



Hawkesbury City Council

special meeting business paper

date of meeting: 04 May 2004

location: council chambers

time: 7.00 p.m.

SPECIAL MEETING

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Minutes of the Meeting of the Special Meeting held at the Council Chambers, Windsor, on Tuesday, 4 May 2004, commencing at 7:00pm.

ATTENDANCE

PRESENT: Councillor R Stubbs, Mayor and Councillors B Bassett, T Books, B Calvert, K Conolly, T Devine, D Finch, P Rasmussen, N Wearne and L Williams

APOLOGIES

An apology for absence was received from Councillors C Paine and B Porter

RESOLVED on the motion of Councillor Books and seconded by Councillor Rasmussen that the apology be accepted.

The following recommendations were passed as resolutions of the Committee:

SECTION 4 - Reports for Determination

Item: 45 **ENV A - Proposed Shopping Centre Complex and Road Works, Johnston Street, Windsor (known as Hollands Paddock) - (DA0098/04)**

Previous Item: 81, Special (20 May 2003)
 192, Special (18 November 2003)
 32, 32 and 34, Special (19 March 2004)
 19, GPC (27 April 2004)

Mr Walter Kullen, proponent, addressed the Committee
Mrs Wendy Sledge, Mr Graham Edds (Conservation Architect), Ms Alexis Roberts, Ms Jan Sparkes, Mr Jules Whitty, Ms Marilyn Wells, respondents, addressed the Committee

MOTION:

A MOTION was moved by Councillor Williams seconded Councillor Rasmussen.

That this matter be deferred for 1 (one) week to be considered at the Ordinary Meeting in conjunction with the Windsor Master Plan.

The motion was lost.

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RECOMMENDED on the motion of Councillor Devine seconded by Councillor Conolly.

Refer to RESOLUTION

137 RESOLUTION:

RESOLVED on the motion of Councillor Devine, seconded Councillor Conolly.

That:

- A. The SEPP1 objection to Cl. 25(2) of the Hawkesbury Environmental Plan be supported.
- B. The development application for demolition of existing buildings, erection of a shopping centre and roadworks be approved as a deferred commencement consent subject to the following conditions:
 - I Upon compliance with the condition appearing in Schedule A, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule B pursuant to Section 80(3) of the Act.
 - II The "Deferred Commencement" consent will lapse in 24 (twenty four) months from the date of this consent unless all conditions appearing in Schedule A have been complied with.

SCHEDULE A

- 1. Land necessary for roadworks to The Terrace and Johnston Street shall be dedicated as public road.
- 2. Submission of evidence demonstrating that suitable arrangements have been made for the use of Lot 2 DP 788531 Johnston Street for access to the proposed development.
- 3. Plan of Management for Howe Park is in place that contemplates the relocation of the Girl Guides Hall and landscaping.

SCHEDULE B

- 1. The development shall be carried out in accordance with the approved stamped plans as submitted with Development Application No. DA0098/04 and any supportive documentation, except as otherwise provided by the conditions of this consent.
- 2. This consent includes approval for the occupation and use of the building for a supermarket and individual retail tenancies.

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3. This consent covers the removal of trees and other vegetation from the site of approved buildings, structures, permanent access ways and car parks.
4. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
5. Prior to construction of the approved development it is necessary to obtain a Construction Certificates for the whole or any parts of the development.
6. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited;
 - (b) Integral Energy; and
 - (c) a local telecommunications carrier;regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
7. Any part of the building to be used for food preparation shall comply with Council's Code for the fitting out of food premises.
8. No excavation or site works shall be commenced prior to the issue of a relevant Construction Certificate.
9. The applicant shall make themselves aware of the Disability Discrimination Act, 1992 in order to assess their responsibilities and liabilities with regards to the provision of access for all people.
10. Provision of satisfactory vehicular access to the land in accordance with Hawkesbury Development Control Plan, Chapter 2 Car Parking and Access and Hawkesbury Development Control Plan Appendix E Civil Works Specifications Part 1 Design Specification and Part 2 Construction Specifications.

Prior to Issue of Construction Certificate

11. The submission of a Traffic Management Plan approved by the Roads and Traffic Authority.
12. 3 (three) copies of the plans and specifications, designs and calculations of proposed civil works are submitted to and approved by Council or an accredited certifier.
13. Submission of evidence demonstrating that suitable arrangements have been made with Council (as owner) for the use of part Lot 30 and 31 New Street as access for the proposed development.

