

HAWKESBURY CITY COUNCIL

SPECIAL MEETING

Where People Make the Difference!

SPECIAL BUSINESS PAPER MINUTES

DATE OF MEETING: 14 December 1994

LOCATION: Council Chambers

TIME: 3.00pm

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Minutes of the Special Meeting of the Council of the City of Hawkesbury held at the Council Chambers, Windsor, on 14 December 1994, commencing at 3.05pm.

PRESENT: Councillor R P Stubbs, Mayor and Councillors R G Calvert, H J M Books, B N Keegan, W J Mackay, P J Minturn, C A Paine, M G Parsons, P E Rogers, L C Sheather, W J Sledge and H Williams.

The Reverend George Stubbs gave the opening prayer at the commencement of the meeting.

Councillor Mackay arrived at the meeting at 5.10 pm.

20: DISCOUNT DEPARTMENT STORE (DDS) BASED RETAIL CENTRE FOR THE CITY OF HAWKESBURY (P1343/212/10 (Hely & Horne Stuart Perry); LEP010/93 (Hawkesbury City Centre Pty Ltd); LEP016/94 (Macquarie Bank); LEP018/93 (Richmond Growth Pty Ltd); LEP019/93 (A & A Lederer Pty Ltd); LEP002/87 (Lonsdale, Jackett & Jonjin)/EVD)

21: DISCOUNT DEPARTMENT STORE (DDS) BASED RETAIL CENTRE FOR THE CITY OF HAWKESBURY (P1343/212/10/GMA)

Lots were drawn as to the order in which the applicants would be heard, resulting as follows:

1. Hawkesbury City Centre Pty Ltd
2. Macquarie Bank
3. Lonsdale, Jackett and Jonjin
4. A & A Lederer Pty Ltd
5. Richmond Growth Pty Ltd

Councillor Rogers sought clarification in relation to his previous declaration of interest in relation to this matter.

The General Manager advised that he had circulated, as requested, to the Councillors a memo addressing conflict of interest based on the disclosures of interest that are made by each Councillor in their returns. One of the issues raised by Councillor Rogers was that his premises where he has his legal practice is directly opposite one of the proponents for the Discount Department Store, and accordingly Councillor Rogers had given written advice declaring an interest in this matter and would not be taking part in the debate. To-day a letter was received from the applicant, Hely & Horne Stuart &

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Perry Architects formally withdrawing their application. Accordingly he had advised Councillor Rogers in those circumstances regarding his premises, he no longer had an interest.

Councillor Sledge had also advised that she owns a few shares in the Coles/Myer Group and the General Manager had advised her that as she owned significantly less than 10% of the shares in the Company, she has no interest.

- 939 RESOLVED on the motion of Councillor Rogers seconded by Councillor Keegan that each proponent or group addressing Council be given 20 (twenty) minutes with no extension, to be followed by Question Time.

REPRESENTATIVES FROM WINDSOR & DISTRICT CHAMBER OF COMMERCE
AND RICHMOND & DISTRICT CHAMBER OF COMMERCE & INDIVIDUAL
PERSONS.

- 940 RESOLVED on the motion of Councillor Sheather seconded by Councillor Sledge that they be allowed to speak for a period of 20 (twenty) minutes maximum per group.
- 941 RESOLVED on the motion of Councillor Keegan seconded by Councillor Parsons that there be a break between 6.30 and 7.30 pm.

1. HAWKESBURY CITY CENTRE PTY LTD

Speakers were - Mr Rob Tolson, Mr Tony Isaacs and Mr Don Shaddick.

- 942 RESOLVED on the motion of Councillor Sledge seconded by Councillor Parsons that Mr Bruce York of Woolworths be heard after this group.

Mr Bruce York addressed the meeting.

2. MACQUARIE BANK

Speakers were - Mr Ray Allen from Franklins, Mr Robert Albion and Dr Steve Larkin.

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Councillor Mackay arrived at this stage.

