

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2013SYW057
DA Number	DA NO. 1287/2013/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	ADDITIONS AND ALTERATIONS TO EXISTING SHOPPING CENTRE – CASTLE TOWERS
Street Address	LOT 600 DP 1025421, NO. 6 – 14 CASTLE STREET, CASTLE HILL (CASTLE TOWERS SHOPPING CENTRE)
Applicant	QIC LTD
Number of Submissions	NIL
Regional Development Criteria (Schedule 4A of the Act)	CAPITAL INVESTMENT VALUE IN EXCESS OF \$20 MILLION
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • LEP 2012 • DCP Part B Section 6 - Business • DCP Part C Section 1 - Parking • SREP 20 – Hawkesbury Nepean River • SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)
List all documents submitted with this report for the panel's consideration	NIL
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Report by	KRISTINE MCKENZIE PRINCIPAL EXECUTIVE PLANNER

EXECUTIVE SUMMARY

The Development Application is for alterations and additions within the existing Stage 1 of Castle Towers Shopping Centre. The works include an additional 8000m² of gross leaseable floor area (GLFA) which is balanced by a loss of the same amount of GLFA from the approved Stage 3 expansion (See Attachment No. 3 for location of works for both developments). The additional floor area principally comes from the addition of a new retail floor within the centre within an area currently used for parking. The works will assist in modernising the internal layout and external façade of the centre and improve access and circulation around the centre.

Development Application 297/2008/HB for the Stage 3 extension of Castle Towers Shopping Centre was approved at Council's **Meeting of 8 February 2011**. The approved works included a gross leaseable floor area of 60,487m², 3085 carparking spaces and required significant road upgrade works. A Section 96(2) Modification Application for

amendments to the approved development (S. 96 Modification 297/2008/HB/B) was approved by Council at its meeting of 09 September 2014. These works include the reduction in gross leaseable floor area by 8000m². The report prepared for consideration by the Council is Attachment No. 8.

The applicant has indicated that all works the subject of both applications will be undertaken at a similar time.

The subject proposal includes variations to LEP 2012 in regard to floor space ratio (FSR) and height. Both the current FSR and height exceed LEP 2012 standards. LEP 2012 limits the FSR to 1:1. The additional gross leaseable floor area proposed in this application is offset by the loss of the same amount of floor area from the proposed Stage 3 modification. The approved FSR for the entire site is 1.3:1. This FSR will be maintained when the Stage 3 expansion as modified and this application are acted upon. In effect, the two applications are interrelated and do not result in additional gross leaseable floor area beyond that approved with the original Stage 3 expansion.

The height limit under LEP 2012 for the area of the Stage 1 works is 12 metres. The proposed height is a maximum 34 metres. The current maximum height of the centre in this location is 33 metres. The height standard was incorporated into the LEP after the development of the existing Shopping Centre. The proposed variations to FSR and height are considered reasonable given the Town Centre location and that the site is identified as a major centre under the Centres Direction and the Metro Strategy.

The subject modification application and Development Application 1287/2013/JP interrelate in regard to parking provided on site. The DCP requires a parking rate of 1 space per 18.5m² of GLFA. For all approvals currently in place, the rate is 1 space per 20.52m². The proposed parking for the site equates to a parking rate of 1 space per 21.7m² which is considered sufficient given the provision of a dynamic parking system to enable customers are able to identify available spaces, proximity to the North-West rail and proximity to the bus transit centre.

In the absence of the JRPP process, this matter would be determined at a meeting of Council given the variations to the LEP standards.

The application is recommended for approval subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	QIC Limited	1.	<u>LEP 2012</u> - Permissible with consent.
Zoning:	B4 Mixed Use	2.	<u>DCP Part B Section 6 - Business</u> - Variations required, see report.
Area:	79,201m ² (existing centre north of Castle Street)	3.	<u>DCP Part C Section 1 - Parking</u> - Variation required, see report.
Existing Development:	Castle Towers Shopping Centre	4.	<u>SREP 20 - Hawkesbury Nepean River</u> - Satisfactory.
		5.	<u>SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)</u> - Satisfactory.
		6.	<u>Section 79C (EP&A Act)</u> - Satisfactory.
		7.	<u>Section 94 Contribution</u> - Currently \$1,361,760.00

SUBMISSIONS**REASON FOR REFERRAL TO JRPP**

1. Exhibition:	Not required.	1.	Capital Investment Value in excess of \$20 million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	154		
4. Submissions Received:	Nil		

HISTORY

- 08/02/2011** Development Consent granted by Council at its Ordinary Meeting for the Stage 3 extension of Castle Towers Shopping Centre (DA 297/2008/HB).
- 05/10/2012** LEP 2012 came into force.
- 03/06/2013** Subject Development Application lodged.
- 03/07/2013** Letter sent to the applicant requesting additional information regarding **owner's consent**, separate Clause 4.6 variations to LEP 2012 in regard to height and FSR, additional elevation plans showing heights, compliance with the DCP in regard to setbacks, bicycle parking and car parking, engineering matters and BCA upgrade works.
- 01/08/2013** Email sent to the applicant requesting details of shopping trolley management.
- 06/08/2013** Section 96 Modification Application 297/2008/HB/B lodged for various amendments to the approval (not yet determined).
- 03/09/2013** Briefing undertaken to Councillors at Councillors Workshop.
- 10/09/2013** Further letter sent to the applicant regarding parking rates following the Councillors Workshop.
- 10/09/2013** Additional information submitted by the applicant.
- 24/09/2013** Email sent to the applicant requesting additional information regarding height, setbacks, a further BCA report, ramp gradient details, a consolidated parking response and an address of RMS matters.
- 26/09/2013** BCA upgrade report submitted.
- 01/10/2013** Further email to applicant regarding shopping trolley management.
- 13/02/2014** Additional information submitted. This information is currently under assessment.
- 20/02/2014** Further email sent to applicant regarding shopping trolley management.
- 11/03/2014** **Section 96 Modification Application approved by Council's Development Assessment Unit to amend Condition 34 relating to RMS roadworks and Condition 44 relating to Section 94 contributions.**
- 09/09/2014** Section 96(2) Modification Application approved by Council at its Ordinary Meeting for amendments to the Stage 3 extension of Castle Towers Shopping Centre (DA 297/2008/HB/B).

PROPOSAL

The proposed works are located in the original Stage 1 development area of Castle Towers. The works are in proximity to the area at the corner of Castle Street and Pennant Street. The proposed works include the following:

- demolition and construction works for a rearrangement of retail, mall and void areas, and improved vertical transportation,
- improved servicing arrangements,
- re-arrangement of parking areas and links between them, façade replacement and upgrading.

Key features include a new 800 seat food court with new glazed areas which provide for views towards the mountains and an additional 8000m² gross leasable floor area.

The application is linked to Section 96 Modification Application 297/2008/HB/B which seeks various amendments to the approved Stage 3 expansion of Castle Towers. Given the relationship of the two applications, the assessment of both proposals has been undertaken concurrently. The Section 96 Modification Application was reported separately to Council and approved on 09 September 2014.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel: -

Development that has a capital investment value of more than \$20 million.

The proposed development has a capital investment value of \$164,155,207 thereby requiring referral to, and determination by, a Joint Regional Planning Panel.

2. Compliance with LEP 2012

a. Permissibility

The subject site is zoned B4 Mixed Use. The proposal is best described as a commercial premise which is defined in LEP 2012 as:

commercial premises means any of the following:

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

Retail and commercial uses are permissible within the zone. The proposal is for alterations and additions to the existing shopping complex which is a permissible use.

The proposal is considered satisfactory in regard to the provisions of LEP 2012.

b. Floor Space Ratio

LEP 2012 limits the FSR to 1:1. The current FSR exceeds the LEP standard. The additional gross leaseable floor area proposed in this application is offset by the loss of the same amount of floor area from the proposed Stage 3 modification. The approved FSR for the entire site is 1.3:1. This FSR will be maintained when the Stage 3 expansion as modified and this application are acted upon. In effect, the two applications are interrelated and do not result in additional gross leaseable floor area beyond that approved with the original Stage 3 expansion.

The applicant has requested a variation to the LEP control and has stated the following as justification:

In terms of Clause 4.6 of the LEP, strict compliance with the FSR standard is unnecessary and unreasonable in the particular circumstances of the case. The proposed variation to this control is justified in the circumstances because-

- *The variation is minor in the context of the existing building proposed to be altered.*
- *As discussed in the respective SEE, the variation does not lead to any building related impacts such as overlooking, overshadowing, obstruction of views, and the like, or any material operational effects such as traffic impacts.*
- *There are no published town planning grounds that support the numerical values of the standard or provide a framework against which the proposed variation can be assessed.*
- *The variations in practice involve a rearrangement of floor space and building height that has effectively been already approved in the Stage 3 consent (DA297/08/HB). To that extent the application does not change anything that has otherwise been determined to be acceptable.*
- *In the circumstances of the existing building, and the minor changes proposed to building bulk and FSR, there is no conflict with the objectives of the standards. The standard is inconsistent with the role of Castle Hill Town Centre, and Castle Towers within the centre, as set out in regional and local strategic planning documents. The variation better enables the achievement of planning objectives for the centre.*
- *In the circumstances the FSR of the Stage 1 site on its own is a contrivance, given that the land is only a part of the overall Castle Towers site, and the proposal involves the redistribution of approved floor space related to the overall site.*
- *The proposals collectively involve rearrangement and relocation of an approved amount of "active" floor space represented by GLA, in a modified building complex that reduces overall building bulk; concentrates points of increased bulk and height in places where the effects are minimal; adequately meets parking demand and improves pedestrian and vehicular circulation and shopper amenity.*
- *To the extent that the objectives of the FSR standard seek to ensure compatibility with existing building bulk and scale, that objective is fully satisfied by the proposed changes. The overall proposed development and individual components of change support the objective for built form compatible with a major centre.*

The requirement to provide sound environmental planning grounds to justify a variation to standards is compromised by there being no stated or obvious environmental planning grounds for the standard, particularly in terms of its numerical value.

The proposed variation to the standards do not raise any matter of significance for state and regional environmental planning, except to the extent they are consistent with the objective to promote growth in Castle Hill Town Centre, given its regional role.

There is no public interest in maintaining standards that are flawed, and do not have a basis or connection with local and regional planning objectives for the centre.

The environmental planning grounds that justify contravening the FSR development standard include-

- i. The proposal better serves the fundamental planning principles related to Castle Hill Town Centre.*
- ii. The proposal otherwise satisfies planning objectives on a site that has the capacity to sustain a changes to an existing development in a manner that has minimal adverse implications for other land or the public domain, apart from improving the public domain and the relationship of the complex to it).*
- iii. There are no material planning consequences that arise.*

Comment:

The subject proposal includes a variation to LEP 2012 in regard to floor space ratio (FSR). The current FSR exceeds LEP 2012 standards. LEP 2012 limits the FSR to 1:1. The additional gross leaseable floor area proposed in this application is offset by the loss of the same amount of floor area from the proposed Stage 3 modification. The approved FSR for the entire site is 1.3:1. This FSR will be maintained when the Stage 3 expansion as modified and this application are acted upon. In effect, the two applications are interrelated and do not result in additional gross leaseable floor area beyond that approved with the original Stage 3 expansion.

The objectives of Clause 4.4 of LEP 2012 in regard to FSR are:

- (a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development.*
- (b) to provide for a built form that is compatible with the role of town and major centres.*

The objectives of Clause 4.6 of LEP 2012 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The relevant objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.*
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.*

The proposed new floor area will provide additional shopping area for residents and customer predominantly within the existing built form. The proposed works are generally

located internally to the existing shopping centre and will have a negligible impact to adjoining property owners. The proposal will also allow the continued centralisation of works within the existing centre and are compatible with the existing land use. As such the proposal is considered to be appropriate having regard to the relevant objectives.

The proposed development is considered to be compatible with the desired future development of the Castle Hill Town Centre. The additional floor area will be also be compatible with the character of the area and will support the future higher development potential close to the rail and bus interchange.

Clause 4.6 (4) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment: The applicant has adequately addressed the matters required to be addressed by subclause (3).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Comment: As detailed above, the proposal is an appropriate outcome in regard to public interest and is consistent with the objectives of the B4 Mixed Use zone.

(b) the concurrence of the Director-General has been obtained.

Comment: Council has assumed concurrence under the provisions of Circular PS 08-003 issued by the Department of Planning and infrastructure.

On the basis of the above comments, the proposed variation to the FSR is considered reasonable, will not result in an adverse impact on amenity and will provide an additional service to residents and customers.

c. Height

LEP 2012 limits the height for the site to 12 metres. The proposed height is 34 metres (to top of parapet adjacent to the proposed travelator lobby) on Pennant Street, 22 metres at the corner of Castle Street and 20.4m to the top of the proposed skylight facing Castle Street. This represents a maximum 183% variation to the LEP standard. Attachments 5, 6 and 7 show the existing and proposed elevations.

The existing height is 26 metres to Pennant Street, 13.6 metres to Castle Street and 33 metres to the top of the existing skylight facing Castle Street. Note: the existing works existed prior to the height limit under LEP 2012.

The applicant has submitted the following as justification:

In terms of Clause 4.6 of the LEP, strict compliance with the building height standards is unnecessary and unreasonable in the particular circumstances of the case. The proposed variation to this controls is justified in the circumstances

because –

- *The variations are minor in the context of the existing building proposed to be altered. In particular the bulk and scale of the building does not materially increase.*
- *As discussed in the SEE, the variations do not lead to any building related impacts such as overlooking, overshadowing, obstruction of views, and the like, or any material operational effects such as traffic impacts.*
- *There are no published town planning grounds that support the numerical values of the standard or provide a framework against which the proposed variation can be assessed.*
- *In the circumstances of the existing building, and the minor changes proposed to building height, there is no conflict with the objectives of the standards as set out above.*
- *The additional non-compliance with the height standard associated with the architectural treatment of the Castle/Pennant Streets corner comprises an architectural roof feature which is capable of being approved under Clause 5.6 of the LEP, notwithstanding the height limit, given that it satisfies the criteria in that clause.*
- *The glazed skylight over the food court, and the roof of the rooftop travelator lobby are set-back from the building edges, which means that their visual impact will be limited to more distant views.*

The requirement to provide sound environmental planning grounds to justify a variation to standards is compromised by there being no stated or obvious environmental planning grounds for the standard.

The proposed variations to the standards do not raise any matter of significance for state and regional environmental planning, except to the extent they are consistent with the objective to promote growth in Castle Hill Town Centre, given its regional role.

There is no public interest in maintaining standards that are flawed, and do not have a basis or connection with local and regional planning objectives for the centre.

Comment:

LEP 2012 limits the height for the site to 12 metres. The proposed height is 34 metres (to top of parapet adjacent to the proposed travelator lobby) on Pennant Street, 22 metres at the corner of Castle Street and 20.4m to the top of the proposed skylight facing Castle Street. This represents a maximum 183% variation to the LEP standard.

The existing height is 26 metres to Pennant Street, 13.6 metres to Castle Street and 33 metres to the top of the existing skylight facing Castle Street. Note: the existing works existed prior to the height limit under LEP 2012.

