratory expedition headed by Governor Captain Arthur Phillip on 14 April 1791 and was the father of Yarramundi and grandfather of Maria Lock. The report also recommends that the clan name **Boorooberongal** (Bu-ru-be-rong-al) also be considered. The Boorooberongal were associated with the banks of the Hawkesbury River and are mentioned in the earliest colonial accounts. Many indigenous people in the Hawkesbury are descended from this clan.

It is therefore recommended that the names Gomebeeree and Boorooberongal are used to name two of the available exhibition spaces; Boorooberongal for the central space accommodating one part of the semi-permanent exhibition (the other part is located in the *Jan Barkley Jack Room*) and Gomebeeree for one of the shop front exhibition spaces which is designed to accommodate temporary exhibitions. It is recommended that local Aboriginal groups provide advice on the preferred spelling of these names as several exist.

### Sponsorship

The recommendation to use indigenous names for two exhibition spaces within the Regional Museum, together with the naming of the *Doug Bowd Pavilion*, the *Jan Barkley Jack* and *Hugh Williams* rooms will

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leave three small exhibition spaces un-named. To give effect to Council's resolution for securing sponsorship for the regional museum, it is intended that these spaces be used for a changing program of temporary and community collection exhibitions. This use will create opportunities to seek short or medium term naming rights sponsorship for specific exhibitions, exhibition programs and/or exhibition spaces.

As an example, a temporary exhibition held in one of the special exhibition spaces - such as winemaking or mushroom growing in the Hawkesbury - could be matched to a specific business, or business consortia. A mutually beneficial sponsorship agreement, with a defined purpose, life span, deliverables and marketing strategy would be negotiated in accordance with Council's Sponsorship Policy. Similarly, the shopfront exhibition space will provide sponsorship opportunities for community collections. To maximise sponsorship opportunities it is recommended that no sponsorship arrangements be made in perpetuity.

### **Recognition of RAAF and agriculture within the Hawkesbury Regional Museum**

The requirement for 'RAAF' and 'Agriculture' to be specifically acknowledged within the regional museum should be balanced against Council's desire to maximise sponsorship opportunities and museum visitation. The demands of contemporary museum practice also need to be considered.

Within contemporary museum practice, the naming of rooms or exhibition spaces (such as the 'agriculture room' or the 'RAAF room' ) which denote what displays would be exhibited within them, is considered to lack flexibility. It is recommended that room names, whatever they may be, do not guide the content of the exhibition displayed within. Accordingly it is suggested that the permanent use of 'RAAF' or 'Agriculture' for the remaining three un-named exhibition spaces would be inappropriate.

However, agriculture and aviation are clearly key components of the history of the Hawkesbury. As a 'museum of the Hawkesbury' the regional museum will showcase people, organisations, events etc that have played and continue to play significant roles in defining the Hawkesbury's identity. A range of historical stories will be interpreted incorporating the themes of land, people and place. Agriculture and aviation will therefore be an integral part of the semi-permanent and temporary exhibition programs. As outlined above the intent of the exhibition program is to showcase elements of all Hawkesbury 'histories' and to seek appropriate sponsorships that will provide additional funding for the operation of the museum.

An audience-focussed approach to exhibition development will play a key role ensuring the museum's success in attracting new and repeat visitors. The museum's temporary exhibition program will be dynamic and ensure that there is balance and variety within both the content and the interpretation strategies used in museum displays.

Council will be aware that funding has been received from Arts NSW funding to reinterpret Howes House and the intention is to interpret the building as an artefact itself - presenting its own history of use, which includes being a residence, a newspaper office and a museum. The intent is to retain the room within Howes House which is dedicated to the RAAF display as the component representing the museum phase of the house's use. The room name - The RAAF Room - will also be retained. Objects representing the RAAF would also, along with the thousands of other museum objects, be assessed and researched for use in other exhibitions within the new museum building.

On this basis , it is suggested that the existing RAAF Room be retained within Howes House and that it is unnecessary to name rooms within the new Hawkesbury Regional Museum building after agriculture and the RAAF - the themes of agriculture and aviation will be comprehensively addressed within the regional museum's exhibition program.

It is recommended that the current convention in relation to the naming of rooms within the Hawkesbury Regional Museum be observed - that is that rooms be named after people who have had a prominent role in the establishment or building of the museum as well as to acknowledge the aboriginal heritage of the land on which the new museum building stands. Archaeology excavated from the site underlines the importance of such acknowledgement.

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### Further acknowledgement of Aboriginal heritage

Acknowledgement of the Boorerboorongal Clan of the Darug Tribe was made by way of a public artwork/commemorative plaque at the Deerubbin Centre. It is proposed that similar acknowledgement be made at the museum by way of a simple statement on the front door of the museum, using translucent lettering of a style and proportion that is compatible with the building. It is recommended that appropriate wording will be confirmed in consultation with local Aboriginal groups and that a recommendation on the wording be presented to Council.

### Conformance to Strategic Plan

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

*"An informed community working together through strong local and regional connections."*

### Funding

There are no direct funding implications arising from this report. However, the report does identify a framework for supporting sponsorship opportunities within the Hawkesbury Regional Museum which has the potential to generate additional income to partially offset the operating costs of the museum.

### RECOMMENDATION:

That:

1. The names Gomebeeree and Boorooberongal be used to name two of the available exhibition spaces within the Hawkesbury Regional Museum.
2. The central space accommodating one part of the semi-permanent exhibition be named Boorooberongal.
3. One 'shopfront' temporary exhibition space be named Gomebeeree.
4. Local Aboriginal groups provide advice on the preferred spelling of the names.
5. The RAAF Room in Howes House be retained as part of the Howes House interpretation strategy and the room name be retained.
6. Agriculture be recognised as an important theme within the semi-permanent exhibition and within a balanced temporary exhibition program.
7. Three exhibition spaces remain unnamed and staff investigate opportunities for sponsorship agreements such as short to medium term naming rights of temporary exhibition spaces.
8. Attribution be made on the front door of the museum to the aboriginal heritage of the land on which the Museum stands and that appropriate wording will be confirmed in consultation with local Aboriginal groups and that a recommendation on the wording be presented to Council.

### ATTACHMENTS:

- AT - 1 Museum building plan showing adopted room names and proposed room names.
- AT - 2 Letter from Darug Tribal Aboriginal Corporation.
- AT - 3 Research Report - *"Indigenous names for rooms within the Hawkesbury Regional Museum"* - Local Studies and Outreach Librarian.