3. LONSDALE, JACKETT AND JONJIN

Speakers were - Mr Tom Lonsdale, Mr Neville Jackett and Mr Milan Jonjin.

4. A & A LEDERER PTY LTD

Speakers were - Mr Michael Kalajzich, Mr Glenn Falson, Mr Andrew Lederer, Mr Chris Avery from Coles Myer and Mr Daryl Stubbings from Target.

5. RICHMOND GROWTH PTY LTD

Speakers were - Mr Alex O'Grady and Mr Roger Quale - Development Manager of White Industries.

6. RICHMOND & DISTRICT CHAMBER OF COMMERCE

Ms Lorna Allan - President, Dr Robert Baker and Mr Ron Rozzoli.

7. WINDSOR & DISTRICT CHAMBER OF COMMERCE

Ms Raylene Wiltshire - President, Mr Tom O'Brien and Mr Mal McEwan.

8. INDIVIDUAL SPEAKERS

Mr Graham Edds, Local Conservation Architect; Mr Peter Dunn, Accountant, Richmond; Ms Deidre Dehn, Magnolia Mall and Mr John Stephens, Windsor Economic Development Committee.

Moved on the motion of Councillor Mackay seconded by Councillor Calvert that:-

1. That Council endorse the following proposal:-

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Hawkesbury City Centre Pty Ltd
Richmond Growth Pty Ltd

2. That Council prepare draft local environmental plans to permit the Discount Department Store based district centre proposed by Hawkesbury City Centre Pty Ltd and Richmond Growth Pty Ltd and request that the Director of the Department of Planning issue Section 65 certificates to enable the plans to be placed on public exhibition.

Further the draft local environmental plans are to define the developments as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plans are to lapse within 18 (eighteen) months of gazettal if the developments do not proceed.

3. A development control plan including appropriate restoration or conservation of heritage items be prepared prior to gazettal of the draft local environmental plans to ensure that the developments proceed generally in the form nominated by Hawkesbury City Centre Pty Ltd and Richmond Growth Pty Ltd.
4. Hawkesbury City Centre Pty Ltd and Richmond Growth Pty Ltd be advised that they must enter into agreements with Council within 4 months of the date of this resolution to open the centres within a period of 2 years from the date of the gazettal of the rezoning. The agreements are to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreements are to be as generally outlined in the report.
5. In the event that Hawkesbury City Centre Pty Ltd and/or Richmond Growth Pty Ltd do not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plans are to be discontinued and the matter further reported to Council.

An amendment was moved by Councillor Rogers seconded by Councillor Minturn:

1. That A & A Lederer Pty Ltd and Richmond Growth Pty Ltd be treated as on an equal footing and that Hawkesbury City Centre Pty Ltd be seen as No. 3 in order of preference.
2. That Council prepare draft local environmental plans to permit the Discount Department Store based district centre proposed by A & A Lederer Pty Ltd and Richmond Growth Pty Ltd and request that the Director of the Department of

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Planning issue Section 65 certificates to enable the plans to be placed on public exhibition.

Further the draft local environmental plans are to define the developments as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plans are to lapse within 18 (eighteen) months of gazettal if the developments do not proceed.

3. A development control plan including appropriate restoration or conservation of heritage items be prepared prior to gazettal of the draft local environmental plans to ensure that the developments proceed generally in the form nominated by A & A Lederer Pty Ltd and Richmond Growth Pty Ltd.
4. A & A Lederer Pty Ltd and Richmond Growth Pty Ltd be advised that -they must enter into agreements with Council within 4 months of the date of this resolution to open the centres within a period of 2 years from the date of the gazettal of the rezoning. The agreements are to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreements are to be as generally outlined in the report.
5. In the event that A & A Lederer Pty Ltd and/or Richmond Growth Pty Ltd do not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plans are to be discontinued and the matter further reported to Council.

Councillor Parsons foreshadowed an amendment should the amendment be won.

The amendment was lost.