The objectives of Clause 4.3 are as follows:

- (a) *to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*
- (b) *to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

The objectives of Clause 4.6 of LEP 2012 are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The relevant objectives of the B4 Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.*

The proposed height of the development is considered appropriate given the location of the proposed works and the future desired character of the Castle Hill Town Centre. The proposed works are located at the corner of Castle Street and Pennant Street and are generally opposite the Castle Hill Police Station. Works are also located opposite an existing townhouse development adjacent to the Police Station and diagonally opposite Castle Grand. As such the proposed works are separated by the existing road carriageway and the site is considered to be discrete in its location.

Given the location of the works, the orientation of the site and the separation across Pennant Street, there will be negligible impact to adjoining residential properties in respect to overshadowing and privacy. The external appearance of the building will be upgraded to provide a modern façade treatment.

The proposed height of the building will not have any impact on views from adjoining properties given the slope of the site. The building works will, however, allow patrons of the centre to take advantage of views toward the Mountains through the provision of new glazing.

Clause 4.6 (4) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless:

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment: The applicant has adequately addressed the matters required to be addressed by subclause (3).

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comment: As detailed above, the proposal is an appropriate outcome in regard to public interest and is consistent with the objectives of the B4 Mixed Use zone.

(b) the concurrence of the Director-General has been obtained.

Comment: Council has assumed concurrence under the provisions of Circular PS 08-003 issued by the Department of Planning and infrastructure.

On the basis of the above comments, the proposed variation to the height is considered reasonable, will not result in an adverse impact on amenity and will provide an additional service to residents and customers.

Accordingly, the proposed height is considered satisfactory and can be supported.

3. Compliance with DCP Part B Section 6 - Business

The proposal has been assessed having regard to the provisions of DCP Part B Section 6 – Business. The proposal is satisfactory in regard to the DCP requirements with the following variations identified.

DCP STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Setbacks	6m setback if opposite or adjacent to Residential, Special Uses or Open Space zones.	The site requires a 6m setback to Pennant Street, however a nil setback is provided.	No, however the proposed setbacks are appropriate given the location and separation between land uses.
Setback to Building Height Plane	For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be set back within a building height plane of 45° starting from a height of 8 metres.	The proposal does not provide an 8m setback to new design features.	No, however the proposed height and external appearance is considered appropriate for the location.

a. Setback

The proposed site is located opposite both Residential and Special Purposes zoned land. The proposed works have a nil setback in part. It is noted that the existing centre provides a nil setback in part in various locations.

The applicant has requested a variation to the DCP requirements and has stated the following as justification:

The proposal includes a variety of projections into the current building set-back areas in Castle Street and Pennant Street adjacent to Castle Street. In places the proposed building alignment is within 6m of the property boundary, and is at the property line at some places.

These controls would be triggered in Pennant Street because that part of the site is opposite Residential and Special purpose zones. It would be illogical to require a 6m set-back in Castle Street because it might be seen as being "adjacent" to other land in those zones, because such a set-back would be irrelevant to the intention of the clause and the overall objectives for the control.

The set-back standards generally reflect a small scale suburban business zone model which is of dubious relevance to a major shopping centre development in a higher order centre.

The variation proposed in Pennant Street is minor and of no consequence in terms of the objectives of the standard and the particular control. It is consistent and compatible with the current pattern of set-backs of the Castle Towers building complex as it relates to Pennant Street. The change is of limited visual consequence and the difference would be difficult to discern. Land in Special Purposes and Residential zones is separated by the substantial road reserve, and is of limited sensitivity to the proposed change. It is noted that existing elevations to Pennant Street have been approved within 6m of the boundary.

The changes to set-backs in Castle Street are compatible with the general zero set-back provided by the DCP, and are of no consequence for any other land. The proposed closure of Castle Street and its incorporation into the Castle Towers site would eliminate set-backs as an issue.

The existing Castle Towers complex has been approved without any requirement to comply with the DCP provision for set-backs above 2 storeys. The proposed variations to set-backs at upper levels relate to the existing building set-backs, and no reasonable purpose would be served by applying that control for the subject changes only.

Comment:

The objectives of the DCP are:

- (i) To provide an attractive streetscape and substantial areas for landscaping and screen planting.*
- (ii) To ensure adequate sight distance is available for vehicles entering and leaving the site.*
- (iii) To minimise overshadowing of adjoining properties.*
- (iv) To protect privacy and amenity of any adjoining land uses.*
- (iv) To provide a desirable and aesthetically pleasing working environment.*
- (v) To ensure endangered ecological communities are protected.*

The proposed setbacks to Pennant Street are considered satisfactory given the form and layout of the development. The proposed setbacks, whilst reduced in locations from the current setbacks, are consistent with the form of the existing shopping centre and the expected setbacks for a development of this scale.

The development is located on a four lane road which ensures appropriate setbacks are provided to properties opposite. The shadow diagrams submitted indicate that there is no impact to the properties opposite on June 21 and due to the separation there will be no unreasonable impact to privacy.

The external design and upgrade of the existing building will ensure that visually the building will appear as a modern centre design which is in keeping with the desired character of the Castle Hill Town Centre.

As such the proposal is considered satisfactory in regard to setbacks.

b. Variation to Building Height Plane

DCP Part B Section 6 – Business requires:

For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be set back within a building height plane of 45° starting from a height of 8 metres.

The proposed building is not set back as required by the DCP, with the elevations above 8 metres with a standardised setback.

The applicant has requested a variation to the DCP requirements and has stated the following as justification:

The proposal is also inconsistent with the DCP control requiring an 8m setback above 2 storeys. The existing building does not comply with this standard, and the proposal does not make any relevant change to the existing building in this respect, except to the extent there is greater modelling of façade surfaces, particularly at the entry feature on the Castle/Pennant Streets corner.

This non-compliance with the DCP set-back requirement for buildings over 8m in height is the result of the DCP provisions for business zones being of general application, and not adequately distinguishing between the role, function and building typology of Castle Hill subregional centre, compared to other minor centres.

This non-compliance is also justified because:

- *The proposed modified development otherwise maintains set-backs consistent with those approved in Stage 1.*
- *The height and scale of the proposal do not materially change the approved established building siting and form. There is no sense of visual contrast or surprise.*
- *The points of increased building height are substantially separated from residential uses.*

Comment:

The objectives of the DCP are as follows:

- (i) *To provide an attractive streetscape and substantial areas for landscaping and screen planting.*
- (ii) *To ensure adequate sight distance is available for vehicles entering and leaving the site.*
- (iii) *To minimise overshadowing of adjoining properties.*
- (iv) *To protect privacy and amenity of any adjoining land uses.*
- (iv) *To provide a desirable and aesthetically pleasing working environment.*
- (v) *To ensure endangered ecological communities are protected.*

The proposed new works provide a consistent standard setback along the height of the external wall which is similar to the current design. The proposed external façade, whilst not being set back above the 8 metre height, will provide an appropriate external design for the shopping centre.

The façade will be upgraded to provide a modernised external appearance which will be in keeping with the desired future character of the Town Centre. The use of updated external

materials and finishes will provide variation to the external appearance and will be in keeping with the modern design of the Stage 3 expansion. As such the proposal is considered to have an attractive streetscape appearance.

Due to the separation of the site to adjoining land uses across Pennant Street, the proposed setback will have a negligible impact to the property owners opposite the site.

As such the proposed setback is considered satisfactory and can be supported.

4. Carparking

DCP Part C Section 1 – Parking requires that parking for a retail shopping centre be provided at a rate of 1 space per 18.5m² of gross leaseable floor area (GLFA).

The existing gross leaseable floor area of the centre is 113,197m². There are currently 5458 car spaces on site (comprising 5131 permanent spaces and 327 temporary spaces near Les Shore Place). All approvals currently in place result in a parking rate of 1 space per 20.52m².

The proposal provides an additional 8000m² of gross leaseable area. On this basis 433 additional spaces would be required to be provided.

The proposal includes a loss and gain of parking spaces. In this regard the works will result in the loss of 331 spaces however 512 new spaces will be provided in new carparking decks. Overall, this results in an increase of 181 spaces. This is a total 5639 spaces for the site. This is a proposed rate of 1 space per 21.5m² (based on GLFA of 121,197m²).

As outlined above, the proposal will in effect relocate 8000m² of GLFA from the approved Stage 3 expansion to the proposed Stage 1 area. Assuming that both Development Application 1287/2013/JP and the modified Stage 3 expansion will be acted upon, a total GLFA of 173,684m² and 7992 car spaces will result. This is a parking rate of 1 space per 21.7m².

The applicant has indicated that they wish to utilise a parking rate for the centre of 4.5 spaces per 100m² of GLFA, which equates to 1 space per 22.2m². The applicant submitted a parking report to support the request. This matter was discussed at the Council briefing on 03 September 2013. Following the Council briefing the applicant provided a further comprehensive report which included parking analysis and which concluded that:

The above analysis indicates that based on:

- *RMS surveys of parking at large retail centres,*
- *a survey of parking usage at castle Towers at an above average time,*
- *a comparison of parking provision rates at competing centres, and*
- *the installation of a sophisticated parking guidance system*

the proposed parking provision rate of 4.5 spaces per 100m² of lettable retail area at Castle Towers would satisfactorily meet the parking needs of the centre.

QIC are seeking approval of a car parking ratio of 4.5 spaces / 100m² of GLA across the entire centre which based on a total of 173,684m² of GLA, which equates to 7,817 spaces. With the parking provision provided, this will result in a surplus of 175 spaces.

In respect to the above request and for comparison with a similar centre, it is noted that Rouse Hill Regional Centre has retail parking rate of 1 space per 23m².

Comment:

The objectives of the DCP are:

- (i) To ensure the safety of all road users in commercial/retail areas.*
- (ii) To ensure that all carparking demands generated by the development are accommodated on the development site.*
- (iii) To ensure the free flow of traffic into and out of the development and the surrounding street network.*
- (iv) To ensure that the provision of off-street parking facilities does not detract from the overall visual amenity and character of the neighbourhood in relation to streetscape in accordance with Council's ESD objective 7.*

The proposed modification and Development Application 1287/2013/JP interrelate in regard to the parking provided on site. As detailed above, the proposals when considered in conjunction do not increase the overall GLFA of the centre from that approved under the Stage 3 expansion. The carparking provided for the centre as a whole is reduced to 7992 spaces, which is a rate of 1 space per 21.7m².

The applicant has undertaken parking analysis which demonstrated that at all times there were carparking spaces available in the centre. In this regard it has been previously acknowledged that the issue is not insufficient carparking numbers but rather the ability of customers to identify where parking spaces are available.

In support of this matter, the Stage 3 expansion included a condition of consent which requires the installation of a dynamic parking assist system for the entire centre. Subsequently, Development Application 531/2013/HA was approved for, in part, a dynamic parking assist system for the existing centre. These works include a bay sensor above each parking bay and signage to direct customers to available spaces. These works are currently being undertaken.

The installation of a dynamic parking system within the existing centre will ensure that customers are able to identify areas of available parking either at street level or within the carparking areas, can locate a space, park quickly and conveniently and will assist in minimising congestion on local roads and within the carparking areas.

Council's Manager Transport and Infrastructure Planning has reviewed the proposal and advised:

Development Application 1287/2012/JP is for an 8000m² addition to the Castle Towers shopping centre. Section 96 Modification 297/2008/HB/B is for amendments to the approved Stage 3 expansion of Castle Towers shopping centre. The modification will reduce the floor area of the approved Stage 3 expansion by 8000m². As such there is balance between the floor areas of the two applications and there is no net increase.

The original Stage 3 expansion required significant road works to be undertaken by the applicant including the upgrade of Showground Road from Carrington Road to Old Northern Road. The consent also required new signalised intersections along Showground Road, and an upgrade to several key intersections along Pennant Street and McMullen Avenue to assist with traffic flow improvements.

Since the approval of the Stage 3 Development Application a Voluntary Planning Agreement (VPA) has been entered into and executed by Council, RMS and QIC which requires most of the above road works to be undertaken. The approved amendment to

Condition 34 reflected that some of these road works were now covered by the VPA. However the full scope of road works originally required by the RMS, and approved by Council in the original consent, did not change.

The works proposed under both applications will assist in improving access to the shopping centre parking areas, and will also improve access to public roads for the shopping centre, as well as improving access through Castle Hill for all other traffic. QIC have recently installed a dynamic parking system which will allow customers to easily identify the location of vacant parking spaces which will improve internal traffic flow.

The location of the shopping centre has a high level of transport accessibility to the future rail link and bus interchange. The proposed rate of parking is 1 space per 21.7m² compared to Council's rate of 1 space per 18.5m². The RMS specifies a lower rate of 1 space per 24.4 m². In the past, it has been clear that there is no lack of parking on the site, but rather there is a problem with the ability of customers to locate available spaces.

The applicant has submitted a parking analysis for both applications which supports the lower rate based on the installation of the dynamic parking assist system, detailing the existing bus services and future rail transport, and the positive impact of localised traffic improvements. These factors will assist in ensuring the parking is easily identified and accessed by their customers.

Having regard to the above factors, both applications are considered to satisfactorily deal with the transport issues associated with Castle Towers Shopping Centre in the CBD.

The applicant's request for a reduced carparking rate of 4.5 spaces per 100m² is acknowledged. This equates to a rate of 1 space per 22.2m². In this regard it is not considered appropriate to apply a reduced parking rate for the centre on the basis of the Development Application. A request to reduce the parking rate would more appropriately be timed to coincide with the completion of the Showground Road upgrade works and other localised works required with the approval and the opening of the rail link. As such the DCP parking rate will continue to apply to the site and any requests for variations to the DCP rate will be considered on merit on a case by case basis.

On the basis of the above the proposed parking variation is considered satisfactory.

5. Government Authority Comments

The proposal was referred to the following Government Authorities for comment:

a. Railcorp Comments

The proposal was referred to Railcorp given the location of the North West Rail Corridor alignment. Railcorp raised no objection to the proposal and requested no condition on the basis that the works are within the existing building envelope and do not penetrate the earth to at least two metres.

b. NSW Police Comments

The proposal was referred to the NSW Police given the Protocol between the Police and Council. The Police raised the following concerns (summarised):

- i. The current vehicle capacity levels are overloading the road network in Castle Hill. This could seriously compromise Emergency Vehicle response times.
- ii. The dynamic parking system should reduce driver concerns about locating a parking space. Shading devices on the 'blue' roof top carpark would encourage vehicle use on this level. Way-finding within the carparking areas could be improved.

- iii. Impact on vehicle and pedestrian access at the Pennant Street/ Castle Street **intersection and concern that as this is a known 'hot spot' for vehicle accidents**, increased pedestrians at this location may result in more serious motor vehicle collisions.
- iv. Increased malicious damage incidents may occur during construction works.
- v. Concern regarding glare to adjoining properties from the new glazing, specifically to the Police Station.

Comment: As outlined in the Traffic comments below, significant works are required by conditions of consent relating to the Stage 3 expansion of Castle Towers to improve the local traffic network. Whilst it is acknowledged that some disruption will occur to local traffic during the works, these works remain separate to the current application. There are no road upgrade/works required with the current application. Notwithstanding this, a condition of consent imposed upon the Stage 3 expansion requires that the developer liaise with the Police to ensure that appropriate access is maintained to/from the Police Station during the construction period.

The dynamic parking system referred to is currently being installed by QIC. This will include way-finding signage internal and external to the Centre. However, a condition has been recommended requiring the developer to liaise with Police to discuss further improvements. The installation of shading within the roof top parking areas is a matter for the developer.

The traffic signals at the Pennant Street/ Castle Street intersection currently allow pedestrian access. Pennant Street forms part of the Castle Hill Ring Road. As outlined above, this intersection will be upgraded with the Stage 3 expansion. The proposed works are not considered to adversely impact on pedestrian safety at this location.