**Meeting Date:** 5 February 2008

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ORDINARY MEETING

Meeting Date: 5 February 2008

AT - 2 Letter from Darug Tribal Aboriginal Corporation

21/01 2008 13:10 FAX 88144947

002/002

**DARUG TRIBAL ABORIGINAL CORPORATION**

(Incorporating Darug Link Associating Inc.)

P.O BOX 441

BLACKTOWN NSW 2148


ABN: 77 184 151 969

Dear Keri,

Monday, 21 January 2008

This letter is to confirm that the Darug Tribal Aboriginal Corporation agree with the recommendation the name Gomebeere be used to name a room in the Hawkesbury Regional Museum. The Darug Tribal Aboriginal Corporation, would like to take this opportunity to thank the Museum for using Darug names for the museum room.

Respectfully yours,

  
Uncle Des Dyer  
Secretary & Elder  
Darug Tribal Aboriginal Corporation.  
Phone 88 14 95 47  
Fax 88 14 95 47  
Mobile 0408 360 814

**AT - 3 Research Report - "Indigenous names for rooms within the Hawkesbury Regional Museum" - Local Studies and Outreach Librarian**

**Research on appropriate Indigenous names for rooms within the Hawkesbury Regional Museum**

This is a brief report documenting some of the indigenous names relating to the Hawkesbury area, from research conducted. These may be suitable for naming rooms within the Hawkesbury Regional Museum. A recommendation is made at the conclusion of the report.

The original occupants of Western Sydney included the Darug and Darkinung people and have lived here for over 30,000 years. The **Darug** people (also spelt Daruk, Dharug etc) were the main local Aboriginal "tribe" and the Darug language was spoken in the Hawkesbury River region to the Blue Mountains, including Liverpool and Campbelltown.

Within the main tribes were smaller groups of clans. Local clans included **Boorooberongal** (Bu-ru-be-rong-al) and **Gomerigal** as well as European names such as the Windsor, Richmond, Belmont, Kurrajong tribes. The origins of **Cattai** (or Caddie) are not confirmed. The **Darkinung** people lived in the north-west of the local government area, covering from Wilberforce and Wisemans Ferry to the Singleton and Hunter regions.

James Kohen worked for many years with the Darug people and produced several publications in the 1980s including *"Darug and their neighbours"* and also compiled, *"A dictionary of the Dharug language : the inland dialect"* This records many Darug words which included several dialects, and has been based on 18<sup>th</sup>, 19<sup>th</sup> & early 20<sup>th</sup> century resources.

The river and its tributaries in this area was essential to the tribes as a major source of food. The waterways were also used as a method of conveyance. The river was known as Deerubbin (Venrubben) whilst the tributaries included Wianamatta (South Creek) and Bardanarang Creek.

## INDIGENOUS IDENTITIES

### **Gomebeeree, Yellomundee, Djimba & Bereewan**

Local Darug people met with members of an exploratory expedition of the Hawkesbury area in 1791. The expedition had set off to confirm that the Hawkesbury and the Nepean were in fact the one river. There were 21 members in the group including the Governor Captain Arthur Phillip, David Collins, Watkin Tench, John Hunter, William Dawes and members of the marines. It also included Colebee and Balladery two aboriginal guides from the coast.

The group travelled by foot from Rose Hill on 11 April 1791 and made camp in the late afternoon. In the evening aboriginal voices were heard in the distance and were invited to join the group. One man came forward out of the darkness and stated he was Bèr-ee-wan and belonged to the Boorooberongal tribe and he was introduced to the party. After conversing with the guides he was given some provisions and departed. This incident took place several hours from the river.

The following day the expedition was befriended by welcoming members of the local tribe. Gomebeeree (Gom-beè-ree or Go-me-bee-re) Yèl-lo-mun-dee (or Yal-lah-mien-di) & his young son Djimba (Dèe-im-ba or Jim-bah).

In Tench's account, *"Sydney's First Four Years"* he records that on the 14 April 1791 they had reached the river and were travelling upwards when they noticed some aborigines in canoes. Later a man in a canoe made contact with the group. Tench recorded that they were surprised with his *"frankness and confidence"* and that he was not *"astonished or terrified"* of the Europeans. The man was middle aged and was marked with smallpox scars which had ravaged the indigenous population soon after the arrival of the

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First Fleet. His name was Gomebeeree. Gomebeeree presented gifts to the Governor, and was presented items in return.

He led the party along a riverside path whilst Yellomundee & his son Djimba followed in a canoe. When the party made camp for the night, the three shared camaraderie and a meal with the party. The following day Gomebeeree entertained the party with his agile tree climbing prowess. Gomebeeree, Yellomundee and the boy departed soon after. Tench recorded the details of this trip and included what he had learned from the two men as well as his observations in his account. The book was first published in London in 1793.

Tench also states that Yellomundee was a Cár-ad-ye, or Doctor of some renown and he performed a ritual on Colebee which relieved him from pain. Tench expressed his surprise that the men were so trusting and unruffled with the intrusion of the European party.

Yellomundee was later used as a place name for a Lagoon near Richmond, through the years it changed to Yallamundi and eventually Yarramundi. More recently, Gomboree Reserve was named at McGraths Hill.

### Deedora and Morunga

Tench and Dawes undertook a subsequent excursion departing on the 24 May 1791 as the preceding trip had not confirmed their suspicions about the Hawkesbury and Nepean being the one waterway.

Dee-dò-ra is mentioned as conversing with the group near Richmond Hill. He was not known to Tench however he seemed to know Gomebeeree. He accompanied the party up the river and on arrival at Richmond Hill offered the use of his canoe so the party could cross the river. Another man joined Deedora, and assisted with the crossing, his name was Mo-rùn-ga. Tench noted that both men were very patient and courteous to the party during the crossing and were filled with *"good humour and cheerfulness"*.

### Maria Lock(e)

Maria was the daughter of Yarramundi, of the Richmond Tribe and was placed in the Native Institution in 1814 which was established by Governor Lachlan Macquarie. She married convict Robert Lock in 1824 at Parramatta, and this union is recognised as the first authorised marriage between an Aboriginal woman and a convict. She was granted land in the vicinity of Liverpool and Blacktown and in her petition for land she stated her father was the *"Chief of the Richmond tribes"*. She died in Windsor in 1878 and is buried with her husband at Prospect. Maria had ten children and her descendants married into many local families and she is considered the matriarch of this large extended family. Much evidence survives about this family and Kohen's book *"Darug and their neighbours"* records much of the family history. A ward in the new Hawkesbury Hospital bears her name.