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14. Details of any fill material removed from or imported to the site to be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
15. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the upgrading of local roads at the rate of 3 (three) cents per tonne per kilometre of local roads travelled by trucks delivering soil to or removing soil from the site.

This contribution is determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for 3 (three) months.

16. The submission of a satisfactory soil and water management plan (SWMP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
17. Submission of proof of the payment of the Building Industry Long Service Levy.
18. The disabled car parking spaces shall be provided in the locations shown in red on the stamped approved plans.
19. Payment of a contribution of \$3.58 per sqm of gross floor area to Council for sewer headworks. This sum will remain fixed until 30 June 2004 after which it will be recalculated at the rate applicable at the time of payment. Credit will be given for the gross floor area of the existing commercial buildings that are proposed to be demolished.
20. The proposed shopping centre complex and all associated development is to be constructed in accordance with the requirements of the New South Wales Government Flood Plain Management Manual (2001), Interim Development Guidelines for a "high hazard-flood storage area".
21. Design and construction of site drainage shall be carried out in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification: Part 1 Design Specification; and Part II Construction Specification. The drainage system shall be designed to:
 - (a) Minimise impacts on local flooding characteristics;
 - (b) Incorporate source control measures to provide a primary level of treatment for the removal of all gross pollutants.

Full details of works shall be submitted for approval.

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22. All stormwater from impervious areas of the site and the immediate local catchment upstream of the site shall be collected and drained by the existing underground trunk drainage system. A concept drainage plan, including any modifications required, is to be submitted to and approved by Council.
23. A surcharge path sufficient to carry the 1:100 year storm flow is to be provided across the site and a drainage easement of adequate width shall be created over the surcharge path. Details are to be submitted for approval.
24. Design details (structural and hydraulic) of the proposed subterranean flood surcharge tube to link the carpark with George Street are to be submitted for approval. The surcharge bypass is to be designed to function in isolation from the existing street drainage system for all storm flow events.
25. Details of all street lighting, line marking and traffic signage to be submitted with the application for the construction certificate.

Prior to Commencement of Works

26. The site and its locality is to be photographically recorded to archival standard prior to commencement of works to ensure there is a record of the site and its locality for historical and research purposes. The applicant shall liaise with Council about the level of detail to be provided to Council satisfaction. Three sets of the archival recording and original photographs are to be lodged with Council.
27. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan. The enclosed warning signs shall be affixed to the sediment fences/erosion control devices at all times.
28. The applicant or person having the benefit of this development consent must give at least 2 (two) days notice prior to commencement of works to Council of the intention to commence works.
29. A waste management plan shall be submitted for consideration and approved by Council. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.
30. Approval in the form of stamped Construction Certificate plans is to be obtained from Sydney Water to verify that the development meets its requirements concerning the relationship of the development to any water mains.
31. The applicant shall contact the New South Wales Fire Brigade (Fire Safety Division) in order to determine the Brigade's requirements for submissions regarding, hydrants, boosters, sprinklers, etc.

During Construction

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32. Immediately following demolition, a soil contamination report for the entire site to be submitted to Council for approval.
33. All civil work must be carried out in accordance with the provisions of Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification.
34. All necessary works being carried out to ensure that stormwater flow from adjoining properties is not impeded.
35. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
36. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
37. Dust control measures, eg vegetative cover, mulches, irrigation, barriers or stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
38. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or road surface.
39. All demolition, construction and associated work necessary for the carrying out of the development is restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
40. No burning of demolition, construction or vegetative material being carried out on the site.
41. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without the approval of this office.
42. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
43. Should any aboriginal site or relic, as defined under the National Parks and Wildlife Act, 1974 or a relic as defined under the NSW Heritage Act, 1977, be disturbed or uncovered during the construction of this development, all work shall cease and the National Parks and Wildlife Service or the Heritage Office consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 or the Heritage Act, 1977.
44. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused by this proposed development.
45. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:

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

The applicant is liable for the cost of all work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