Conditions of consent have been recommended regarding way-finding, security during construction and glare to the Police Station (See Condition 25).

c. RMS Comments

The proposal was referred to RMS under the requirements of SEPP Infrastructure 2007. RMS raised no objection to the proposal subject to the following (summarised):

- i. Loading dock 1 to be designed in accordance with the loading dock plan and RMS requirement.
- ii. QIC to explore measures to encourage use of under-utilised entry points to the centre.
- iii. Ensure that post-development storm water discharge does not exceed the pre-development discharge.
- iv. The previously approved dynamic parking system is to be installed prior to the issue of the Occupation Certificate for this application.
- v. Staff parking is to be encouraged in under-utilised sections of the car park.
- vi. The preparation of a Dock Management Plan.
- vii. The preparation of a Construction Traffic Management Plan.
- viii. The preparation of a Construction Staging Plan.
- ix. All parking areas are to comply with the Australian Standards.
- x. All vehicles are to enter and exit the property in a forward direction.
- xi. All works/signposting to be at no cost to RMS.

A condition has been recommended (See Condition 26).

TRAFFIC MANAGEMENT COMMENTS

Development Application 1287/2012/JP is for an 8000m² addition to the Castle Towers shopping centre. Section 96 Modification 297/2008/HB/B is for amendments to the approved Stage 3 expansion of Castle Towers shopping centre. The modification will

reduce the floor area of the approved Stage 3 expansion by 8000m². As such there is balance between the floor areas of the two applications and there is no net increase.

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Since the approval of the Stage 3 Development Application a Voluntary Planning Agreement (VPA) has been entered into and executed by Council, RMS and QIC which requires most of the above road works to be undertaken. The approved amendment to Condition 34 reflected that some of these road works were now covered by the VPA. However the full scope of road works originally required by the RMS, and approved by Council in the original consent, did not change.

The works proposed under both applications will assist in improving access to the shopping centre parking areas, and will also improve access to public roads for the shopping centre, as well as improving access through Castle Hill for all other traffic. QIC have recently installed a dynamic parking system which will allow customers to easily identify the location of vacant parking spaces which will improve internal traffic flow.

The location of the shopping centre has a high level of transport accessibility to the future rail link and bus interchange. The proposed rate of parking is 1 space per 21.6m² **compared to Council's rate of 1 space per 18.5m²**. The RMS specifies a lower rate of 1 space per 24.4 m². In the past, it has been clear that there is no lack of parking on the site, but rather there is a problem with the ability of customers to locate available spaces. The applicant has submitted a parking analysis for both applications which supports the lower rate based on the installation of the dynamic parking assist system, detailing the existing bus services and future rail transport, and the positive impact of localised traffic improvements. These factors will assist in ensuring the parking is easily identified and accessed by their customers.

Having regard to the above factors, both applications are considered to satisfactorily deal with the transport issues associated with Castle Towers Shopping Centre in the CBD.

FIRE SAFETY COMMENTS

The existing shopping centre that is subject to refurbishment/extension is to be upgraded in accordance with the performance requirements of the Building Code of Australia (BCA) as proposed in the upgrade strategy report by Philip Chun & Associates.

No objection raised to the proposal. Relevant conditions are included in the recommendation.

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

HEALTH COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, Local Environmental Plan 2012 and Development Control Plan Part B Section 6 – Business and Part C Section 1 – Parking and is satisfactory. The proposed variations to floor space ratio and height to LEP 2012 and to setbacks and building height plan under the DCP have been reviewed and are considered satisfactory. The proposed variations will not adversely impact on adjoining property owners and will provide a satisfactory built form outcome. There were no submissions received to the proposal.

Accordingly, approval of the application subject to conditions is recommended.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth and employment generation.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA-002	Design Intent - 1	29 May 2013
DA-003	Design Intent - 2	29 May 2013
DA-006	Perspective Image	29 May 2013
DA-100	Proposed Level 1 Plan	29 May 2013
DA-101	Proposed Level 1A Plan	14 November 2013 Rev. B
DA-102	Proposed Level 2 Plan	14 November 2013 Rev. C
DA-103	Proposed Level 2A Plan	14 November 2013 Rev. B
DA-104	Proposed Level 3 Plan	14 November 2013 Rev. B
DA-105	Proposed Level 3A Plan	14 November 2013 Rev. B
DA-106	Proposed Level 4 Plan	14 November 2013 Rev. B
DA-107	Proposed Level 4A Plan	14 November 2013 Rev. B
DA-108	Proposed Level 5 Plan	14 November 2013 Rev. B
DA-109	Proposed Level 5A Plan	14 November 2013 Rev. B

DA-110	Proposed Roof Plan	14 November 2013 Rev. B
DA-120	VT Detail Plan L1/L1A	29 May 2013
DA-121	VT Detail Plan L2/L2A	29 May 2013
DA-122	VT Detail Plan L3/L3A	29 May 2013
DA-123	VT Detail Plan L4/L4A	29 May 2013
DA-124	VT Detail Plan L5/L5A	29 May 2013
DA-125	Vertical Transport Section	29 May 2013
DA-126	VT Detail Plan – Escalator Bank	29 May 2013
DA-130	Carparking Detail Plan L1	29 May 2013
DA-131	Carparking Detail Plan L1A	14 November 2013 Rev. C
DA-132	Carparking Plan Level 1A	29 May 2013
DA-133	Carparking Ramp Plan Level 1A & L2	29 May 2013
DA-134	Carparking Detail Plan L2	29 May 2013
DA-135	Carparking Detail Plan L3	19 August 2013 Rev. B
DA-136	Carparking Detail Plan L3A & L4	19 August 2013 Rev. B
DA-137	Carpark Detail Plan Level 5A	29 May 2013
DA-138	Carparking Plan Level 5A	29 May 2013
DA-140	Loading Dock 1 Plan	19 August 2013 Rev. B
DA-141	Loading Dock 1 – Swept Paths	19 August 2013 Rev. B
DA-142	Loading Dock 2 & 3 Plan	19 August 2013 Rev. B
DA-143	Loading Dock 2 & 3 Swept Paths	19 August 2013 Rev. B
DA-150	Detail Skylight Plan & Elevations	29 May 2013
DA-200	Longitudinal Section	29 May 2013
DA-201	Transverse Section	29 May 2013
DA-202	Transverse Section 2	29 May 2013
DA-300	External Elevations – Pennant St-1	19 August 2013 Rev. B
DA-301	External Elevations – Pennant Street	13 November 2013 Rev. C
DA-302	External Elevations – Castle Street	13 November 2013 Rev. C
DA-350	Shadow Diagram	29 May 2013
DA-400	External Finishes + Colours	29 May 2013

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Gross Leasable Floor Area and Carparking

The gross leasable floor area of the subject application is limited to 8000m². Castle Towers Shopping Centre (entire centre) is limited to a gross leasable floor area of 173,684m².

The proposal will increase carparking by 181 spaces, being a total of 5639 spaces (comprising 5312 permanent spaces and 327 temporary spaces near Les Shore Place).

(Upon completion of the Stage 3 expansion the subject of Development Application 297/2008/HB/B, a total of 7992 spaces will be provided on site).

3. Relationship between Consents

This consent is granted on the basis that the approved Stage 3 Development Application 297/2008/HB/B (consent as amended) is reduced in gross leaseable floor area by 8000m².

4. Pay Parking

This consent does not authorise any pay parking within the Castle Towers shopping centre. Any proposal to install or utilise a pay parking system will require the further Development Consent of Council.

5. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

6. Signage subject to Further Development Application

This consent does not authorise the erection of any signage. All proposed signage is subject to the further Development Consent of Council.

7. Parenting Facility

A parenting facility is to be provided which provides the following:

- A quiet convenient place for parents to feed children in privacy;
- Comfortable seating, preferably armchair style and couches for twins;
- An allocated area safe and clean to change nappies;
- A curtained breastfeeding area to maintain privacy of breast feeding women so that male carers of infants can access the area without disturbing breast feeding mothers;
- Provision of warm and cold water and hand drying facilities;
- Bottle warming facilities;
- Waste containers with tight fitting lids;
- A smoke free zone;
- Easy pram/stroller access;
- Adequate clear signage to identify the room/facility and such signage is not to include symbols such as stylized baby's
- Directional signage to identify the location of the room/facility;
- Entry doors which are light to push, and have the ability to be propped open for pram and wheelchair access, but not automatic as toddlers can escape;
- Toddler toilet with low mirror and low wash basin with automatic cut off taps;
- Hot water thermostat regulators to be installed on taps;
- Comfortable lighting and ventilation or air conditioning;
- Disposable cup dispenser; and
- Separate male and female toilets with sufficient additional space within each cubicle for a pram or a stroller.

8. Kiosks

Approval is granted for the installation of a total of forty-two (42) kiosks. All kiosks are limited to 3m x 3m in size with the exception of the kiosk located on Level 2 adjacent to the proposed supermarket.

The location of all kiosks is to be substantially in accordance with the approved plans and is to have regard to pedestrian circulation, use by those with trolleys and prams, access for the mobility impaired and safe egress during emergencies.

Any additional kiosks, whether permanent or temporary, or the increase in size of the approved kiosks require the further Development Consent of Council.

9. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

10. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

11. Fire Safety & BCA Upgrading

The existing shopping centre that is subject to refurbishment/extension is to be upgraded in accordance with the performance requirements of the Building Code of Australia (BCA) as proposed in the upgrade strategy report by Philip Chun & Associates, dated 22/9/13, report reference 13-201292_CTSC_Strategy Existing Centre Upgrade_CapStat_20130922.doc.

Prior to the relevant Construction Certificate being issued, the Accredited Certifier (AC) for the Base building extension/refurbishment works detailed in this development consent is to review the upgrade strategy to ensure the upgrade works are consistent with the report.

12. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

13. Vehicular Access and Parking

The formation, surfacing and drainage of all new or modified driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) Parking DCP
- e) **Council's Driveway Specifications**

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

14. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges.

15. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) **Council's Design Guidelines Subdivisions/ Developments**
- b) **Council's Works Specifications Subdivisions/ Developments**

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the **above documents and Council's driveway specifications which can be found on Council's website:**

<http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's heavy duty standard.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event.

16. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced **person. The supervisor's name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve.** A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

17. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

18. Sound Level Output

The use of the building services, plant and equipment, machinery and ancillary fittings **shall not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operation Act 1997.** The sound level output shall not exceed the current background level at the closest **neighbour's boundary** to reduce the likelihood of an increase in background noise resulting from the development.

19. Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

20. Litter Control

A sufficient number of litter bins must be provided on the premises for litter disposal.

21. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Arup Pty Ltd, referenced as Job Number 230167-00, dated 27 May 2013 and submitted as part of the Development Application are to be implemented as part of this approval.

22. Adherence to Waste Management Plan

The Waste Management Plan submitted to and approved by Council forms part of the development consent and must be adhered to at all stages in the demolition, construction, design of facilities and ongoing use phases except where amended by other conditions of consent. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

23. Waste Management

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

The waste storage area must be:

- i) provided with a hose tap connected to the water supply;
- ii) paved with impervious floor materials;
- iii) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- v) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

24. Waste Storage and Separation - Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- 1) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) Timber waste to be separated and sent for recycling;
- 3) Metals to be separated and sent for recycling;
- 4) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) Mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds onsite. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

25. NSW Police Requirements

The following is required by the NSW Police, unless otherwise agreed by the Police and Council in writing:

- (a) The applicant/developer is to liaise with the NSW Police to ensure that appropriate way finding is utilised within the carparking to assist vehicle and pedestrian passage.

- (b) The applicant/developer is to liaise with the NSW Police to ensure that the glazing installed in the centre facing towards the Police Station does not cause undue glare.
- (c) The site is to be maintained at all times, including repair of vandalism and graffiti, the replacement of lighting and general site cleanliness.
- (d) **Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove** and often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.
- (e) Offenders often target this type of development, including in the construction phase. Security sensor lights and a security company to monitor the site is to be used while construction is in progress.

26. RMS Requirements

The following are requirements of the RMS, unless otherwise agreed in writing by RMS and Council:

- i. The design and construction of the widened Loading Dock 1 driveway/gutter crossing off Pennant Street shall be designed in accordance with Loading Dock 1 Plan - Drawing No: DA-140; Dated: 29 May 2013 and RMS requirements. Details of these requirements could be obtained from the RMS Project Engineer, Sydney Project Services, Parramatta Ph: 8849 2144.

A certified copy of the design plans shall be submitted to the RMS for consideration and approval prior to the release of a construction certificate by Council and commencement of road works.

RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of the works.

- ii. The proposed changes will place a moderate increase in the right turn movement from Pennant Street into Eric Felton Street. To minimise the impact for this turn bay to queue out, the proponent should explore measures which encourage more right turning vehicles from Pennant Street into the Shopping Centre to use the underutilised right turn bay at TCS#3317 into the Yellow Car Park.

A possible measure may include signage along Pennant Street prior to the Pennant Street/Eric Felton Street intersection which indicates that right turn movements are available into the Shopping Centre at TCS#3317 into the Yellow Car Park. The implementation of such signage will require the proponent to initially consult with RMS for suitability.

- iii. The Council should ensure that post development storm water discharge from the subject site into RMS drainage system does not exceed the pre-development discharge.

Should there be changes to RMS drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval, prior to commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond will be required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works, Phone: (02) 8849 2114 or Fax: (02) 8849 2766.

- iv. The previously conditioned Dynamic Parking Assist System imposed on DA 531/2013/HA is to be installed prior to the issue of an Occupation Certificate for this Development Application.
- v. If not already in place, management strategies should be implemented to ensure that staff parking is encouraged in the less utilised sections of the car park.
- vi. To promote safe and efficient operation of the expanded loading docks along Pennant Street and to minimise disruption to traffic a Dock Management Plan must be developed which will cover the following:
 - Allocation of loading spaces
 - Delivery times
 - Controls on duration of stays
 - Controls on the placement of skips, pallets, etc
 - Procedures for tradesman access and parking
 - Operating times
 - Truck access routes.
 - Internal signage for heavy vehicle egress from Loading Dock 2 (Bays 1-4) onto Pennant Street to occur in accordance with Drawing No: DA-143; Dated: 19 August 2013; Revision: B.

The abovementioned Dock Management Plan must be submitted to both Council and RMS for approval prior to the issue of any Construction Certificate for this Development Application.

- vii. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, cumulative traffic impacts with other nearby projects (ie North West Rail Link, Showground Road upgrade, Zerefos site), access arrangements and traffic control shall be submitted to Council and RMS, for approval, prior to the issue of any Construction Certificate for this Development Application.
- viii. A Construction Staging Plan must be submitted to Council and RMS for approval prior to the issue of any construction certificate for this Development Application. This plan must ensure that works are staged/sequenced in a manner that minimises disruption to customers, centre and car parking operations along with providing details of likely timeframes for key stages of the proposed works.
- ix. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2- 2002 for heavy vehicle usage.
- x. All vehicles must enter/exit the property in a forward direction.
- xi. All works/regulatory signposting associated with the proposed development shall be at no cost to the RMS.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

27. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

	Rate per additional m2 of Gross Leasable Floor Area	Sum of Retail GLFA: 8000m2	Total S94
Development Category	Retail		
Capital	\$ 141.21	\$ 1,129,680.00	\$ 1,129,680.00
Land	\$ 23.26	\$ 186,080.00	\$ 186,080.00
Administration	\$ 5.75	\$ 46,000.00	\$ 46,000.00
Total	\$ 170.22	\$ 1,361,760.00	\$ 1,361,760.00

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 9.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

28. Submission of Shopping Trolley Management Plan

A Shopping Trolley Management Plan is required to be submitted prior to issue of the Construction Certificate. The Plan is to include, but not be limited to, the following:

- Measures for trolleys identifications;
- Details to ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Collection details for trolleys to ensure they are collected immediately on notification and within an agreed timeframe;
- Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex;
- Provide suitable, well signed trolley bays at exit points; and
- Details of trolley collection routes and schedules.

29. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.

or telephone 13 20 92.

30. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is **subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.**

31. Bank Guarantee Requirements (Development)

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1287/2013/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

PRIOR TO WORK COMMENCING ON THE SITE

32. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

33. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

34. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

35. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

36. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

37. Public Infrastructure Inventory Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

38. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

39. NSW Roads and Maritime Services Design Approval

Prior to any works commencing, the design and construction of the works in Pennant Street must be approved by the NSW Roads and Maritime Services. Four copies of the **NSW Roads and Maritime Services' stamped approved construction plans and a covering letter** from the NSW Roads and Maritime Services advising that suitable arrangements have been made to enable the commencement of works must be submitted to Council.

40. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-2001: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the **Council's approved Waste Management Plan**. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

41. Waste Management Information

Prior to the commencement of works the name and contact details of the principal waste contractors engaged during the demolition and construction stages of the development and the name and address details of the recycling and landfill sites for the disposal of **demolition and construction waste must be submitted to and approved by Council's Resource Recovery Project Officer**.

DURING CONSTRUCTION

42. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

43. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

44. Roof Water Drainage

Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

45. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as “Critical Stage Inspections” to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

46. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

47. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change (July 2009).

A detailed construction noise assessment is to be conducted including the preparation of a Construction Noise and Vibration Management Plan which is to be provided to the Council prior to the commencement of any construction activities.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

48. Requirement for a Section 73 Certificate

Sydney Water will assess the impact of the development when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development.

The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized & configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

Sydney Water requests Council to continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water’s website at www.sydneywater.com.au

49. Shopping Trolley Management

Shopping Trolley Management shall occur in accordance with the adopted Shopping Trolley Management Plan. In this regard the supermarket retailer shall: -

- Provide to The Hills Shire Council a list of contacts for the store;
- Ensure that all trolleys are easily identifiable by Council Officers;
- Ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Ensure that trolleys reported as posing risk or nuisance are collected immediately on notification;

- Ensure that all trolleys reported are collected within the time frame agreed by Council;
- Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex;
- Provide suitable, well signed trolley bays at exit points; and
- Provide to Council, on request, an up to date map showing usual trolley collection routes and schedules.

50. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

51. Compliance with NSW Roads and Maritime Services Requirements

A letter from the NSW Roads and Maritime Services must be submitted confirming that all works in Pennant Street have been completed in accordance with their requirements and that they have no objection to the issuing of an Occupation Certificate.

52. Public Infrastructure Inventory Report - Post Construction

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

53. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

54. Loading Dock Drainage Plans

Prior to the issue of the occupation certificate plans of the stormwater and sewer drainage lines and entry points are to be submitted to Council.

55. Compliance with Upgrade Strategy

The person with the benefit or their representative is to provide to the Principal Certifying Authority (PCA) a written statement verifying that the upgrade works to the existing shopping centre have been carried out in accordance with the upgrade strategy by Philip Chun & Associates, dated 22/9/13, report reference 13-201292_CTSC_Strategy Existing Centre Upgrade_CapStat_20130922.doc.

THE USE OF THE SITE

56. Maintenance of Car Park Stormwater Treatment Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps), shall be regularly maintained in order to remain effective.

All solid and liquid waste is to be collected and removed by a licenced contractor.

57. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

58. Servicing of Bins

Private garbage/recycling contract collection vehicles servicing the development are not permitted to reverse in or out of the site.

59. Garbage Storage

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour.

60. Garbage Storage – Odour Control

Practical measures are to be taken to ensure that odour emission from the garbage storage areas do not cause an offensive odour as defined by the Protection of the Environment Operations Act 1997.

61. Signage for stormwater drains

Signs shall be displayed and maintained adjacent to all stormwater drains within the loading dock, clearly indicating "Clean Water Only – NO wastewater or rubbish."

62. Signage within the loading docks

Signage is to be provided within each loading dock showing a clear plan of all drainage points and clearly stating if the drainage point is either sewer or stormwater. The signs are to be a minimum of 1 metre by 1 metre.

63. Garbage Collection

A waste contractor shall be engaged to remove all waste from the garbage storage areas on a regular basis so that no overflow of rubbish will occur. The collection of waste and recycling material generated by the premises must not cause nuisance or interference with the amenity of the surrounding area.

64. Hours of Operation

The hours of operation being restricted to the following: -

General Shopping Centre

Monday to Wednesday and Friday	9.00am to 5.30pm
Thursday	9.00am to 9.00pm
Saturday	9.00am to 5.00pm
Sunday	10.00am to 4.00pm

Supermarkets

6.00am to 12 midnight seven (7) days per week.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Proposed Location of Works
4. Proposed New Food Court Area
5. Existing and Proposed Elevation to Pennant Street
6. Existing and Proposed Elevation to Pennant Street
7. Existing and Proposed Elevation to Castle Street
8. Council Report 297/2008/HB/B

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

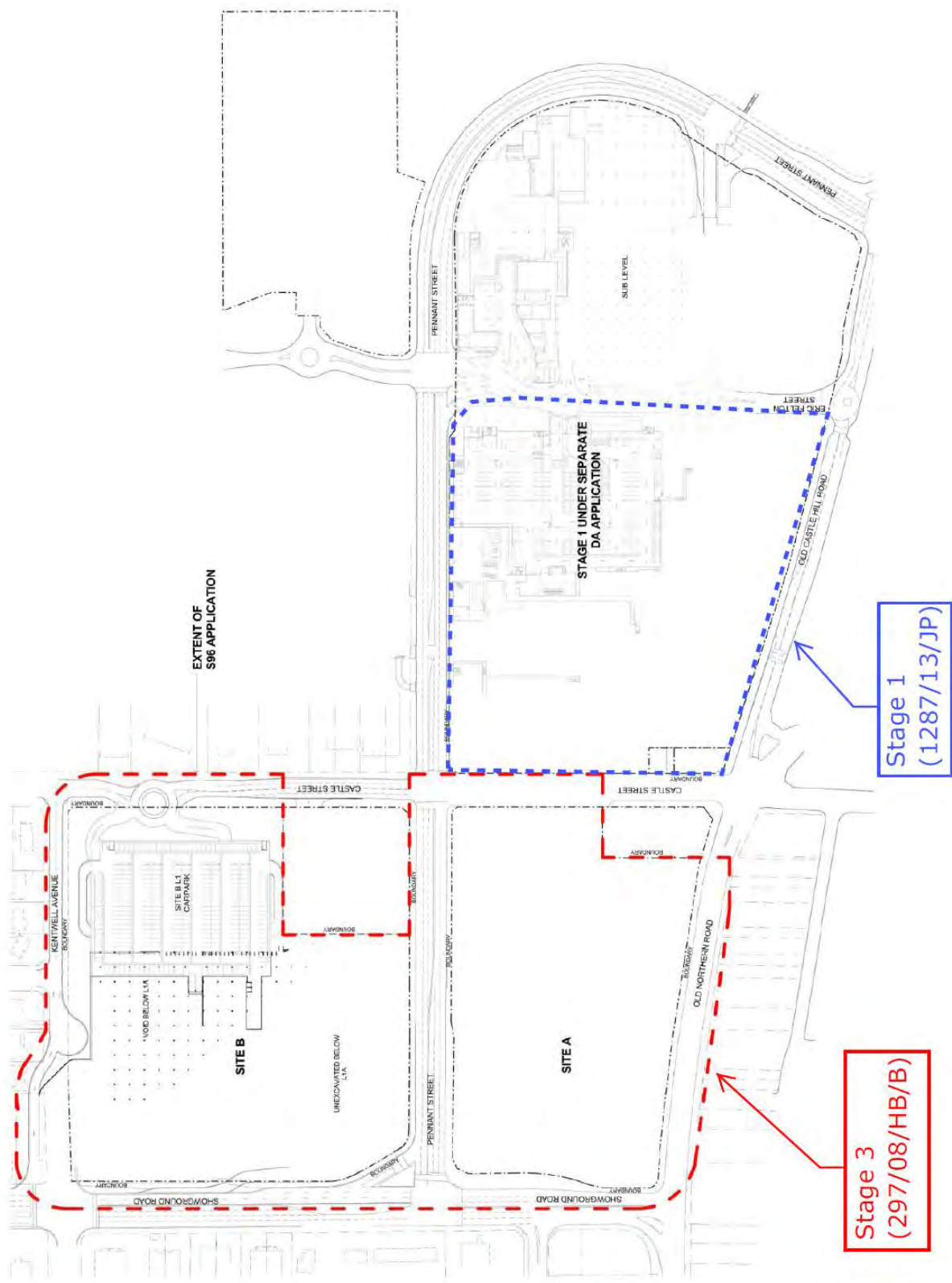
THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
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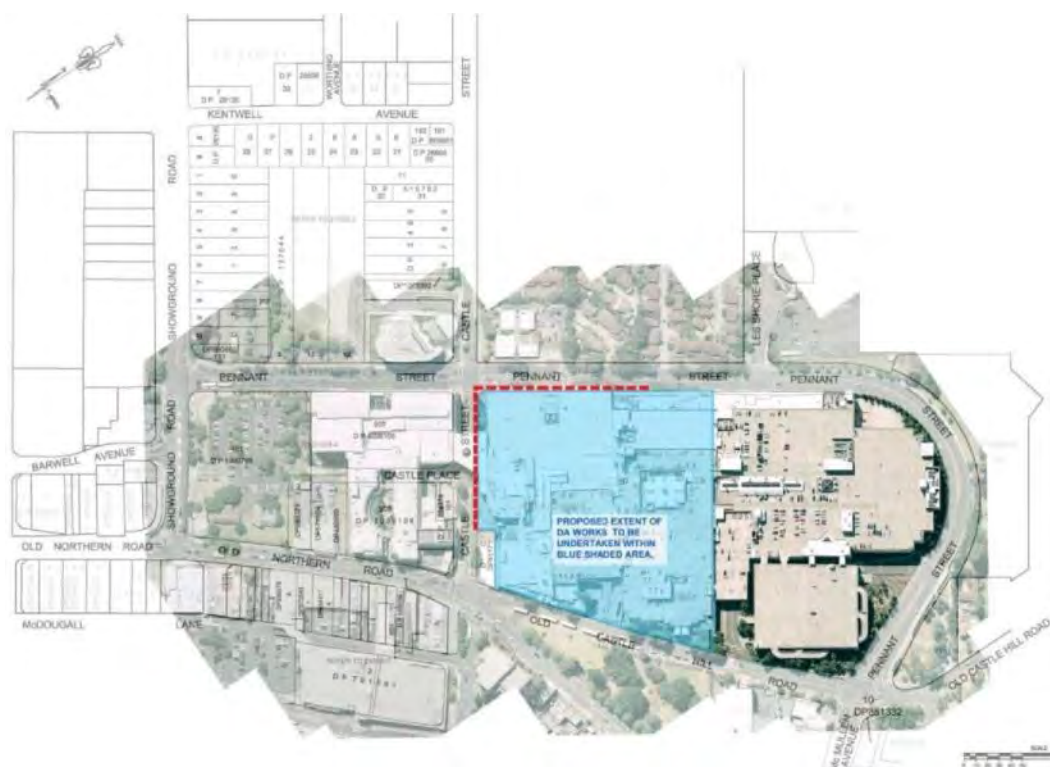
ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – PROPOSED LOCATION OF WORKS