### Barber family

Ballandella was a Wiradjuri child who had been brought by Major Thomas Mitchell, Surveyor-General from the Riverina. Ballandella married John Luke Barber a Darkinjung man from the Macdonald Valley area. They had two sons; Andrew who was born in the 1850s at Lilburndale on the Hawkesbury River, and Harry. Following the death of Ballandella, Barber married Elizabeth Anne Morley of European descent whilst her brother married into the Lock family. There are many descendants of the Barber and Morley families living in the district today.

A number of the Barber family lived at the Aboriginal Reserve and Mission which was located at Sackville Reach. Andy Barber died in 1943 and is recorded as the last person living on the Reserve to die. The Reserve was established in 1889 for the local aboriginal community.

Jack Brook wrote the very informative publication called *"Shut out from the World : the Hawkesbury Aborigines Reserve and Mission 1889-1946"* which records many of the local tribes who had connections to this community and this piece of land. Following the closure of the reserve a monument was established in 1952 as a memorial *"TO THE ABORIGINES OF THE HAWKESBURY FOR WHOM THIS AREA WAS ORIGINALLY RESERVED "*. Some of the original reserve is now under the ownership of the Deerubbin Local Aboriginal Land Council following the successful land claim in 1993.



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### Everingham family

The Everinghams were another well-known indigenous family in the area. Matthew Everingham was a First Fleet convict and his son John apparently had a child with Mildred Saunders, of aboriginal descent. Their son Ephraim "married" Martha Hobbs or Hibbs who was recorded as a "full-blood" aboriginal. **Martha Everingham** of Ebenezer died aged 80 years in 1926 and it was recorded in the Wilberforce burial register *"Said to be the last of the full blood Hawkesbury tribe"*

### Yarragowhy

Yarragowhy was apparently a member of the Richmond Tribe. He acted a guide but was killed by Europeans in 1806.

### Tom Twopenny

In 1868 the first aboriginal Cricket team comprised of 14 aboriginal people toured England. The majority of the team came from Victoria but Twopenny apparently came from Bathurst in NSW. Twopenny went on and played cricket for NSW and eventually died in West Maitland in 1883. Jack Brook recorded in his book on the Sackville Mission station that Twopenny was recorded in Lilburndale estate records and may have lived and worked there at some time. Lilburndale was the name of the Hall family property on West Portland Road. Many local aborigines worked and lived on the property.

### OTHER NAMES

According to oral information, **King Billy** was an aboriginal tracker who lived in the Colo area. There is a cave in Upper Colo known as King Billy's Cave. He died in 1916 and is buried in an old canoe, wrapped in iron in an unmarked grave at Upper Colo.

Jack Brook also records information about **George Merican** born 1803; Billy Green aka **Deniheny** born 1804; **Bumba** and **Whoolaboy** who lived in the Windsor area in the 1830s.

There are many other names that could also be relevant however would require much more in-depth research.

### PLACE NAMES

Some indigenous names are recorded as local place names and these include : **Yarramundi**, **Wianamatta** (South Creek) and **Bardanarang** Creek. Bardanarang Creek is apparently the site where Phillip met with the local tribes. The local aboriginals gave the Hawkesbury River the name **Deerubbin** (or Venrubben). This name has been used for the cultural building housing the library and gallery (Deerubbin Centre) in Windsor, by a publishing company (Deerubbin Press) that prints historical publications relating to the Hawkesbury area, and was the name of a pleasure craft that plied the river in the 1980s-1990s.

The name **Darug** (and its variants) has been used to name the locality Dharruk as well as other places of interest in Western Sydney. **Yarramundi** has been celebrated in the locality near Richmond. There is also a building at the University of Western Sydney campus at Richmond named Yarramundi House as well the Yarramundi Memorial in Macquarie Park.

### RECOMMENDATION

I would like to recommend that **Gomebeereee** be used as the name of an indigenous display area within the new Hawkesbury Regional Museum. From the available sources Gomebeereee was one of the first of the local Darug tribe to make contact with Europeans. It appears he was the father of Yarramundi, and his descendants are still living in the area today. The meeting of Gomebeereee was one of friendship between the Darug people and the first Europeans to visit the area.

An alternative suggestion is the local clan name **Boorooberongal** (also Boorgerongal). This clan was associated with the banks of the Hawkesbury River and mentioned in the accounts compiled at the time. Many of indigenous people in the Hawkesbury are descended from this clan.

I would also like to recommend that the local Darug Tribal Aboriginal Corporation and the Darug Custodian Aboriginal Corporation advise of the preferred spelling if the above names are selected.

*Michelle Nichols - Local Studies & Outreach Librarian*

## ORDINARY MEETING

Meeting Date: 5 February 2008

### BIBLIOGRAPHY

#### CONTEMPORARY ACCOUNTS

- **An account of the English colony in New South Wales** by David Collins
- **An historical Journal 1787 1792** by Captain John Hunter
- **Sydney's First four years** by Captain Watkin Tench
- St. John's Church of England registers, Wilberforce
- **Historical records of NSW & Historical records of Australia**

#### SECONDARY ACCOUNTS

- **The Darug and their neighbours : the traditional Aboriginal owners of the Sydney region** by James Kohen
- **Shut out of the World : the Hawkesbury Aborigines Reserve and Mission 1889-1946** by Jack Brook
- **Hawkesbury 1794-1994 : the first 200 years of the second colonisation** by Jan Barkley & Michelle Nichols
- **Hawkesbury : a pictorial history** by Michelle Nichols
- **A Hawkesbury Story** by Valerie Ross
- **Encyclopaedia of Aboriginal Australia**
- **On Darug Land : an aboriginal perspective** by Michael Martin
- 'Lock, Maria' by Naomi Parry in **Australian Dictionary of Biography, Supplementary Volume**  
[www.adb.online.anu.edu.au/biogs/AS10292b.htm](http://www.adb.online.anu.edu.au/biogs/AS10292b.htm)

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 5 February 2008

### SUPPORT SERVICES

**Item: 10**                    **SS - Exemption from Rating - 2285B Singleton Road, Colo - (107752, 95496)**

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#### **REPORT:**

An application has been received from Carroll & O'Dea Lawyers who act for the Trustees of the Marist Fathers for the Province of Australia requesting exemption from rating for the property known as 2285B Singleton Road, Colo (Lot 2 DP 753774), Property Number 20422. A copy of the letter dated 16 November 2007 from Carroll & O'Dea Lawyers is provided as Attachment 1.

The Trustees of the Marist Fathers is a public charity and the property is used by Members of the Religious Institute and lay persons as a place of prayer and solitude for individuals and small groups of up to five persons.