Councillor Williams foreshadowed an amendment.

Councillor Sledge foreshadowed an amendment.

Councillor Books foreshadowed an amendment.

An amendment was moved by Councillor Rogers seconded by Councillor Minturn:

1. That Council endorse the following proposals in order of preference :

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1. Richmond Growth Pty Ltd
 2. A & A Lederer Pty Ltd
 3. Hawkesbury City Centre Pty Ltd
2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed by Richmond Growth Pty Ltd and request that the Director of the Department of Planning issue a Section 65 certificate to enable the plan to be placed on public exhibition.
- Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.
3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by Richmond Growth Pty Ltd.
 4. Richmond Growth Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.
 5. In the event that Richmond Growth Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council. It is foreshadowed that the proposal by A & A Lederer Pty Ltd would then be supported on the same terms and conditions.

The amendment was lost.

An amendment was moved by Councillor Williams seconded by Councillor Sledge:

1. That Council endorse the following proposals in order of preference :
 1. Richmond Growth Pty Ltd
 2. A & A Lederer Pty Ltd

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2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed by Richmond Growth Pty Ltd and request that the Director of the Department of Planning issue a Section 65 certificate to enable the plan to be placed on public exhibition.

Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.

3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by Richmond Growth Pty Ltd.
4. Richmond Growth Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.
5. In the event that Richmond Growth Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council. It is foreshadowed that the proposal by A & A Lederer Pty Ltd would then be supported on the same terms and conditions.

The amendment was lost.

An amendment was moved by Councillor Sledge seconded by Councillor Williams:

1. That Council endorse the following proposals in order of preference :
 1. Richmond Growth Pty Ltd
 2. Hawkesbury City Centre Pty Ltd
 3. A & A Lederer Pty Ltd
2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed by Richmond Growth Pty Ltd and request that the Director of the Department of Planning issue a Section 65

certificate to enable the plan to be placed on public exhibition.

Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.

3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by Richmond Growth Pty Ltd.
4. Richmond Growth Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.
5. In the event that Richmond Growth Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council. It is foreshadowed that the proposal by Hawkesbury City Centre Pty Ltd would then be supported on the same terms and conditions.

Councillor Rogers foreshadowed an amendment.

The amendment was lost.

An amendment was moved by Councillor Books seconded by Councillor Parsons:

1. That Council endorse the following proposals in order of preference :
 1. Hawkesbury City Centre Pty Ltd
 2. Richmond Growth Pty Ltd
2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed by Hawkesbury City Centre Pty Ltd and request that the Director of the Department of Planning issue a Section 65 certificate to enable the plan to be placed on public exhibition.

Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.

3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by Hawkesbury City Centre Pty Ltd.
4. Hawkesbury City Centre Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.
5. In the event that Hawkesbury City Centre Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council. It is foreshadowed that the proposal by Richmond Growth Pty Ltd would then be supported on the same terms and conditions.

The amendment was lost.

An amendment was moved by Councillor Rogers seconded by Councillor Minturn:

1. That Council endorse the following proposals in order of preference :
 1. A & A Lederer Pty Ltd
 2. Richmond Growth Pty Ltd
 3. Hawkesbury City Centre Pty Ltd
2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed by A & A Lederer Pty Ltd and request that the Director of the Department of Planning issue a Section 65 certificate to enable the plan to be placed on public exhibition.

Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line

supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.

3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by A & A Lederer Pty Ltd.
4. A & A Lederer Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.
5. In the event that A & A Lederer Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council. It is foreshadowed that the proposal by Richmond Growth Pty Ltd would then be supported on the same terms and conditions.

The amendment was lost.

An amendment was moved by Councillor Sledge seconded by Councillor Rogers:

1. Council endorse Richmond Growth Pty Ltd.
2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed by Richmond Growth Pty Ltd and request that the Director of the Department of Planning issue a Section 65 certificate to enable the plan to be placed on public exhibition.

Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.

3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by Richmond Growth Pty Ltd.