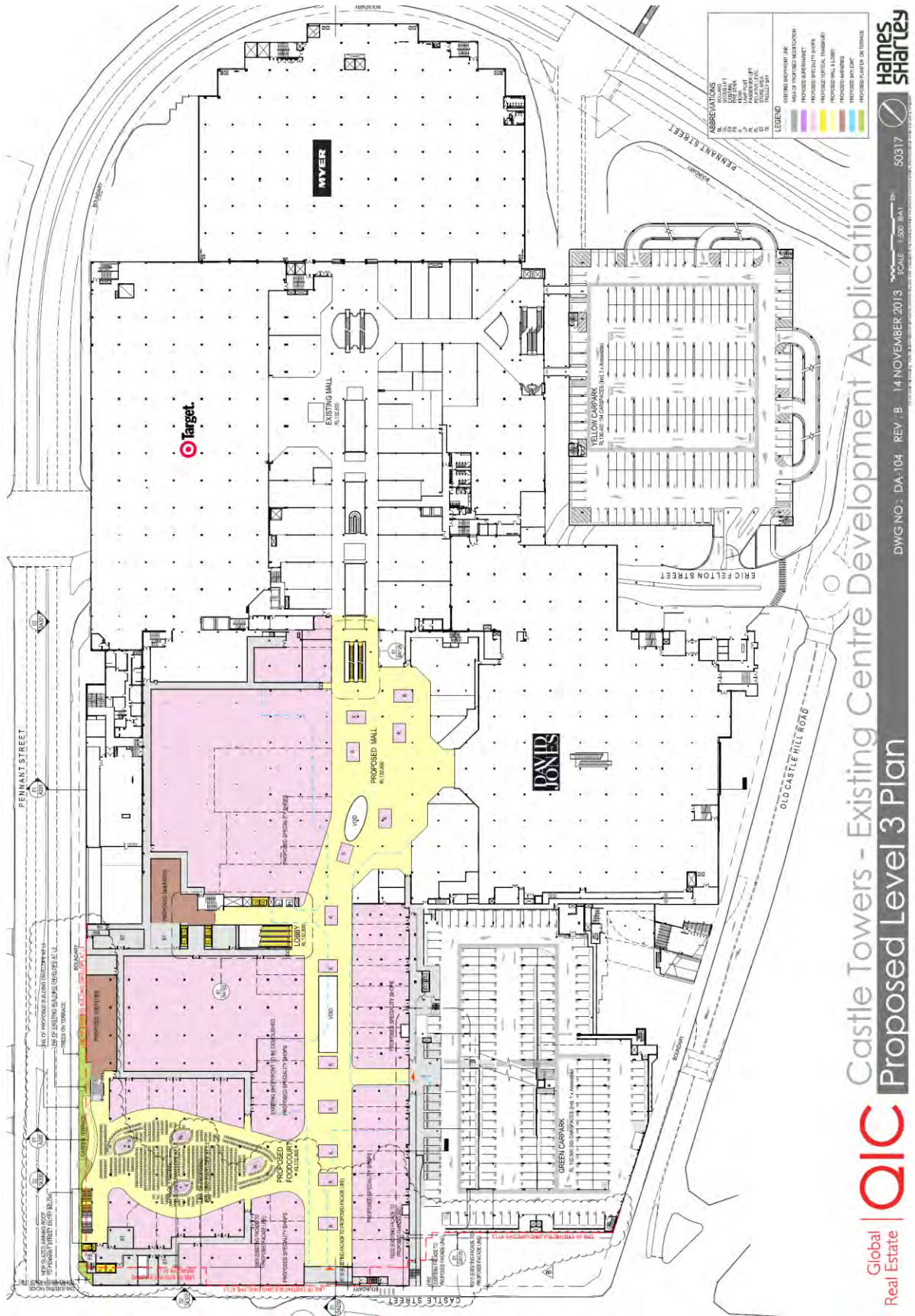
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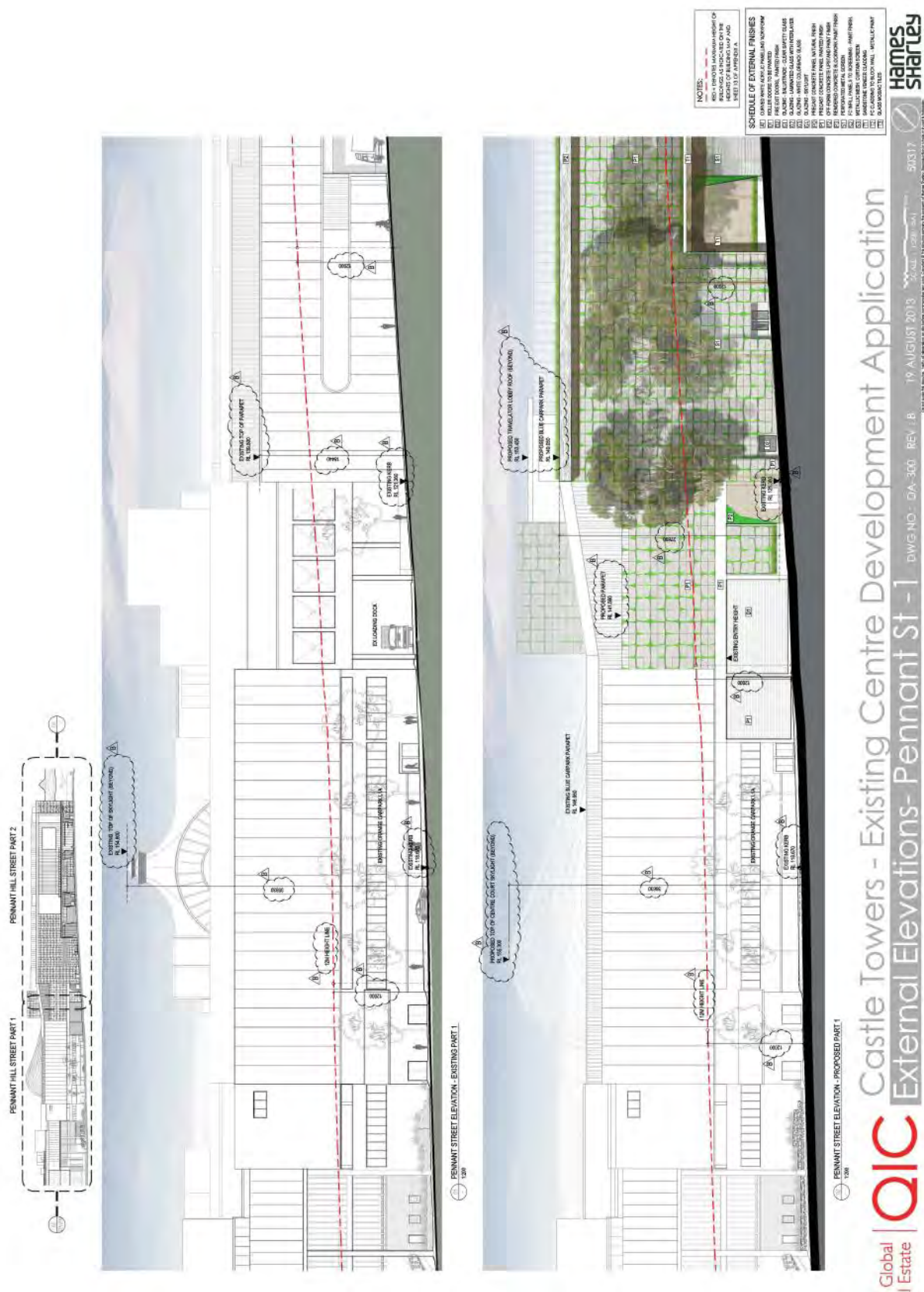
Global Real Estate **QIC**

Castle Towers - Existing Centre Development Application
Proposed Level 3 Plan

DWG NO : DA-104 REV : B 14 NOVEMBER 2013 SCALE : 1:500 (B1)

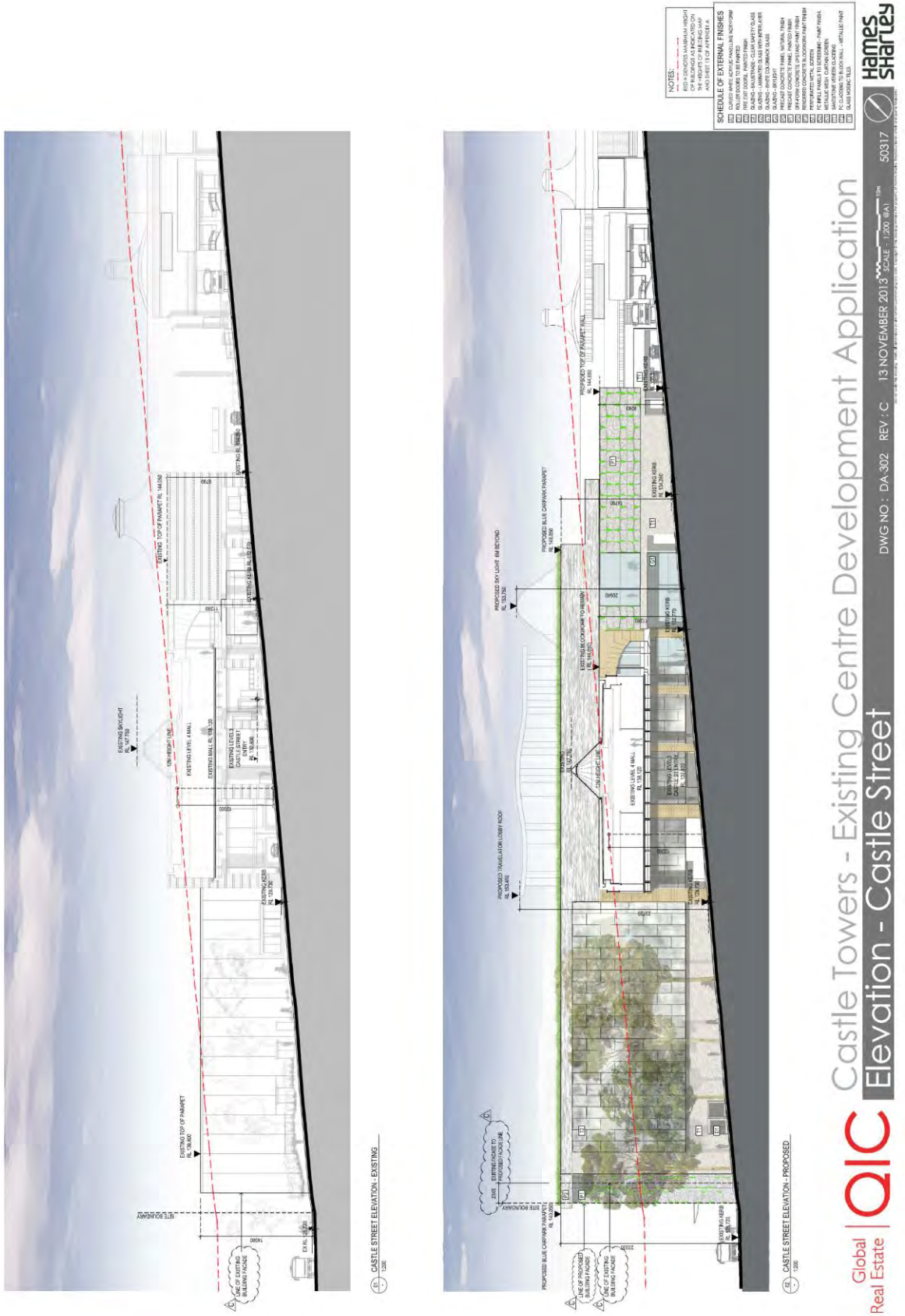


ATTACHMENT 5 – EXISTING AND PROPOSED ELEVATION TO PENNANT STREET





ATTACHMENT 7 – EXISTING AND PROPOSED ELEVATION TO CASTLE STREET



ATTACHMENT 8 – COUNCIL REPORT, 9 SEPTEMBER 2014

ORDINARY MEETING OF COUNCIL

9 SEPTEMBER, 2014

ITEM-3	DA 297/2008/HB/B - PROPOSED SECTION 96(2) MODIFICATION FOR CASTLE TOWERS - VARIOUS LOTS BOUNDED BY CASTLE STREET, PENNANT STREET, SHOWGROUND ROAD, OLD NORTHERN ROAD AND KENTWELL AVENUE, CASTLE HILL
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
LODGEMENT DATE:	6 AUGUST 2013
AUTHOR:	PRINCIPAL EXECUTIVE PLANNER KRISTINE MCKENZIE
RESPONSIBLE OFFICER:	MANAGER – DEVELOPMENT ASSESSMENT PAUL OSBORNE

EXECUTIVE SUMMARY

This is a Section 96(2) Modification Application for amendments to Development Application 297/2008/HB for the Stage 3 extension of Castle Towers Shopping Centre which was approved at Council's Meeting of 8 February 2011. The approved works included a gross leaseable floor area of 60,487m², 3085 carparking spaces and required significant road upgrade works.

The proposed works include the reduction in gross leaseable floor area by 8000m² which is balanced by an increase of the same amount for the proposed Stage 1 alterations and additions subject to a separate Development Application to be determined by the JRPP (DA 1287/2013/JP). Attachment No. 3 shows the two development sites and Attachment No. 20 is the JRPP report for the Stage 1 Development Application.

The applicant has indicated that all works the subject of both applications will be undertaken at a similar time. Effectively floor space is being relocated within the centre. The intent of the proposed modified works is to assist in improving the internal layout and to provide a further external upgrade to the façade of the centre. In effect, the two applications are interrelated and do not result in additional gross leaseable floor area beyond that approved with the original Stage 3 expansion.

The subject proposal includes variations to LEP 2012 in regard to floor space ratio (FSR) and height. However both FSR and height will be reduced compared to the current approval which predated LEP 2012. LEP 2012 limits the FSR to 1:1. The approved FSR for the entire site is currently 1.3:1. The reduction of floor space with the subject application will reduce this to 1.22:1. However the Stage 1 application will restore the FSR to 1.3:1.

The height limit under LEP 2012 applying to the Castle Towers site varies from 7m, 12m, 19m and 28m. The current approval has a maximum height of 49 metres. The current proposal reduces the height to a maximum 28.2 metres. This is a variation of 135%

compared to the LEP standard of 12 metres for this part of the site. The proposed variations to FSR and height are considered reasonable given they are both reduced compared to the current approval, the Town Centre location and that the site is identified as a major centre under the Centres Direction and the Metro Strategy.

The subject modification application and Development Application 1287/2013/JP interrelate in regard to parking provided on site. The DCP requires a parking rate of 1 space per 18.5m² of GLFA. For all approvals currently in place, the rate is 1 space per 20.52m². The proposed parking for the site equates to a parking rate of 1 space per 21.7m² which is considered sufficient given the provision of a dynamic parking system to enable customers are able to identify available spaces, proximity to the North-West rail and proximity to the bus transit centre. This rate is higher than the rate of 1 space per 23m² provided at the Rouse Hill Regional Centre.

The key benefits of the amended proposal include an upgraded architectural treatment to the external façade including key corners, rearrangement of the internal layout to improve customer use, reduction in bulk and scale of the development and an enhanced treatment around the heritage group of buildings reinforcing the significance of the location adjacent to Main Street.

The application is recommended for approval subject to conditions.

BACKGROUND

Applicant:	QIC Limited
Owner:	QIC Ltd, Telstra Corp Ltd and The Hills Shire Council
Zoning:	B4 Mixed Use
Area:	152,437m ² (entire centre)
Existing Development:	Castle Towers Shopping Centre

MANDATORY REQUIREMENTS

1. LEP 2012 – Permissible with consent. Variation to LEP height and FSR standard.
2. DCP Part B Section 6 – Business – Variation required, see report.
3. DCP Part C Section 1 – Parking – Variation required, see report.
4. Section 79C (EP&A Act) – Satisfactory.
5. Section 79C (EP & A Act) – Satisfactory.
6. Section 94 Contribution – currently \$5,159,640.58

SUBMISSIONS

1. Exhibition:	Yes, 14 days.
2. Notice Adj Owners:	Yes, 14 days.
3. Number Advised:	285 persons. This includes those who made a submission to the original DA.
4. Submissions Received:	Two

REASON FOR REFERRAL TO COUNCIL

1. Variations to LEP standards for height and FSR which exceed 10%

POLITICAL DONATION – None disclosed.

HISTORY

- 08/02/2011** Development Consent granted by Council at its ordinary Meeting for the Stage 3 extension of Castle Towers Shopping Centre (DA 297/2008/HB).
- 15/03/2012** Section 96(2) Modification Application lodged to amend Condition 34 in relation to some RMS roadwork requirements and Condition 44 in relation to S. 94 Contributions (297/2008/HB/A). Both conditions related to the Voluntary Planning Agreement (VPA) which reflected that some roadworks were now covered by the VPA.
- 05/10/2012** LEP 2012 came into force.
- 03/06/2013** Development Application 1298/2013/JP lodged for Stage 1 alterations and additions.
- 06/08/2013** **Subject Section 96(2) Modification Application lodged (297/2008/HB/B).**
- 27/08/2013** Report considered by Council at its Ordinary Meeting on the Draft VPA where it was resolved that:
- Council proceed with the draft Voluntary Planning Agreement as per Attachment 1, with the Voluntary Planning Agreement authorised for execution under seal.*
- 03/09/2013** Briefing provided on status of Castle Towers applications at Councillor's Workshop.
- 10/09/2013** Letter sent to applicant outlining concern raised at Councillor's Workshop regarding the proposed parking rate. A consolidated parking response was requested addressing both the current application and DA 1287/2013/JP.
- 12/09/2013** VPA executed under seal and came into force.
- 23/09/2013** Further letter sent to applicant requesting additional information regarding FSR, gross leaseable floor areas, compliance with the DCP, setbacks, BCA upgrade, acoustic impact, drainage and engineering matters.
- 26/09/2013** BCA upgrade report submitted by the applicant.
- 13/02/2014** Consolidated parking report submitted by the applicant.
- 14/02/2014** Part additional information submitted by the applicant addressing FSR and floor area.
- 11/03/2014** Section 96(2) Modification 297/2008/HB/A approved by Development Assessment Unit (DAU).
- 18/03/2014** Additional information submitted by the applicant.

- 27/03/2014** Email sent to applicant requesting amended plan to address RMS concerns regarding location of works at the corner of Showground Road and Old Northern Road.
- 27/03/2014** Amended plan submitted by the applicant. This was referred to RMS for review.
- 03/04/2014** Email sent to applicant regarding acoustic impact and requesting further information.
- 09/04/2014** Email sent to applicant requesting additional information regarding DCP compliance, comparison table in regard to setback and height and clarification of the proposed showroom.
- 14/04/2014,
16/04/2014,
28/04/2014
and
06/06/2014
26/06/2014** Additional information submitted by the applicant.
- 26/06/2014** Additional information submitted by the applicant addressing a draft wording for a condition in respect to acting on consent.