Application for rate exemption is made in accordance with Section 556 (h) of the Local Government Act, 1993 which provides as follows:

*"S.556 - The following land is exempt from all rates, other than water supply special rates and sewerage special rates:*

*(h) land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purpose of the institution or charity."*

It is recommended that exemption from rating be granted from 1 January 2008 as per the request in the correspondence from Carroll & O'Dea Lawyers.

The rates for 2007/2008 from 1 January 2008 to 30 June 2008 total \$679.47 and will need to be abandoned once the rate exemption is approved.

#### **Conformance to Strategic Plan**

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

*"Objective: Compliance with all relevant legislation"*

#### **Funding**

Funding for this proposal will be from the Rates Budget.

#### **RECOMMENDATION:**

That:

1. The Trustees of the Marist Fathers for the Province of Australia be granted exemption from rating from 1 January 2008 for the property known as 2285B Singleton Road, Colo.
2. An amount of \$679.47 be written off in respect of rates for the period 1 January 2008 to 30 June 2008.

#### **ATTACHMENTS:**

**AT - 1** Letter from Carroll & O'Dea Lawyers dated 16 November 2007.

ORDINARY MEETING

Meeting Date: 5 February 2008

AT - 1 Letter from Carroll & O'Dea Lawyers dated 16 November 2007.

YOUR REF:  
OUR REF: SAC/72396  
CONTACT:  
PARTNER: Tony Carroll

Direct Line: 9291 7102  
Email: tearroll@codea.com.au

16 November 2007

Rates Clerk  
Hawkesbury City Council  
DX 8601 WINDSOR

Dear Sir

**APPLICATION FOR RATE EXEMPTION – PROPERTY NO.20422**  
**NEW OWNER/CLIENT: TRUSTEES OF THE MARIST FATHERS FOR THE**  
**PROVINCE OF AUSTRALIA**  
**PROPERTY: NO.2285B SINGLETON ROAD, COLO BIENG LOT 2 DP753774**

We act for *Trustees of the Marist Fathers for the Province of Australia* which is a Body Corporate under the Roman Catholic Church Communities' Lands Act, 1942 and has recently completed the purchase of the above property with settlement taking place on 31 October, 2007.

Our client has asked us to write to you to seek exemption from Council Rates from 1 January 2008 under the provisions of Section 556(h) of the Local Government Act, 1993. In this regard, our client is a public charity and the property is being used for the purposes of that charity.

The property is to be used by Members of the Religious Institute and lay persons as a place of prayer and solitude for individuals and small groups of up to five persons.

We would appreciate if you could give favourable consideration to this application and advise if any further information is required.

Yours faithfully  
**Carroll & O'Dea**  
Per: 



**CARROLL & O'DEA**  
LAWYERS

**Address**  
Level 18, St James Centre  
111 Elizabeth Street  
Sydney NSW 2000 Australia

**Postal Address**  
GPO Box 7105  
Sydney NSW 2001

**Document Exchange**  
DX 183 SYDNEY

**Telephone**  
02 9291 7100

**Fax**  
02 9291 1117

**Website**  
www.codea.com.au


**Branch Offices**  
Canberra  
Parramatta  
Newcastle  
Wollongong

**Partners**  
TONY CARROLL, A.M., LL.B.  
ROBERT HIGGINS, B.A., LL.M.  
HOWARD HARRISON, B.Sc., LL.M.  
PETER PUNCH, B.A., LL.M.  
PAUL CARROLL, B.A., LL.B.  
DIANA FARAH, B.A., LL.B.  
ADRIAN O'DEA, B.Sc., LL.B.  
MATTHEW PANAGODA, LL.M.  
TIMOTHY CONCANNON, B.A., LL.B.  
HANNAH INDAR, B.A., LL.B.  
PAUL O'CALLAGHAN, B.A., LL.B.

**Associates**  
PHILIPPA O'DEA, B.A., LL.B.  
JANINE SMITH, B.A., LL.B.  
EMILY KATHELMAR, B.Com., LL.B.  
TONY MANNAN, B.A., LL.B.  
PAUL OLM, B.A., LL.B.  
SALLY CRESSON, B.A., LL.B.  
JAMES GUNAN, B.A/B.Sc. DIP.LAW & B

**Special Counsel**  
MICHAEL O'DEA, A.M., LL.M., LL.B.  
MICHAEL CONCANNON, LL.M.  
TONY BAINE, LL.B.  
KICK REELS  
ANTHONY POWLES, B.O.B.S., DIP.LAW

  
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oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 5 February 2008

### Item: 11 SS - Exemption from Rating - 16 Cox Street, Windsor - (102716, 95496)

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#### REPORT:

An application has been received from Railcorp requesting exemption from rating for the property known as 16 Cox Street, Windsor (Lot 1 DP 1006132), Property Number 32276. A copy of the letter dated 15 October 2007 from Railcorp is provided as Attachment 1.

RailCorp has outlined in the attached letter that, pursuant to Section 17E of the Transport Administration Act 1988, Rail Corporation New South Wales is exempt from State taxes in respect of any matter or thing done by RailCorp in the exercise of its functions. State taxes include all duty under the Duties Act 1997 or any other tax, duty, rate, fee or other charge imposed by or under any Act or law of the State, other than payroll tax.

In addition, Section 555 (1) (g1) of the Local Government Act, 1993 also provides for rate exemption as follows:

*"S.555 (1) - The following land is exempt from all rates:*

*(g1) land that is vested in or owned by Rail Infrastructure Corporation, Rail Corporation New South Wales or Transport Infrastructure Development Corporation, and in, on or over which rail infrastructure facilities (within the meaning of the Transport Administration Act 1988 are installed."*

It is recommended that exemption from rating be granted from 1 December 2006 being the date of Rates & Charges being levied on this property as prior to this date the property was Non Rateable and therefore not liable to any Rates and Charges being levied.

The rates for 2006/2007 and 2007/2008, from 1 December 2006 total \$4,110.08 and will need to be abandoned once the rate exemption is approved.

#### Conformance to Strategic Plan

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

*"Objective: Compliance with all relevant legislation"*

#### Funding

Funding for this proposal will be from the Rates Budget.

#### RECOMMENDATION:

That:

1. The RailCorp be granted exemption from rating from 1 December 2006 for the property known as 16 Cox Street Windsor, noting that the property was Non Rateable prior to this date.
2. An amount of \$4,110.08 be written off in respect of Rates and Charges levied for the period 1 December 2006 to 30 June 2008.

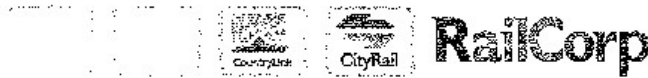
#### ATTACHMENTS:

AT - 1 Letter from RailCorp dated 15 October 2007.