- 46. All fill to be adequately compacted by track rolling or similar.
- 47. The site shall be secured to prevent the depositing of any unauthorised material.
- 48. A minimum of 309 (three hundred and nine) off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plans.
- 49. Should the adjacent sewer main need to be excavated, the footings shall be designed and constructed in such a manner that their zone of influence shall fall a minimum of 900mm below the angle of repose taken from a point 600mm from the centre line at invert level of the adjacent sewer main. The angle of repose shall be assumed to be 1:1 (45 degrees) in undisturbed clay or similar material and 1:2 (30 degrees) from horizontal in sand or filled ground whether compacted or not. All supporting piers adjacent to the sewer main shall contain appropriate starter bars cast in them for subsequent tying into the strip footing or perimeter beam. Design of the proposed footings system shall be certified by a structural engineer. The applicant shall accurately locate the position of the main prior to work commencing.
- 50. The building shall be set out by a Registered Surveyor and the Survey Certificate of the building shall be lodged with the principal certifying authority upon completion of the footings and prior to the external wall construction proceeding above floor level.
- 51. All sound producing plant, equipment, machinery, fittings, and the like shall be sound insulated and/or isolated so as to control noise emissions from the premises to within the limits prescribed by the Noise Control guidelines.
- 52. Access to the development for people with disabilities shall be provided in accordance with the requirements of the BCA and AS1428.1 (1993), 1228.2 (1992) and 1428.3 (1992) all thresholds and room access (both internal and external) shall have "lipless thresholds". It is preferred that disabled toilet facilities are identified Unisex and that doors open outwards to enable easy access in emergencies.
- 53. All construction vehicles associated with the development are to use the nominated traffic route as outlined in the Windsor Town Centre Traffic Study prepared by Christopher Stapleton Consulting, February 2003.

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54. All recommendations contained in the soil contamination report required under Schedule A are to be implemented.
55. Inspections for Compliance Certificate to be requested from the Sewer Authority (Hawkesbury City Council) for internal and external sewer drainage prior to covering any pipe, 24 hours notice for inspection is required. Inspection fees apply.
56. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue. The registration fee as per Council's Revenue Pricing Policy will apply.
57. The construction of sewerage reticulation, including junctions, to the development where not already provided.
58. Emergency ramps on Lot 1 DP550135, Johnston Street, Windsor and Lot 1 DP998433 No. 8 New Street, Windsor shall be constructed to BCA and DDA requirements. The ramp on Lot 1 DP998433 shall be maintained for use by the general public at all times by the owner and operator at no cost to Council.
59. Appropriate access, either in the form of a right of way or transfer of land, shall be granted to No. 17 Johnston Street, Windsor over the land shown as "1m wide exclusive right of access" on the approved plans.

Prior to Issue of Occupation Certificate

60. Drainage easements of adequate width are to be created over existing water courses flowing through the subject land. Where necessary existing easements for stormwater created in favour of Hawkesbury City Council may be amended to suit approved alterations caused by the works.
61. The approved use shall not commence and an occupation certificate shall not be issued until all conditions of this Development Consent have been complied with.
62. Landscaping shall be completed in accordance with the approved landscaping plan.
63. A physical barrier is to be provided between the landscaped area and any driveways or parking areas.
64. Registration of a plan of survey consolidating the site into a single allotment.
65. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.
66. A Fire Safety Certificate, in accordance with the Schedule of Fire Safety Measures issued for the development, is to be submitted to Hawkesbury City Council for separate registration. The registration fee as per Council's Revenue Pricing Policy will apply.