PROPOSAL

Development Application 297/2008/HB for the Stage 3 extension of Castle Towers Shopping Centre was approved at Council's Meeting of 8 February 2011. The approved works included a gross leaseable floor area of 60,487m², 3085 carparking spaces and required significant road upgrade works.

The works are described as:

- (i) Site A – expansion and upgrading of the existing centre on land bound by Old Northern Road, Showground Road, Castle Street and Pennant Street;
- (ii) Site B – redevelopment of the former primary school site and some residential properties bounded by Kentwell Avenue, Castle Street, Pennant Street and Showground Road for retail purposes, with pedestrian and vehicle overbridge connections to the existing site.

The Modification Application seeks to amend various components of the approval including, but not limited to:

- a reduction in gross leaseable floor area (GLFA) from 60,487m² to 52,487m²;
- new car parking numbers decrease from 3085 spaces to 2567 spaces;
- internal layout changes;
- revised/updated external appearance;
- lowering of the southern part of Pennant Street;
- rearrangement of internal uses, access points, parking layout and loading bays;
- excavation under the heritage buildings, raising the level of the 1880's schoolhouse and reconstructing the 1930's schoolhouse; and
- demolition of the piazza to provide an expanded heritage square restaurant precinct.

The following comparison table shows the key changes:

CRITERIA	APPROVED	PROPOSED
Gross Leaseable Floor Area (Stage 3)	60,487m ²	52,487m ²
Gross Leaseable Floor Area (overall centre)	173,684m ²	173,684m ²
Floor Space Ratio	1.3:1	1.3:1
Parking Spaces (Stage 3 additional parking)	3085	2567

The original proposal included the partial and/or full closure of Kentwell Avenue and Castle Street (public roads) which require lease. There are no additional impacts on roads as a result of the subject application.

The original application was peer reviewed given the extent of the proposed works and the proposed road closures and land acquisition/leasing. The proposed modified works do not impact further on the existing road network. As such the proposed modification has not been peer reviewed.

Concurrently Development Application 1287/2013/JP is under assessment which includes an additional 8000m² GLFA which is reduced from the current Stage 3 approval.

ISSUES FOR CONSIDERATION

1. Compliance with LEP 2012

a. Permissibility

The original approval was issued under the provisions of LEP 2005. At that time the site was zoned Business 3(a) (Retail) and the proposed works were a permissible use.

LEP 2012 has now come into force and the subject site is zoned B4 Mixed Use. The proposal is best described as a commercial premise which is defined in LEP 2012 as:

commercial premises means any of the following:

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.*

Retail and commercial uses are permissible within the zone. The proposal is considered satisfactory in regard to the provisions of LEP 2012.

b. Floor Space Ratio

The Stage 3 works reduce floor space from the original approval of 60,487m² to 52,487m². This is a reduction of 8000m² of GLFA. However when considered with the Development Application for Stage 1 (DA 1287/2013/JP) which seeks approval for an additional 8000m² of GLFA, the overall gross leaseable floor area will not change.

LEP 2012 limits the FSR to 1:1. The approved FSR for the entire site is currently 1.3:1. The reduction of floor space with the subject application will reduce this to 1.22:1. However the Stage 1 application will restore the FSR to 1.3:1.

The applicant has justified the variation and stated the following:

The application proposes to slightly increase the approved FSR, on the basis of a formal objection to the now statutory standard.

In terms of Clause 4.6 of the LEP, strict compliance with the FSR standard is unnecessary and unreasonable in the particular circumstances of the case. The proposed variation to this control is justified in the circumstances because-

- *The floor space ratio does not materially change from that approved, although the bulk and scale of the approved building is proposed to be reduced.*
- *The variation is minor and does not lead to any building related impacts such as overlooking, overshadowing, obstruction of views, and the like, or any material operational effects such as traffic impacts.*
- *There are no published town planning grounds that support the numerical values of the standard or provide a framework against which the proposed variation can be assessed.*

In the circumstances of the approved development, and the general reduction of building bulk, there is no conflict with the objectives of the standards. The standard is inconsistent with the role of Castle Hill Town Centre, and Castle Towers within the centre, as set out in regional and local strategic planning documents. The variation better enables the achievement of planning objectives for the centre.

The requirement to provide sound environmental planning grounds to justify a variation to standards is compromised by there being no stated or obvious environmental planning grounds for the standard.

The proposed variation to the standards does not raise any matter of significance for state and regional environmental planning, except to the extent they are consistent with the objective to promote growth in Castle Hill Town Centre, given its regional role. There is no public interest in maintaining standards that are flawed, and do not have a basis or connection with local and regional planning objectives for the centre.

The environmental planning grounds that justify contravening the FSR development standard include-

- i. *The proposal better serves the fundamental planning principles related to Castle Hill Town Centre.*
- ii. *The proposal otherwise satisfies planning objectives on a site that has the capacity to sustain a minor addition to an existing development in a manner that has minimal implications for other land or the public domain.*
- iii. *There are no material planning consequences that arise.*

No statutory FSR standard applied prior to LEP 2012 (apart from Site B within the Stage 3 consent), and there was no requirement for an exact measurement for the existing centre. The Stage 3 expansion was approved prior to the introduction of the statutory FSR standard. The effect of LEP 2012 introducing an arbitrary 1:1 FSR standard across the overall site, has been to render the existing development and approved expansion non-compliant with the standard, and requiring formal justification for any further variation.

The LEP controls require formal justification for a development that is comparable to what has already been approved, against a vacuum of planning reasons for the specific numerical values of the controls, and their inconsistency with planning objectives to promote growth in a major centre.

Comment:

LEP 2012 limits the FSR to 1:1. The approved FSR for the entire site is currently 1.3:1. The reduction of floor space with the subject application will reduce this to 1.22:1. However the Stage 1 application will restore the FSR to 1.3:1.

The objectives of Clause 4.6 of LEP 2012 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The relevant objectives of the B4 Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The approved works will provide an additional retail service to residents and customer within the Shire and adjoining Local Government areas.

The proposed modification does not increase the floor area of the centre from the original approval. As such the proposal is considered to be appropriate having regard to the relevant objectives.

Clause 4.6 (4) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment: The applicant has adequately addressed the matters required to be addressed by subclause (3).

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comment: As detailed above, the proposal is an appropriate outcome in regard to public interest and is consistent with the objectives of the B4 Mixed Use zone.

- (b) the concurrence of the Director-General has been obtained.*

Comment: Council has assumed concurrence under the provisions of Circular PS 08-003 issued by the Department of Planning and Infrastructure.

On the basis of the above comments, the proposed variation to the FSR is considered reasonable and will not result in an adverse impact on amenity and will provide an additional retail service to residents and customers.

c. Height

The height limit under LEP 2012 varies across the site as follows:

Site A – 12 metres;

Site B – varies from 7 metres, 19 metres and 28 metres.

The original approval allowed the following variations:

- Site B - north-western corner of the building on Site B exceeded the 28 metre LEP height limit by 1.6 metres for a 2% area of the building;
- Site A - The total height of the building when viewed from Showground Road varied from approximately 20 – 25 metres with a maximum height of 49 metres to the corner tower element (NB: this height variation was subject to the DCP only at the time of the approval).

The proposed modified development on Site B has now been reduced and complies with the LEP height limit.

The development on Site A (limited to 12 metres) exceeds the 12m height limit to a height of 28.2 metres in part. The proposed variation is 135%.

Attachment 6 shows the proposed works in relation to the LEP height limit and Attachment 7 shows the proposed modified works in relation to the original approved works.

The applicant has justified the variation and stated the following:

In terms of Clause 4.6 of the LEP, strict compliance with the building height standards is unnecessary and unreasonable in the particular circumstances of the case. The proposed variation to this control is justified in the circumstances because-

- *The variations are minor in the context of the existing and approved building complex proposed to be modified. In particular the bulk and scale of the building overall is reduced.*
- *The variations do not lead to any building related impacts such as overlooking, overshadowing, obstruction of views, and the like.*
- *There are no published town planning grounds that support the numerical values of the standard or provide a framework against which the proposed variation can be assessed.*

- *In the circumstances of the existing and approved building, complex, and the minor changes proposed to building height, there is no conflict with the objectives of the standards as set out above.*
- *The parts of the cinema complex where height is proposed to be increased are set-back from the building edges, which means that their visual impact will be limited to more distant views.*
- *The taller elements are adjacent to areas on the opposite side of Old Northern road with substantially greater height limits.*

The requirement to provide sound environmental planning grounds to justify a variation to standards is compromised by there being no stated or obvious environmental planning grounds for the standard.

The proposed variations to the standards do not raise any matter of significance for state and regional environmental planning, except to the extent they are consistent with the objective to promote growth in Castle Hill Town Centre, given its regional role.

There is no public interest in maintaining standards that are flawed, and do not have a basis or connection with local and regional planning objectives for the centre.

The environmental planning grounds that justify contravening the building height development standard include-

- i. The proposal better serves the fundamental planning principles associated with the Castle Hill Town Centre as a whole, and the subject site.*
- ii. The proposal satisfies regional and local planning objectives on a site that has ample capacity to sustain minor additions to an existing and approved development in a manner that has minimal implications for other land or the public domain. The standard itself is inconsistent with these objectives.*
- iii. There are no material planning consequences that arise.*

Comment:

As shown in Attachment 7, the proposed height has generally been reduced from the original approval.

The proposed height on Site A is considered to be an appropriate response to the site topography. The site currently slopes from Old Northern Road at RL 138.9 to Pennant Street at RL 131.9 which is a difference in level of 7 metres. The proposed works will be in keeping with the existing Stage 2 development and will provide an appropriate backdrop to the heritage buildings. There will also be opportunity for landscape planting to be undertaken both within the heritage precinct and street tree planting to soften the development.

Site A is bounded by Pennant Street, Showground Road, Old Northern Road and the existing Stage 2 development and as such is considered to be 'isolated' in terms of its location and as such there is minimal impact on adjoining property in respect to privacy, amenity and overshadowing. Whilst it is acknowledged that there will be some shadow impact on properties located on the southern side of Showground Road between 9am-11am on June 21 it is considered that the impact is minimal and will not cause adverse impact, with the majority of shadow falling at other times of the day on the existing road network.

The proposed modified development does not unreasonably increase impact to adjoining property. The proposed height is consistent with the original approval and is considered to be substantially the same development.

Clause 4.6 (4) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment: The applicant has adequately addressed the matters required to be addressed by subclause (3).

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comment: As detailed above, the proposal is an appropriate outcome in regard to public interest and is consistent with the objectives of the B4 Mixed Use zone.

- (b) the concurrence of the Director-General has been obtained.*

Comment: Council has assumed concurrence under the provisions of Circular PS 08-003 issued by the Department of Planning and infrastructure.

On the basis of the above comments, the proposed variation to the height is considered reasonable and will not result in an adverse impact on amenity and will support an additional retail service to residents and customers.

2. Carparking

DCP Part C Section 1 – Parking requires that parking for a retail shopping centre be provided at a rate of 1 space per 18.5m² of gross leaseable floor area (GLFA).

There are currently 5458 car spaces on site (comprising 5131 permanent spaces and 327 temporary spaces near Les Shore Place). For all approvals currently in place, the rate is 1 space per 20.52m².

The subject application seeks to reduce the approved GLFA for the Stage 3 expansion from 60,487m² to 52,487m². Development Application 1287/2013/JP for Stage 1 alterations and additions will result in an increased gross leaseable floor area of 8000m². In effect, this results in a balance between the two applications with no overall increase in GLFA from what was originally approved by the Stage 3 expansion.

The Stage 3 expansion included Condition 2 which stated:

2. Provision of Parking Spaces and Gross Leaseable Floor Area

The development is required to be provided with 3085 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times. These

carparking spaces relate to the provision of 60,487m² of additional gross leaseable floor area (GLFA) the subject of this consent.

This will result in a total of 8492 spaces being provided for the whole centre and a gross leaseable floor area of 173,684m².

The above condition resulted in a parking rate of 1 space per 20.5m² and reflected a parking shortfall of 897 spaces.

The current modified proposal provides a total of 2567 new spaces comprising 289 spaces on Site A and 2278 spaces on Site B. (Note: Site A upon completion will accommodate 1102 spaces in total).

Assuming that both Development Application 1287/2013/JP and the modified Stage 3 expansion will be acted upon, a total GLFA of 173,684m² and 7992 car spaces will result. This is a parking rate of 1 space per 21.7m².

The applicant has indicated that they wish to utilise a parking rate for the centre of 4.5 spaces per 100m² of GLFA, which equates to 1 space per 22.2m². The applicant submitted a parking report to support the request. This matter was discussed at the Council briefing on 03 September 2013. Following the Council briefing the applicant provided a further comprehensive report which included parking analysis and which concluded that:

The above analysis indicates that based on:

- *RMS surveys of parking at large retail centres,*
- *a survey of parking usage at castle Towers at an above average time,*
- *a comparison of parking provision rates at competing centres, and*
- *the installation of a sophisticated parking guidance system*

the proposed parking provision rate of 4.5 spaces per 100m² of lettable retail area at Castle Towers would satisfactorily meet the parking needs of the centre.

QIC are seeking approval of a car parking ratio of 4.5 spaces / 100m² of GLA across the entire centre which based on a total of 173,684m² of GLA, which equates to 7,817 spaces. With the parking provision provided, this will result in a surplus of 175 spaces.

In respect to the above request and for comparison with a similar centre, it is noted that Rouse Hill Regional Centre has retail parking rate of 1 space per 23m².

Comment:

The objectives of the DCP are:

- (i) *To ensure the safety of all road users in commercial/retail areas.*
- (ii) *To ensure that all carparking demands generated by the development are accommodated on the development site.*
- (iii) *To ensure the free flow of traffic into and out of the development and the surrounding street network.*

- (iv) *To ensure that the provision of off-street parking facilities does not detract from the overall visual amenity and character of the neighbourhood in relation to streetscape in accordance with Council's ESD objective 7.*

The proposed modification and Development Application 1287/2013/JP interrelate in regard to the parking provided on site. As detailed above, the proposals when considered in conjunction do not increase the overall GLFA of the centre from that approved under the Stage 3 expansion. The carparking provided for the centre as a whole is reduced to 7992 spaces, which is a rate of 1 space per 21.7m².

The applicant has undertaken parking analysis which demonstrated that at all times there were carparking spaces available in the centre. In this regard it has been previously acknowledged that the issue is not insufficient carparking numbers but rather the ability of customers to identify where parking spaces are available.

In support of this matter, the Stage 3 expansion included a condition of consent which requires the installation of a dynamic parking assist system for the entire centre. Subsequently, Development Application 531/2013/HA was approved for, in part, a dynamic parking assist system for the existing centre. These works include a bay sensor above each parking bay and signage to direct customers to available spaces. These works are currently being undertaken.

The installation of a dynamic parking system within the existing centre will ensure that customers are able to identify areas of available parking either at street level or within the carparking areas, can locate a space, park quickly and conveniently and will assist in minimising congestion on local roads and within the carparking areas.

Council's Manager Transport and Infrastructure Planning has reviewed the proposal and advised:

Development Application 1287/2012/JP is for an 8000m² addition to the Castle Towers shopping centre. Section 96 Modification 297/2008/HB/B is for amendments to the approved Stage 3 expansion of Castle Towers shopping centre. The modification will reduce the floor area of the approved Stage 3 expansion by 8000m². As such there is balance between the floor areas of the two applications and there is no net increase.