ORDINARY MEETING

Meeting Date: 5 February 2008

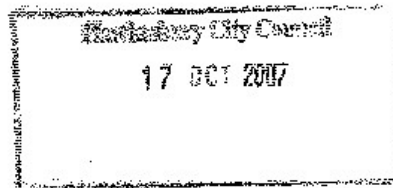
AT - 1 Letter from RailCorp dated 15 October 2007.



RailCorp Property Division:  
GPO Box 47 Sydney NSW 2001  
Level 16, 55 Market Street, SYDNEY NSW 2000  
Tel: (02) 9224 3932 Fax: (02) 9224 3962  
Sue Andrews

15 October 2007

The General Manager  
Hawkesbury City Council  
PO Box 146  
Windsor NSW 2756



Dear Sir or Madam,

**EXEMPTION: Council rates and charges**  
**ACCOUNT: Property Number 32276**  
**PROPERTY: 16 Cox Street Windsor**

I refer to the Notice issued for the above-mentioned property – copy enclosed.

Pursuant to Section 17E of the Transport Administration Act 1988 ("the Act"), Rail Corporation New South Wales ("RailCorp") is exempt from State taxes in respect of any matter or thing done by RailCorp in the exercise of its functions. State taxes include all duty under the Duties Act 1997 or any other tax, duty, rate, fee or other charge imposed by or under any Act or law of the State, other than payroll tax. Section 17E of the Act commenced on 1 January 2004. The Transport Administration (General) Amendment (State Taxes) Regulation 2006 ("The Regulation") extends until 18 December 2007 the period for which RailCorp is not liable for State Tax.

Section 24B of the Transport Administration (General) Regulation 2000 provides RailCorp with an exemption from certain State taxes where:

- (a) Land owned by, or leased to RailCorp and used primarily for railway purposes (other than land subject to a lease or licence by RailCorp to another person); and
- (b) Any other matter or thing done by RailCorp in the exercise of its functions (other than a matter or thing relating to land or a dealing with land).

RailCorp uses the abovementioned property primarily for railway purposes and to administer its functions. RailCorp pursuant to the Sections stated above, claims an exemption from the amount stated in your Notice.

Relevant extracts from the Act and the Regulation are attached.

Can you please note and amend your records and refund any payments made by RailCorp since the 1 January 2004.

Yours sincerely,

Sue Andrews  
Corporate Real Estate



**SCANNED**

K:\PropertyManagement\Forms\Exemption-Rates-Taxes-Charges-2006-2007.doc

DataWorks Document Number: 2618110

oooO END OF REPORT Oooo

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees



**SECTION 5 - Reports of Committees**

**ROC - Local Traffic Committee - 16 January 2008 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 16 January 2008, commencing at 3.00pm.

**ATTENDANCE**

**Present:** Mayor B Bassett  
Mr J Suprain, Roads and Traffic Authority  
Mr J Christie, Offices of Messrs. A Shearan (Londonderry) and J Aquilina (Riverstone), Members of Parliament  
Mr R Williams, MP (Hawkesbury)  
Senior Constable B McClifty, NSW Police Service

**Apologies:** Mr R Elson, Department of Transport

**In Attendance:** Mr C Amit, Manager Design & Mapping Services

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**SECTION 1 - Minutes**

**Item 1.1 Minutes of Previous Meeting**

The Minutes of the meeting held on 21 November 2007 were confirmed.

**Item 1.2 Business Arising**

Nil Business Arising.

**SECTION 2 - Reports for Determination**

**Item 2.1 LTC - 16 January 2008 - Item 2.1 - Application for Final Approval: Collectors' Plant Fair at Bilpin - 2008 (Hawkesbury) - (80245, 74282, 74000, 95450)**

**Previous Item:** Item 2.1, Local Traffic Committee (18 July 2007)

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**REPORT:**

**Introduction**

An application to undertake the Collectors' Plant Fair within the grounds of 27 Powells Road, Bilpin on 26 and 27 April 2008 between the hours of 8.00am and 4.00pm, was reported to the Local Traffic Committee on 18 July 2007. The recommendations of the Local Traffic Committee, as part of the Initial Approval, was adopted by Council on 14 August 2007 as follows:

**ORDINARY MEETING**  
Reports of Committees

That:

1. The event, "Collectors' Plant Fair at Bilpin", planned for 26 and 27 April 2008, be classified as a **"Class 2"** 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 obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. the application including the **TMP and the associated (updated) TCP should be submitted to the RTA** for authorisation due to the traffic impact on Bells Line of Road and due to the proposed temporary speed restriction signs to lower the speed limit from 100 kph to 80 kph on this section of Bells Line of Road during the event;
- 4c. the event organiser **submitting an updated Traffic Control Plan (TCP) to Council** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy to cover **both on-road and off-road activity;**
- 4e. the event organiser advertising the event in the local press stating the entire extent of the event and the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event;
- 4g. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4h. maintaining the event access, only via the existing driveway on Powells Road;
- 4i. access being maintained for businesses, residents and their visitors
- 4j. a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;
- 4k. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;

- 4l. *in accordance with the submitted TMP and associated TCP, appropriate advisory signs, including temporary speed restriction signs, shall be placed at the event organiser's expense after all the required approvals are obtained from the relevant authorities, and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;*
- 4m. *the participants be advised of the traffic control arrangements in place, prior to the commencement of the event; and,*
- 4n. *all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity.*

**Discussion:**

The event organiser has submitted information in order to obtain **Final Approval** for the, *Refer to Appendix 1.*

Condition 4 (a): Complied.  
Condition 4 (b): Complied.  
Condition 4 (c): Complied.  
Condition 4 (d): Complied.  
Condition 4 (e): Complied.  
Condition 4 (f): To be Complied.  
Condition 4 (g): Complied.

**RECOMMENDATION:**

That no objection be held to the Collectors' Plant Fair at Bilpin", planned for 26 and 27 April 2008, classified as a "**Class 2**" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.

Final Approval be granted subject to compliance with the following conditions:

**Prior to the event:**

- a) the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event;

**During the event:**

- b) maintaining the event access, only via the existing driveway on Powells Road;
- c) access being maintained for businesses, residents and their visitors
- d) a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;
- e) all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- f) in accordance with the submitted TMP and associated TCP, appropriate advisory signs, including temporary speed restriction signs, shall be placed at the event organiser's expense after all the required approvals are obtained from the relevant authorities, and traffic control devices be placed

**ORDINARY MEETING**  
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during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;

- g) the participants be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- h) all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity.