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67. Certification to be provided by qualified professionals advising that all measures and recommendations contained in the acoustic and soil contamination reports have been provided.
68. A report by the design engineer stating the conformance or otherwise of the system in relation to the approved design is to be submitted.
69. Works-As-Executed drawings which indicate the following are to be submitted to and approved by Council:
 - (a) invert levels of tanks, pits and pipes;
 - (b) surface levels of pits and surrounding ground levels;
 - (c) levels of surrounding kerb;
 - (d) floor levels of buildings;
 - (e) top of kerb levels at the front of the lot; and
 - (f) extent of inundation.
70. The car park shall be amended to comply with the Hawkesbury Development Control Plan in regard to where there are more than 50 car parking spaces, the access ramps to the roads are to have separate ingress and egress. This can be achieved by widening the access ways and providing a raised island between the ingress and egress.
71. Line marking, street signage and physical restraints are required to be constructed at the location where Johnston Street changes from a one way street into a two way street.
72. Appropriate signage and line marking is required to prevent queuing across the access to the Fire Station car park in Union Lane.
73. The existing southern kerb and gutter in Johnston Street is to be repaired or replaced for its full length.
74. The existing kerb and gutter on the western side of the Laneway access is to be repaired or replaced and access to Numbers 19, 23 and 27 is to be provided.
75. The construction of concrete kerb and gutter, including layback vehicular crossings, concrete path paving for the width of the footway area and all necessary drainage, together with the full construction of the frontage of the Laneway access together with any works necessary to make this construction effective.
76. The construction of concrete kerb and gutter, including layback vehicular crossings, the footway area being formed in earth and all necessary drainage, together with the full construction of the road within Johnston Street to the eastern property boundary to the intersection of The Terrace together with any works necessary to make this construction effective.
77. The construction of concrete kerb and gutter, including layback vehicular crossings, the footway area being formed in earth and all necessary drainage, together with the full

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construction of the New Street access together with any works necessary to make this construction effective.

78. The existing pavements in Johnston Street, New Street, Union Lane and The Terrace shall be surveyed by an appropriately qualified geotechnical engineer. A report on the condition of the pavement and recommendations for increased depth of pavement based on the increased traffic generation shall be submitted to Council. The applicant shall reconstruct the pavements in accordance with the recommendation of the report.
79. To ensure that structural stormwater source control devices are satisfactorily maintained the owner/s shall be required at their cost to enter a positive covenant over all of the land comprised in the development in favour of the Council to at all times maintain, repair and keep the devices operational.
80. Signs are to be erected in the loading dock and delivery access area "switch engine off while waiting and loading".
81. An acoustic screen wall is to be provided in accordance with the stamped approved plans. The sections of these screens which will be visible above the shopping centre trading floor level are to be constructed of clear polycarbonate or acrylic material with sufficient mass to prevent direct noise transmission to adjoining residential properties. Landscaping including mature trees and shrubs is to be incorporated with the screen wall. The acoustic wall shall extend from Johnston Street along the north and west boundaries of No. 17 Johnston Street and return to the building wall.
82. Acoustic installation is to be installed to the roof and walls of both of the loading dock stock area and covered truck bays at the loading dock.
83. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan. The evacuation procedures should be permanently fixed to the building in a prominent location and kept up to date at all times.

Use of the Site

84. Trucks are not permitted to park with engines idling in the loading and delivery docks or loading dock access driveway.
85. The relevant sewer authority (Hawkesbury City Council) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises.
86. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

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87. The subject development, including landscaping, is to be maintained at all times in a clean and tidy manner.
88. To ensure vehicle movements associated with the land use do not adversely impact on the adjoining streetscape or traffic movement therein:
 - (a) all vehicles being loaded or unloaded shall stand entirely within the property;
 - (b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises.
89. All waste materials to be stored and disposed of at regular intervals.
90. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.
91. Shopping Centre trading hours shall be limited to:
 - 7:00am to Midnight, Mondays to Saturdays, and
 - 8:00am to 8:00pm on Sundays and public holidays.
92. The following activities shall only occur between the hours of 7:00am to 10:00pm Mondays to Saturdays and 8:00am to 6:00pm, Sundays and public holidays:
 - Delivery or loading of goods;
 - Stock movement within the loading area;
 - Garbage Collection;
 - Cleaning; and
 - Internal shop fitouts.
93. All service vehicles associated with the development are to use the nominated traffic route in the Windsor Town Centre Study, prepared by Christopher Stapleton Consulting, February 2003.
94. The applicant shall carry out landscaping works and improvements to Howe Park between the development and the roadway in accordance with an adopted Plan of Management.
95. A motion detecting camera and lighting be installed at the loading dock to ensure compliance with trading hours and delivery times.
96. A review be carried out of the traffic study after the Flood Evacuation Route has been opened and the shopping centre has been in operation. The review is to be carried out by the developer in consultation with Hawkesbury City Council.

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The meeting terminated at 9:20pm.

Submitted to and confirmed at the meeting of the Ordinary Meeting held on 11 May 2004.

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Mayor