The original Stage 3 expansion required significant road works to be undertaken by the applicant including the upgrade of Showground Road from Carrington Road to Old Northern Road. The consent also required new signalised intersections along Showground Road, and an upgrade to several key intersections along Pennant Street and McMullen Avenue to assist with traffic flow improvements.

Since the approval of the Stage 3 Development Application a Voluntary Planning Agreement (VPA) has been entered into and executed by Council, RMS and QIC which requires most of the above road works to be undertaken. The approved amendment to Condition 34 reflected that some of these road works were now covered by the VPA. However the full scope of road works originally required by the RMS, and approved by Council in the original consent, did not change.

The works proposed under both applications will assist in improving access to the shopping centre parking areas, and will also improve access to public roads for the shopping centre, as well as improving access through Castle Hill for all other traffic. QIC have recently installed a dynamic parking system which will allow customers to easily identify the location of vacant parking spaces which will improve internal traffic flow.

The location of the shopping centre has a high level of transport accessibility to the future rail link and bus interchange. The proposed rate of parking is 1 space per 21.7m² compared to Council's rate of 1 space per 18.5m². The RMS specifies a lower rate of 1 space per 24.4 m². In the past, it has been clear that there is no lack of parking on the site, but rather there is a problem with the ability of customers to locate available spaces.

The applicant has submitted a parking analysis for both applications which supports the lower rate based on the installation of the dynamic parking assist system, detailing the existing bus services and future rail transport, and the positive impact of localised traffic improvements. These factors will assist in ensuring the parking is easily identified and accessed by their customers.

Having regard to the above factors, both applications are considered to satisfactorily deal with the transport issues associated with Castle Towers Shopping Centre in the CBD.

The applicant's request for a reduced carparking rate of 4.5 spaces per 100m² is acknowledged. This equates to a rate of 1 space per 22.2m². In this regard it is not considered appropriate to apply a reduced parking rate for the centre on the basis of the Development Application. A request to reduce the parking rate would more appropriately be timed to coincide with the completion of the Showground Road upgrade works and other localised works required with the approval and the opening of the rail link. As such the DCP parking rate will continue to apply to the site and any requests for variations to the DCP rate will be considered on merit on a case by case basis.

On the basis of the above the proposed parking variation is considered satisfactory.

3. Compliance with DCP Part B Section 6 - Business

The proposal has been assessed having regard to the provisions of DCP Part B Section 6 – Business and the previous approval. The original approval included variations to the DCP requirements for FSR on Site A, height on Site A, setbacks on both Site A and Site B and carparking. These matters are addressed below:

a. FSR on Site A

At the time of determination of the original application, LEP 2005 limited FSR on Site B to 1:1 however there was no limit applicable to Site A. DCP Part C Section 8 – Business limited FSR on both Site A and B to 1:1. The proposed FSR on Site B was 0.996:1 which complied with LEP 2005.

Since the time of the original approval, LEP 2012 has come into force which limits FSR to 1:1 across the site ie: both Site A and Site B. FSR is addressed above in Section 1.

b. Height on Site A

At the time of determination of the original application, LEP 2005 limited height for Site B varying across the site from 7 metres, 19 metres and 28 metres. A variation was proposed to Site B under the requirements of LEP 2005. DCP Part C Section 8 – Business limited height on Site A to 12 metres or 3 storeys.

The original approval allowed the following variation to Site A. The total height of the building when viewed from Showground Road varied from approximately 20 – 25 metres with a maximum height of 49 metres to the corner tower element (NB: this height variation was subject to the DCP only at the time of the approval).

Since the time of the original approval, LEP 2012 has come into force which limits height to:

Site A – 12 metres;

Site B – varies from 7 metres, 19 metres and 28 metres.

Height is addressed above in Section 1.

c. Setbacks on both Site A and Site B

At the time of determination of the original application, the proposal included variations to the setback requirements for Site A and Site B. The DCP required:

Site A - All single and two storey retail/commercial development located along a public road may utilise a zero setback, other than in those site specific areas specified on the precinct plan maps contained in Appendix 1. For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be setback within a building height plane of 45° starting from a height of 8 metres.

Site B – 8 metre setback to Kentwell Avenue, 6 metre setback to Castle Street and the access driveway into Castle Grand, and 3 metre setback to Castle Grand boundary. There is no specified setback to Showground Road and Pennant Street.

In respect to Site A, the proposed development included a varying setback to Showground Road due to the proposed realigned boundary to facilitate roadworks and did not provide the required setback for buildings over 2 storeys or 8 metres to Showground Road or Pennant Street. Site B complied with the specified setbacks with the exception of the access ramp from Kentwell Avenue and the lift access adjacent to Castle Grand.

The proposed modification is consistent with the approved plans in regard to setback. The variations have been considered previously and were considered satisfactory. No objection is raised to the proposed setbacks.

d. Carparking

At the time of determination of the original application, a variation to the carparking rate was requested. In summary, 3598 spaces were required for the site. There were 3085 additional spaces to be provided on site which represents a shortfall of 513 spaces. This is addressed above in Section 2.

4. Works in the Heritage Precinct

The original proposal included works adjacent to the existing heritage buildings which are located fronting Old Northern Road. The heritage buildings include the former Castle Hill public school buildings (two buildings) and the former Police station. These items are listed as 'local' heritage items under the provisions of LEP 2012. The works proposed were limited to external works and minor works to the buildings and did not include the occupation/future use of the heritage buildings. In this regard the following condition was imposed:

8. Works Within the Heritage Precinct

The works within the Heritage Precinct are limited to works detailed within the Development Application. The demolition of part of the heritage buildings is only permitted where detailed on Plan DA048-2. Further works to the heritage buildings and the occupation/use of the buildings are subject to a further Development Application to Council.

The proposal continues to propose the general works to the buildings however also includes excavation under the heritage buildings, raising the level of the 1880's schoolhouse and reconstructing the 1930's schoolhouse.

The works in the heritage precinct are addressed in a heritage report which concludes as follows:

The proposed development is to be undertaken within the historic precinct known as the Castle Hill Schoolhouse which is located within the commercial centre of Castle Hill at the intersection of Old Northern and Showground Roads. The precinct includes the heritage items known as Castle Hill Public School and the Former Police Station.

The proposed development is an amendment to the current approval for a major extension to the Castle Towers shopping centre, known as Stage 3. It includes the excavation of most of the site occupied by the school to provide additional underground carparking for the centre and the creation of a gently terraced landscaped area on its roof, which will be approximately 1 metre above the existing (sloping) ground level.

The two school buildings will be conserved in their original positions in relation to each other and Old Northern Road, although they will be sited slightly higher. The 1880s schoolhouse and residence will be supported during the works and re-set on the new podium and the 1930s classrooms will be dismantled and reconstructed substantially in its existing form. All work will be done to the highest standard and in accordance with the provisions of Australia ICOMOS Burra Charter.

The current approval provides for the removal of the rear part of this building (the utility area) and this is also proposed as part of the amended application. The current approval also includes the removal of all the windows facing Old Northern Road and the cutting of larger openings to each for doorways. This will not proceed under the amended proposal. An opening will however be provided to the northern wall (set at right angles to the road) to facilitate the ongoing visual and physical link between the two school buildings.

The detailed design of the main wall to the shopping centre behind the school buildings has also be significantly improved over the current approval, being more sympathetically aligned and modulated to address the relationship between the exterior of the building and the historic precinct more sympathetically. This will potentially contribute to the ongoing vitality and use of the precinct by the community as a focal point of the shopping centre.

The attention to detail in the proposed amended landscape plan will result in a mature, comfortable and appropriate setting for the historic buildings that will retain the sense of both visual connection and physical separation seen today between the group and the streetscape of Old Northern Road.

The site has been used as a school for over 100 years and the proposed excavation has the potential to reveal a range of ephemeral relics dropped by children over the years, and may also include articles such as time capsules. If these are found the NSW Heritage Council will be consulted in accordance with the provisions of the Heritage Act.

The priority placed on the protection of historic fabric and the relationships between the elements in the group and views over the site, whilst satisfying the need for parking for the shopping centre has led to a solution that is technically defined as demolition, but which will work to conserve the historic fabric and setting of the former school and police station as one of the most important cultural landscapes in Castle Hill.

The proposed works were reviewed by the Heritage Council who raised no objection to the proposed works.

The proposal has been reviewed by Council's Forward Planner who has raised no objection to the proposed works and advised:

The proposed works are likely to preserve the heritage value of all three heritage items as good examples of public buildings. The works would enhance the setting of the heritage group by incorporating them into a restaurant precinct with high quality landscaping, and siting them in an active precinct with outward looking shopfronts. The works are likely to provide the heritage items with an ongoing viable use to rejuvenate the items.

As such no objection is raised to the proposed modified works.

5. Public Authority Comments

The proposal was referred to the following public authorities: Transport for NSW, NSW Fire Brigade, Castle Hill Police, Heritage Council, RMS and Endeavour Energy. The following comments were received:

(i) Railcorp

Railcorp raised no objection to the proposal subject to retaining Condition 30 imposed upon the original consent which specifies Railcorp requirements.

(ii) Transport for NSW

Transport for NSW (TfNSW) have requested that on-going discussions be undertaken between the developer, Transport for NSW and Railcorp to ensure that a collaborative approach be taken in respect to the proposed works and adjacent works being undertaken in regard to the rail link to ensure that conflict does not occur during the construction works and on-going.

TfNSW have also requested that the following be considered in regard to bus servicing:

- a. Alternative arrangements for the re-routing of buses during construction be provided in consultation with TfNSW.
- b. Safe and efficient pedestrian access to bus facilities is to be provided.
- c. At least 5.4m be provided between Pennant Street and the overhead bridge to allow double decker bus movements.
- d. Bus shelter facilities be provided at the bus stop located in the vicinity of the Kentwell Ave and Showground Road intersection, and that the bus zone be extended to accommodate two buses (one articulated bus and one 14.5 metre bus).

- e. A Construction Management Plan be prepared in consultation with TfNSW, RMS, North West Rail Link and other agencies to consider potential impacts during the construction period.

In regard to the items (a), (b) and (e), a condition has been recommended (See Condition 34a). In regard to item (c), RMS requirements have specified a required clearance of 5.5 metres by condition of consent on the original approval. In respect to item (d), should additional bus shelters be required this will be provided by Council. In respect to the bus bay, this matter is being reviewed by RMS who will incorporate it in the final Showground Road design if appropriate.

(iii) Heritage Council

The proposal was referred to the NSW Heritage Council for review given the proximity to the local heritage items and the comments provided to the original application. The Heritage Council advised:

As the affected heritage items (Castle Hill Public School and Former Police Station) are of local significance and listed on The Hills LEP 2012 (and not the State Heritage Register), the approval of the Heritage Council is not required.

(iv) RMS

RMS have raised no objection to the proposal subject to the amendment of Condition 34(2) to address the location of carparking levels within the road widening area (See revised Condition 34(2)).

(v) Endeavour Energy

Endeavour Energy have advised that the proposed works will require either relocation or adjustment to electricity supply cables and have also advised that an 'application enquiry' has been reviewed and advice provided on the supply of energy to the site. No objection is raised to the proposal.

6. Submissions

The proposal was notified to adjoining property owners and to those people who made a submission to the original Development Application. There were two submissions received which raised the following concerns:

ISSUE	COMMENT	OUTCOME
Concern regarding the close proximity of the Pennant Street roadworks to the residential carpark of Castle Grand and its associated ventilation void and fire escape. The car park, ventilation void and fire escape extend beneath the pavement area and the perimeter of these areas would be very close to the alignment of the road excavations proposed by this DA. We seek assurances that the proposed roadworks will not impact in anyway	The proposed roadworks on the Ring Road in proximity to Castle Grand will be contained within the existing road reserve.	Issue addressed.

on the ongoing use of these sections of our building before, during or after the proposed construction.		
Request for details regarding the part road closure of Kentwell Avenue and the extent of dedication of land adjacent to Kentwell Avenue for road purposes.	The ramp access into the centre will require a temporary closure of Kentwell Avenue during construction. This has not yet been requested and will be resolved in consultation with Council's Local Traffic Committee. It is noted that QIC have purchased No. 28 Showground Road (corner of Kentwell Avenue) to facilitate roadworks. The applicant will finalise further road designs, including the Kentwell Avenue roundabout, for consideration with Council's Manager Infrastructure and Transport Planning.	Issue addressed.
Request that the Wesley Church be consulted during preparation of any Traffic Management Plan for works on Showground Road and Kentwell Avenue and that a condition of consent be imposed.	A condition was imposed upon the original Development Consent requiring the preparation of a Traffic Management Plan for approval by RMS and Council's Local Traffic Committee in consultation with affected stakeholders including the Wesley Church. Council's Manager Infrastructure and Transport Planning will consider the requests made by the Church.	Condition imposed on original Development Consent – see Condition 34(37).

TRAFFIC COMMENTS

Development Application 1287/2012/JP is for an 8000m² addition to the Castle Towers shopping centre. Section 96 Modification 297/2008/HB/B is for amendments to the approved Stage 3 expansion of Castle Towers shopping centre. The modification will reduce the floor area of the approved Stage 3 expansion by 8000m². As such there is balance between the floor areas of the two applications and there is no net increase.

The original Stage 3 expansion required significant road works to be undertaken by the applicant including the upgrade of Showground Road from Carrington Road to Old Northern Road. The consent also required new signalised intersections along Showground Rd, and an upgrade to several key intersections along Pennant St and McMullen Ave to assist with traffic flow improvements.

Since the approval of the Development Application a Voluntary Planning Agreement (VPA) has been entered into and executed by Council, RMS and QIC which requires most of the above road works to be undertaken. The approved amendment to Condition 34 reflected that some of these road works were now covered by the VPA. However the full scope of road works originally required by the RMS, and approved by Council in the original consent, did not change.

The works proposed under both applications will assist in improving access to the shopping centre parking areas, and will also improve access to public roads for the shopping centre, as well as improving access through Castle Hill for all other traffic. QIC have recently installed a dynamic parking system which will allow customers to easily identify the location of vacant parking spaces which will improve internal traffic flow.

The location of the shopping centre has a high level of transport accessibility to the future rail link and bus interchange. The proposed rate of parking is 1 space per 21.6m² compared to Council's rate of 1 space per 18.5m². The RTA specifies a lower rate of 1 space per 24.4 m². In the past, it has been clear that there is no lack of parking on the site, but rather there is a problem with the ability of customers to locate available spaces.

The applicant has submitted a parking analysis for both applications which supports the lower rate based on the installation of the dynamic parking assist system, detailing the existing bus services and future rail transport, and the positive impact of localised traffic improvements. These factors will assist in ensuring the parking is easily identified and accessed by their customers.

Having regard to the above factors, both applications are considered to satisfactorily deal with the transport issues associated with Castle Towers Shopping Centre in the CBD.

No objection raised to the proposed modifications and no additional conditions.

BUILDING SURVEYOR'S COMMENTS

No objection raised to the proposed modifications. Additional conditions have been imposed regarding fire safety upgrade works.

ENGINEERING COMMENTS

No objection raised to the proposed modifications and no additional conditions.

TREE MANAGEMENT COMMENTS

No objection raised to the proposed modifications. Additional conditions have been imposed regarding replacement tree planting.