**APPENDICES:**

**AT - 1** Special Event Application for Final Approval- (Dataworks Document Nos. 2647101 and 2664687)  
- *see attached*

**Item 2.2** **LTC - 16 January 2008 - Item 2.2 - Zone One Q60 Training Horse Ride 2008 - Upper Colo Reserve (Hawkesbury)- (80245, 85005)**

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**REPORT:**

**Introduction:**

An application has been received from Zone One Of The NSW Endurance Riders' Association to conduct a Zone One Q60 Training Horse Ride on 16 March 2008, utilising Upper Colo Reserve as a base area. The applicant has indicated that the event can only take place if the Equine Influenza (EI) restrictions have been lifted and this area will become part of the Purple Zone.

Event Schedule: (Zone One Q60 Training Horse Ride on 16 March 2008):

- Ride A: 35 Kilometres - Training Ride
- Ride B: 20.6 Kilometres - Social Ride
- Duration: between 8.00am and 1.00pm.
- 50-60 Participants.
- Riders travel as Single or small groups of 2 and 3.

Refer to attached drawing "Zone One Q60 Training Horse Ride 2008 - TR014/07": Appendix 1

Route for the Rides:

Training Ride - 35 Kilometres

- Start Upper Colo Reserve(Ride Base) cross the Colo River travel along Upper Colo Road,
- Turn left and travel through the Wollemi National Park to Mountain Lagoon,
- Travel along Sams Way and turn left into Mountain Lagoon Road,
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to Upper Colo Road junction,
- Cross the Colo River into the Upper Colo Reserve (Ride Base).

Social Ride - 20.6 Kilometres

- Start Upper Colo Reserve(Ride Base) cross the Colo River and Upper Colo Road into Comleroy Road,

**ORDINARY MEETING**  
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- Travel along Comleroy Road and turn right into Mountain Lagoon Road,
- Travel along Mountain Lagoon Road to the Check Point and turn around.
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to Upper Colo Road junction,
- Cross the Colo River into the Upper Colo Reserve (Ride Base).

**Route Diversion:**

In the event of bad weather or a flood, riders will use the Timber Bridge to cross the Colo River and travel along Hulbert Road.

**Road Inventory**

Upper Colo Road - Unsealed  
Comleroy Road - Unsealed  
Mountain Lagoon Road - Unsealed  
Sams Way - Unsealed

**Discussion:**

It would be appropriate to classify this event as "Class 2" special events under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority as this event may impact minor traffic and transport systems and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document No. 2648616)

1. Details of the Special Event - Traffic, Template;
2. Transport Management Plan (TMP) - Referred to in the application as Traffic Management Plan Risk Assessment -, and associated TCP;
3. Copies of correspondence forwarded to the NSW Police Service, NSW Ambulance Service, NSW Rural Fire Service and SES;
4. The Public Liability Insurance to the value of \$20,000,000. which expires 1 January 2008 .

**Reserve Matters:**

The event organiser has made application with Councils Parks and Recreation Section to utilise Upper Colo Reserve as the Base Area as well as for Camping purposes.

**RECOMMENDATION:**

That:

1. The Zone One Q60 Training Horse Ride based at Upper Colo Reserve, planned for 16 March 2008, be classified as "Class 2" 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 obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council as an interested party on the Policy** and that Policy to cover **both on-road and off-road activity;**
- 4c. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- 4d. the event organiser obtaining the relevant approval from the Department of Natural Resources to cross the Colo River; **A copy of this approval be submitted to Council;**
- 4e. the event organiser advertising the event in the local press stating the entire route/extent of the event and the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; **a copy of the correspondence be submitted to Council**
- 4g. the event organiser obtaining approval from the National Parks and Wildlife Service (Department of Environment and Conservation) for the use of Wollemi National Park.
- 4h. the event organiser carrying 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 designing and implementing 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>);
- 4i. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4j. access being maintained for businesses, residents and their visitors;
- 4k. a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;
- 4l. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4m. the riders are aware of and are following all the general road user rules whilst riding on public roads;
- 4n. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
- 4o. the competitors and participants be advised of the traffic control arrangements in place, prior to the commencement of the event; and,

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- 4p. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity
- 4q. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a Water Cart for the duration of the event. Method of watering and frequency is to be addressed and outlined in writing and added to the TMP.

**APPENDICES:**

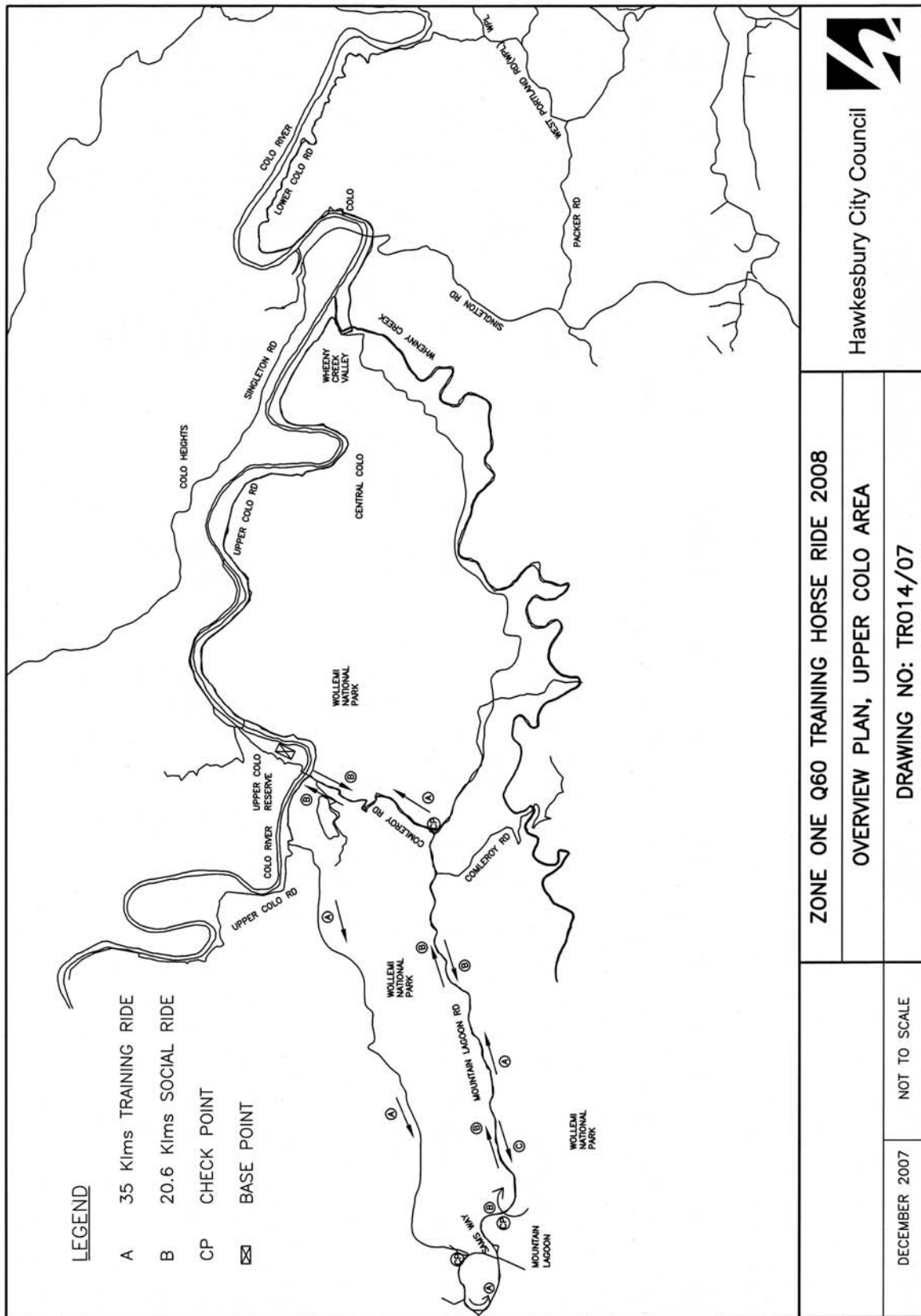
**AT - 1** Zone One Q60 Training Horse Ride 2008- Drawing No: TR014/07.