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4. Richmond Growth Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.
5. In the event that Richmond Growth Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council.

The amendment was lost.

The motion was lost.

Moved by Councillor Parsons seconded by Councillor Mackay:

1. Council endorse the following proposals in order of preference :
 1. Hawkesbury City Centre Pty Ltd
 2. Richmond Growth Pty Ltd
 3. A & A Lederer Pty Ltd
2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed by Hawkesbury City Centre Pty Ltd and request that the Director of the Department of Planning issue a Section 65 certificate to enable the plan to be placed on public exhibition.

Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.
3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by Hawkesbury City Centre Pty Ltd.

4. Hawkesbury City Centre Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.
5. In the event that Hawkesbury City Centre Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council. It is foreshadowed that the proposal by Richmond Growth Pty Ltd would then be supported on the same terms and conditions.

An amendment was moved by Councillor Rogers seconded by Councillor Sheather:

1. Council endorse the following proposals in order of preference :
 1. A & A Lederer Pty Ltd
 2. Hawkesbury City Centre Pty Ltd
 3. Richmond Growth Pty Ltd
2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed by A & A Lederer Pty Ltd and request that the Director of the Department of Planning issue a Section 65 certificate to enable the plan to be placed on public exhibition.

Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.
3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by A & A Lederer Pty Ltd.
4. A & A Lederer Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for

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the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.

5. In the event that A & A Lederer Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council. It is foreshadowed that the proposal by Hawkesbury City Centre Pty Ltd would then be supported on the same terms and conditions.

The amendment was lost.

An amendment was moved by Councillor Sheather seconded by Councillor Rogers:

1. That Council endorse the following proposals in order of preference :
 1. A & A Lederer Pty Ltd
 2. Richmond Growth Pty Ltd
 3. Hawkesbury City Centre Pty Ltd
2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed A & A Lederer Pty Ltd and request that the Director of the Department of Planning issue a Section 65 certificate to enable the plan to be placed on public exhibition.

Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.
3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by A & A Lederer Pty Ltd.
4. A & A Lederer Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.

5. In the event that A & A Lederer Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council. It is foreshadowed that the proposal by Richmond Growth Pty Ltd would then be supported on the same terms and conditions.

The amendment was lost.

The motion was lost.

943 RESOLVED on the motion of Councillor Calvert seconded by Councillor Keegan that:

1. That Council endorse the following proposals in order of preference :
 1. Richmond Growth Pty Ltd
 2. Hawkesbury City Centre Pty Ltd
 3. A & A Lederer Pty Ltd
2. That Council prepare a draft local environmental plan to permit the Discount Department Store based district centre proposed by Richmond Growth Pty Ltd and request that the Director of the Department of Planning issue a Section 65 certificate to enable the plan to be placed on public exhibition.

Further the draft local environmental plan is to define the development as including a discount department store of at least 6,000m² GLA and a full line supermarket of at least 3,500m² GLA. The local environmental plan is to lapse within 2 (two) years of gazettal if the development does not proceed.
3. A development control plan be prepared prior to gazettal of the draft local environmental plan to ensure that the development proceeds generally in the form nominated by Richmond Growth Pty Ltd.
4. Richmond Growth Pty Ltd be advised that they must enter into an agreement with Council within 4 months of the date of this resolution to open the centre within a period of 2 years from the date of the gazettal of the rezoning. The agreement is to include a bond in the form of a bank guarantee or other approved security for the sum of \$1 million. The terms of the agreement are to be as generally outlined in the report.

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5. In the event that Richmond Growth Pty Ltd does not enter into the required deed and provide the necessary bond within 4 months of the date of this resolution then the draft local environmental plan is to be discontinued and the matter further reported to Council. It is foreshadowed that the proposal by Hawkesbury City Centre Pty Ltd would then be supported on the same terms and conditions.

The meeting terminated at 11.50 p.m.

Submitted to and confirmed at the meeting of Council held on February 14, 1995.

..... Mayor