**AT - 2** Special Event Application - (Dataworks Document No. 2648616) - *see attached*.

# ORDINARY MEETING

## Reports of Committees

AT - 1 Zone One Q60 Training Horse Ride 2008 - Drawing No: TR014/07





## ORDINARY MEETING

### Reports of Committees

#### Item 2.3                    LTC - 16 January 2008 - Item 2.3 - Hawkesbury Show 2008- Hawkesbury Showground, Clarendon - (Londonderry) - (80245, 74207, 80761, 74282)

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#### REPORT:

An application has been received from the Hawkesbury District Agricultural Association seeking approval to conduct the Hawkesbury Show on 11, 12 and 13 April 2008 within the Hawkesbury Showground, Clarendon. The times for operation are proposed from 9.00am to 10.00pm for both 11 and 12 April, and 9.00am to 5.00pm for 13 April 2008. The showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.

The event organiser has informed the following:

1. The event is expected to attract approximately 50,000 visitors over the three days it will operate.
2. It is anticipated that most visitors (an estimated 85%) will travel by car. They will park within the Hawkesbury Showground car parking area, the adjacent Hawkesbury Racecourse car parking area, or in the road reserve areas of Richmond Road and Racecourse Road and walk to one of the pedestrian entry gates.
3. It is expected that approximately 18,000 vehicles will travel to this area during the three days of the show.

#### Discussion:

Racecourse Road intersects with Richmond Road near the northern boundary of the showground site, and intersects with Blacktown Road approximately 3 km to the south. Racecourse Road is a minor rural road of approximately 3.5 km in length and a section of 1.5 km is unsealed. Based on past experience, the majority of vehicular traffic is expected to enter and leave Racecourse Road from the intersection with Richmond Road. Both Richmond Road and Blacktown Road are main arterial roads.

Traffic congestion is likely to be concentrated in Richmond Road, from where the majority of vehicles will queue to enter Racecourse Road, and in Racecourse Road, as vehicles queue to enter parking areas. Delays are likely to occur when vehicles are leaving the site during peak times, as vehicles queue to enter Richmond Road from Racecourse Road. It is likely that increased traffic will have a minor impact on the intersection of Racecourse Road with Blacktown Road. Considerable pedestrian movements are expected along Racecourse Road. It is likely that visitors to the show may park in the road reserve areas of Racecourse Road and Richmond Road as well as the parking areas within the Showground, Clarendon Paddocks and the Racecourse.

It would be appropriate to classify this event as a "Class 1" special event under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority (RTA) as it may impact on major traffic and transport systems and there may be significant disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Document No. 2664666)

1. Details of the Special Event - Traffic, Template;
2. The approval provided by the NSW Police Service dated 14 September 2007;
3. The Public Liability Insurance to the value of \$20,000,000. which expires 31 January 2008.

The TMP and the associated TCP should be submitted to the RTA for authorisation as this event may impact traffic on Richmond Road.

**RECOMMENDATION:**

That:

1. The Hawkesbury Show 2008 planned for 11,12 & 13 April 2008, within the Hawkesbury Showground, Clarendon, 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 **submitting a Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) to Council** for acknowledgement **and to the RTA for** authorisation as the event may impact on Richmond Road. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4b. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as an interested parties on the Policy** and that Policy to cover **both on-road and off-road activity**;
- 4c. the event organiser advertising the event in the local press stating the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4d. the event organiser notifying the details of the event to the NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence be submitted to Council**
- 4e. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; **a copy of the correspondence be submitted to Council**
- 4f. the event organiser carrying 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 designing and implementing 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>);
- 4g. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

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

**APPENDICES:**

**AT - 1** Special Event Application - (Dataworks Document No. 2664666) - *see attached*.

**Item 2.4**            **LTC - 16 January 2007 - Item 2.4 - Proposed Restaurant with Drive Through Takeaway Facility - Lot 2 DP 737483, No 246 Windsor Road cnr Groves Avenue, Mulgrave - (105560, 95498)**

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**REPORT:**

*Mr R Montgomery (Developer) and Mr M Owens (Director City Planning) joined the meeting at this stage for discussion on this item.*

**Introduction**

Development Application No. DA0909/07 has been received seeking consent for the Demolition of the existing "Blackstump Restaurant" building and the construction of a new restaurant building with drive through facilities to be used by KFC at 246 Windsor Road cnr Groves Ave, Mulgrave. The restaurant is to be located within the north western portion of the site. The proposal incorporates the following:

- Construction of a new building to be used as a restaurant with internal seating of 80 persons and external seating for 62 persons.
- Provision of drive through facility around the building.
- Provision of signage.

The proposal also involves the utilisation of the existing access driveway from Groves Avenue with on-site parking provided for 72 car parking spaces and 6 coach and trailer parking. Directional signposting and line marking is to be provided within the site, to delineate vehicular movements to/from the proposed drive through facility.

### **Traffic and Parking Assessment - Christopher Hallam & Associates P/L**

A traffic impact assessment report accompanies the application. This report provides the following assessment having regard to the proposed development:

#### *Access Arrangements*

The application proposes to utilise the existing access arrangements consisting of combined ingress and egress driveway leading off Groves Avenue. The access also services the adjoining activity (McDonalds Restaurant) which benefits from a "right of way" which also extends on the adjoining property in favour of the subject site.

#### *Internal Circulation*

Vehicle movement and access within the site will largely be confined to the existing driveways and car parking areas situated on the site. The drive through is to be accessed via the existing internal roadway.

A preliminary assessment of the internal circulation for the drive through facility shows there may be areas of conflict with other vehicles and difficulty in the manoeuvring of vehicles into the drive through facility entrance.

#### *Service Vehicles*

The service vehicle arrangements associated with the proposal are described as follows:

- Deliveries will be undertaken by a 12m large rigid truck; with approximately 8 truck deliveries per week.
- Service delivery vehicles are proposed to be accommodated in a separate loading bay area adjacent to the drive through entry point.

The application also contains site plans showing the turning path for the delivery vehicle.

#### *Existing Traffic Conditions*

The site is situated at the northern side of Groves Avenue and the western side of Windsor Road. Both Groves Avenue and Windsor Road are existing State Roads under the care and control of the RTA.

#### *Traffic Flows*

A traffic count was under taken on Friday, 16 November 2007 between 4pm-7.30pm, which represented the peak traffic conditions and times when fast food restaurants are traditionally the busiest. The traffic report contains the results of the traffic count.

#### *Intersection Efficiency*

The adjacent signalised intersection of Groves Avenue and Windsor Road currently operates with a Level of Service B during the afternoon peak period. The driveway with Groves Avenue operates with a Level of Service A during the afternoon peak period.

#### *Car Parking Provision*

- Seventy Two (72) car parking spaces have been provided on the subject site.
- Six (6) coach and trailer spaces

### *Traffic Implications*

The report by Christopher Hallam and Associates has concluded that the external traffic implications has been assessed and found to be satisfactory. The additional traffic would have minimal impact at the intersection of Windsor Road and Groves Avenue.

### *Parking Implications*

Hawkesbury Development Control Plan 2002 provides the following having regard to parking requirements for free standing fast food restaurants:

- 1 space per 6m<sup>2</sup> of service area or 1 space per 3 seats, whichever is the greater, plus
- 1 space per 2 employees.

The car parking provided on site complies with these requirements.

### **Assessment**

The traffic report submitted in conjunction with the subject application concludes the development will have a minimal impact on the intersection of Groves Avenue & Windsor Road. The existing access driveway was analysed using INTANAL which indicated very satisfactory operation and no queuing.

The conclusions also indicated that there is potential for queuing of southbound vehicles in Groves Avenue, behind vehicles waiting to turn right into the site. There would be merit in prohibiting kerb side parking in the vicinity of the access driveway to assist the free flow of both southbound and northbound traffic in Groves Avenue.

The report also recommended line making at the entrance involving a central dividing line and two (2) exit lanes marked for left and right turns. A condition is also included to require suitable directional line marking and signage within the site, and for pedestrian access from the common car parking area to the south to be addressed.

*Messrs Montgomery and Owens retired from the meeting at this stage.*

### **RECOMMENDATION:**

That the application be supported and that the following conditions be included in the Development Consent Conditions:

1. The internal access arrangements for the drive through facility be amended to avoid potential vehicle conflicts with the exit point and improve the vehicle manoeuvring access to the entrance of the drive through facility.
2. The recommendations contained in the report by Christopher Hallam and Associates in respect to:
  - a. Prohibiting kerb side parking near the site driveway to assist the free flow of both southbound and northbound traffic in Groves Avenue, subject to RTA approval.
  - b. Line making at the entrance involving a central dividing line and two (2) exit lanes marked for left and right turns.
  - c. Directional line marking and signage is to be provided to reduce the potential conflict between vehicles entering the site to utilise the fast food outlet and those entering the other restaurant on the adjoining property. Give way line marking and signage is to be provided at the exit to the drive through to avoid conflict with vehicles using the site.

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

3. 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.

**APPENDICES:**

**AT - 1** Traffic Impact Assessment Report prepared by Christopher Hallam and Associates (Dataworks Document No. 2678518) - *See attached.*

**AT- 2** Plans of the proposed development - *See attached.*

**SECTION 3 - Reports for Information**

Nil Reports for Information.

**SECTION 4 - General Business**

**Item 4.1**                    **LTC - 16 January 2008 - Item 4.1 QWN - Illegal Parking, Hobartville Public School - (80245)**

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Mr J Christie

**REPORT:**

Advised that there are problems with illegal parking in the vicinity of Hobartville Public School. This area requires regular patrolling during the school term.

**RECOMMENDATION:**

That this matter be referred to Council's Enforcement Section to patrol this area.

**APPENDICES:**

There are no supporting documents for this report.

**ORDINARY MEETING**  
Reports of Committees

**Item 4.2                    LTC - 16 January 2008 - Item 4.2 QWN - Driver Reviver Program Easter 2008, Colo Heights - (80245)**

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Senior Constable B McClifty

**REPORT:**

Advised that during the 2008 Easter long weekend there will be a Driver Reviver program at Colo Heights Hall, jointly run by the Roads and Traffic Authority, Police and volunteers.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.3                    LTC - 16 January 2008 - Item 4.3 QWN - Bus Zone/Pedestrian Crossing, Bede Polding College - (80245, 32368)**

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Senior Constable B McClifty

**REPORT:**

Advised that representations had been received from the Principal of Bede Polding College who indicated that the Bus Zone was too close to the Pedestrian Crossing in Rifle Range Road.

**RECOMMENDATION:**

That the matter be investigated.

**APPENDICES:**

There are no supporting documents for this report.

**ORDINARY MEETING**  
Reports of Committees

**Item 4.4                    LTC - 16 January 2008 - Item 4.4 QWN - Traffic Signals at Intersection of George Street and Hawkesbury Valley Way, Windsor - (80245)**

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Councillor B Bassett

**REPORT:**

Enquired as to any progress in the provision of the right turn phase for George Street at Richmond Road (Hawkesbury Valley Way). The Roads and Traffic Authority advised that this matter is currently being investigated.

**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, 20 February 2008 at 3.00pm in the Large Committee Rooms.

The meeting terminated at 4.15pm.

**oooO END OF REPORT Oooo**





ordinary  
meeting

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