ENVIRONMENTAL HEALTH & SUSTAINABILITY COMMENTS

No objection raised to the proposed modifications. Additional conditions have been imposed limiting use of the Kentwell Avenue entry/entrance and roof top car parks.

RESOURCE RECOVERY COMMENTS

No objection raised to the proposed modifications and no additional conditions.

HERITAGE COMMENTS

No objection raised to the proposed modifications. Additional conditions have been imposed regarding dilapidation reports for works in proximity to the heritage buildings.

CONCLUSION

The proposal has been assessed having regard to the provisions of Sections 79C and 96 of the Environmental Planning and Assessment Act, 1979, Sydney Regional Planning Policy No. 20 - Hawkesbury Nepean River, Local Environmental Plan 2012 and

Development Control Plan Part B Section 6 - Business and is considered to be satisfactory.

The proposed modifications result in a development which is substantially the same development as was originally approved. The proposed modifications improve the design and will result in a development which will provide retail opportunities for the immediate and wider area. The proposed works will provide a regional centre for the residents of both The Hills Shire and the surrounding area.

Accordingly, approval subject to conditions is now recommended.

IMPACTS

Financial

This matter has no direct financial impact upon Council's budget or forward planning estimates.

The Hills Future Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within The Hills Community Strategic Plan as the proposed development provides for satisfactory urban growth and employment generation.

The proposed modifications are considered satisfactory and the external works maintain an aesthetically pleasing streetscape presentation to Old Northern Road, Showground Road, Kentwell Avenue, Pennant Street and Castle Street and includes embellishment works within the heritage precinct.

RECOMMENDATION

The Modification Application be approved subject to the following:

1. The deletion of Condition 1 and replacement with:

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped 297/2008/HB, and as amended by Modification Application 297/2008/HB/A and 297/2008/HB/B and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS – ORIGINAL DA 297/2008/HB

PLAN	DESCRIPTION	DATE
DA 000C-0	Perspective Image 2	July 2007
DA 000D-0	Perspective Image 3	July 2007
DA 000E-0	Perspective Image 4	July 2007
DA 000F-0	Perspective Image 5	July 2007
DA000G-0	Perspective Image 6	July 2007
DA000H-0	Perspective Image 7	July 2007
DA002-4	Site Plan and Site Location Map	July 2007
DA003-3	Site A – Level 1 Plan – Basement Carpark	July 2007

DA003A-3	Site A - L1 & L1 Site B Reference Plan	July 2007
DA004-3	Site A - Level 2 Plan - Basement Carpark	July 2007
DA004A-3	Site A - L2 & L1B Site B Reference Plan	July 2007
DA005-3	Site A - Level 3 Plan - Retail	July 2007
DA005A-3	Site A - L3 & Site B - L3 Reference Plan	July 2007
DA006-3	Site A - Level 3 Mezzanine Plan - Carpark	July 2007
DA007-3	Site A - Level 4 Plan - Retail	July 2007
DA007A-3	Site A - Level 4 & site B Level 4 Reference Plan	July 2007
DA008-3	Site A - Level 5 Plan - Retail	July 2007
DA008A-3	Site A - Level 5 & Site B Level 5 Reference Plan	July 2007
DA009-3	Site A - Level 6 Plan - Plant	July 2007
DA010-3	Site A - Roof Plan	July 2007
DA011-2	Site A - Level 2 & Level 3 Castle Street Part Plans	July 2007
DA012-1	Site B - Level 3 Castle Street Part Plans	March 2009
DA013-4	Site A - Street Elevations	July 2007
DA014A-3	Site A - south West Elevation - Showground Road	July 2007
DA014B-3	Site A - North West Elevation - Pennant Street	July 2007
DA015-2	Site A - South East Elevations - Old Northern Road	July 2007
DA016-2	Site A - Castle Street Elevations	July 2007
DA017-2	Site A - Sections AA and BB	July 2007
DA018-3	Site A - Sections CC, DD and EE	July 2007
DA019-2	Site A - Sections FF & GG	July 2007
DA020-0	Site A - Sections KK and JJ	July 2007
DA021-3	Site A - Heritage Square - Main Entry Elevation	July 2007
DA-22-2	Site A - Sections EE and QQ	July 2007
DA023-0	Sample Board 1	July 2007
DA024-0	Image Board	July 2007
DA025-2	Shadow Diagrams 1 - June 21 - 9am & 10am	July 2007
DA026-2	Site A Shadow Diagrams 2 - June 21 - 11am & 12pm	July 2007
DA027-2	Shadow Diagrams 3 - June 21 - 1pm & 2pm	July 2007
DA028-2	Shadow Diagrams 4 - June 21 - 3pm	July 2007
DA029-2	Shadows Diagrams 5 - Sept 21 - 9am & 3pm	July 2007
DA030-2	Shadow Diagrams 6 - Dec 21 - 9am & 3pm	July 2007
DA032-1	Showground Road (Site A + B) & Pennant Street Elevations (Site B)	July 2007
DA033-1	Site B - Castle Street & Kentwell Avenue Elevations	July 2007

DA034-2	Site A – Pennant Street & Heritage Sq. Main Entry Elevations	July 2007
DA035-2	Site A – Heritage Square Elevations	July 2007
DA036-0	Sample Board 2 – Proposed External Finishes	July 2007
DA037-0	Sample Board 3 – Proposed External Finishes	July 2007
DA038-2	Site A – Level 1 – Carpark Detail Plan	March 2009
DA039-2	Site A – Level 2 – New Carpark Detail Plan	March 2009
DA040-1	Site A – L2/L3/L3M1 Part Plans – New Ramp	March 2009
DA041-2	Site A – Level 5 – Carpark Detail Plan	March 2009
DA042-1	Site A – Level 5 – Ex. Carpark Express Ramp Plan	March 2009
DA043-1	Site A – Proposed Carpark Ramp Sections	March 2009
DA044-1	Site A – Pennant Street Link Bridge	March 2009
DA045-1	Site A & Site B – Part of Showground Road Plan	March 2008
DA047-2	Site A – Proposed Heritage Square	March 2009
DA048-2	Site A – Proposed L4 Heritage Square	June 2009
DA050-4	Site B – Level 1 Plan – Carpark	July 2007
DA050A-1	Site B – Level B1 Plan – Carpark	July 2009
DA050B-1	Site B – Level B2 Plan – Carpark	July 2009
DA051-3	Site B – Level 1A Plan – Carpark	July 2007
DA052-3	Site B – Level B1 Plan – Carpark	July 2007
DA053-3	Site B – Level 2 Plan – Carpark	July 2007
DA054-3	Site B – Level 3 Plan – Retail	July 2007
DA055-3	Site B – Level 4 Plan – Retail	July 2007
DA056-3	Site B – Level 5 Plan – Carpark	July 2007
DA057-3	Site B – Level 6 Plan – Carpark	July 2007
DA058-3	Site B – Roof Plan	July 2007
DA059-2	Site B – Sections PP & QQ	July 2007
DA060-2	Site B – Sections RR & SS	July 2007
DA060A-0	Site B – Level B1 & B2 Carpark – Sections	July 2009
DA061-2	Site B – South East Elevation	July 2007
DA062-2	Site B – North East Sectional Elevation – Castle Street	July 2007
DA063-3	Site B – North West Elevation	July 2007
DA63A-1	Site B – Level B1 & B2 Carpark – North East and North West Elevations	July 2009
DA63B-0	Site B – Level B1 & B2 Carpark – South East Elevation	July 2009

DA064-2	Site B – South West Elevation	July 2007
DA065-3	Site B – Level 1 Kentwell Express Ramp	March 2009
DA066-0	Site B – Level 1 Loading Dock Ramp	March 2009
DA67A-1	Site B – Level 1 Loading Dock & Entrance Lobby Area	July 2009
DA068-3	Site B – Level 1 – Carpark Detail Plan	March 2009
DA069-2	Site B – Level 1A – Carpark Detail Plan	March 2009
DA070-2	Site B – Level 1B Carpark Detail Plan	March 2009
DA071-2	Site B – Level 2 Carpark Detail Plan	March 2009
DA072-2	Site B – Level 2 Carpark Detail Plan	March 2009
DA073-2	Site B – Level 2 Carpark Detail Plan	March 2009
DA074-1	Site B – Level 3 Loading Dock Detail Plan	March 2009
DA075-2	Site B – Level 4 Express Ramp Detail Plan	March 2009
DA076-2	Site B – Level 5 Carpark Detail Plan	March 2009
DA077-2	Site B – Level 5 Carpark Detail Plan	March 2009
DA078-2	Site B – Level 6 Carpark Detail Plan	March 2009
DA079-2	Site B – Level 6 Carpark Detail Plan	March 2009
DA080-2	Site B – Level 1 Ramp Sections	March 2009
DA081-2	Site B – Level 1 & Level 2 Ramp Sections	March 2009
DA082-1	Site B – Level 1 Kentwell Ramp & L5/L6 Ramp Sections	March 2009
DA083-1	Site B – Level B1 Carpark Detail Plan	July 2009
DA084-1	Site B – Level B1 Carpark Detail Plan	July 2009
DA085-1	Site B – Level B2 Carpark Detail Plan	July 2009
DA086-1	Site B – Level B2 Carpark Detail Plan	July 2009
DA087-0	Site B – Carpark Metal Screen	July 2009
LWD-000 Issue F	Landscape Cover Sheet and Site Plan	August 2007
LWD-001 Issue C	Site A Landscape Plan	August 2007
LWD-002 Issue D	Site A Heritage Square Plan	August 2007
LWD-011 Issue C	Site A Landscape Elevations Sheet 1	August 2007
LWD-012 Issue A	Site A Landscape Elevations Sheet 2	March 2009
LWD-021 Issue H	Site B Street Level Landscape Plan	August 2007
LWD-022 Issue C	Site B Kentwell Avenue Park Plan	August 2007

LWD-023 Issue E	Site B Castle Street Landscape Plan	August 2007
LWD-024 Issue D	Site B Upper Level Planters Plan	August 2007
LWD-031 Issue C	Site B Landscape Elevation Sheet 1	August 2007
LWD-032 Issue D	Site B Landscape Elevation Sheet 2	August 2007
LWD-402 Issue B	Site B Street Level Planting	June 2009
LWD-403 Issue B	Site B Kentwell Avenue Park Planting Plan	June 2009
LWD-404 Issue B	Site B Castle Street Planting Plan	June 2009
LWD-501 Issue A	Site A Tree Plan Sheet 1	July 2009
LWD-502 Issue A	Site B Tree Plan Sheet 2	July 2009

REFERENCED PLANS AND DOCUMENTS – ORIGINAL DA 297/2008/HB/B

PLAN	DESCRIPTION	DATE
DA 002	Design Intent – Concept Strategy Summary	29/07/2013 Rev. A
DA 003	Design Intent – What's There Now	29/07/2013 Rev. A
DA 004	Design Intent – First Layer	29/07/2013 Rev. A
DA 005	Design Intent – A New Image for Castle Hill	29/07/2013 Rev. A
DA 006	Design Intent – Bringing the Hill Inside	29/07/2013 Rev. A
DA 007	Design Intent – External Materials & Finishes 1/2	29/07/2013 Rev. A
DA 008	Design Intent – External Materials & Finishes 2/2	29/07/2013 Rev. A
DA 010	Perspective Image 1 – Heritage Square Old Northern Road	29/07/2013 Rev. A
DA 011	Perspective Image 2 – Heritage Square Old Northern Road	29/07/2013 Rev. A
DA 012	Perspective Image 3 – Heritage Square Old Northern Road	29/07/2013 Rev. A
DA 013	Perspective Image 4 – Heritage Square	29/07/2013 Rev. A
DA 014	Perspective Image 5 – Heritage Square Old Northern Road	29/07/2013 Rev. A
DA 015	Perspective Image 6 – Showground Road	29/07/2013 Rev. A
DA 016	Perspective Image 7 – Crn Showground Rd & Kentwell Ave	29/07/2013 Rev. A
DA 017	Perspective Image 8 – Crn Kentwell Ave & Castle Street	29/07/2013 Rev. A
DA 018	Perspective Image 9 – Crn Pennant Street & Castle Street	29/07/2013 Rev. A
DA 019	Perspective Image 10 – Crn Castle Street & Old Northern Road	29/07/2013 Rev. A
DA 050	Site Boundary & Land Title Plan	29/07/2013 Rev. A
DA 051	Site Plan & Location Plan	29/07/2013 Rev. A

DA 120	Existing Centre/Section 96 Basement Overlay	29/07/2013 Rev. A
DA 121	Existing Centre/Section 96 Level 1 Overlay	29/07/2013 Rev. A
DA 122	Existing Centre/Section 96 Level 1A Overlay	29/07/2013 Rev. A
DA 123	Existing Centre/Section 96 Level 2 Overlay	29/07/2013 Rev. A
DA 124	Existing Centre/Section 96 Level 2A Overlay	29/07/2013 Rev. A
DA 125	Existing Centre/Section 96 Level 3 Overlay	29/07/2013 Rev. A
DA 126	Existing Centre/Section 96 Level 3A Overlay	29/07/2013 Rev. A
DA 127	Existing Centre/Section 96 Level 4 Overlay	29/07/2013 Rev. A
DA 128	Existing Centre/Section 96 Level 4A Overlay	29/07/2013 Rev. A
DA 129	Existing Centre/Section 96 Level 5 Overlay	29/07/2013 Rev. A
DA 130	Existing Centre/Section 96 Level 6 Overlay	29/07/2013 Rev. A
DA 131	Building Height Envelope	29/07/2013 Rev. A
DA 132	Sections – Building Height Controls	14/04/2014 Rev. C
DA 133	Elevation Comparison Approved DA and Stage 3 Section 96	29/07/2013 Rev. A
DA 200	Overall Masterplan – Level 1	29/07/2013 Rev. A
DA 200A	Overall Masterplan – Basement	29/07/2013 Rev. A
DA 201	Overall Masterplan – Level 1A	29/07/2013 Rev. A
DA 202	Overall Masterplan – Level 2	29/07/2013 Rev. A
DA 203	Overall Masterplan – Level 2A	29/07/2013 Rev. A
DA 204	Overall Masterplan – Level 3	29/07/2013 Rev. A
DA 205	Overall Masterplan – Level 3A	29/07/2013 Rev. A
DA 206	Overall Masterplan – Level 4	29/07/2013 Rev. A
DA 207	Overall Masterplan – Level 4A	29/07/2013 Rev. A
DA 208	Overall Masterplan – Level 5	29/07/2013 Rev. A
DA 209	Overall Masterplan – Level 6	29/07/2013 Rev. A
DA 209A	Overall Masterplan – Level 7	29/07/2013 Rev. A
DA 220	Site A Floor Plan – Level 1A	29/07/2013 Rev. A
DA 221	Site A Floor Plan – Level 2	15/11/2013 Rev. B
DA 222	Site A Floor Plan – Level 2A	15/11/2013 Rev. B
DA 223	Site A Floor Plan – Level 3	27/03/2014 Rev. C
DA 224	Site A Floor Plan – Level 3A	15/11/2013 Rev. B
DA 225	Site A Floor Plan – Level 4	29/07/2013 Rev. A
DA 226	Site A Floor Plan – Level 5	29/07/2013 Rev. B
DA 227	Site A Floor Plan – Level 6	29/07/2013 Rev. A
DA 228	Site A Floor Plan – Level 7	29/07/2013 Rev. A
DA 240	Site B Floor Plan – Basement	--- Rev. A
DA 241	Site B Floor Plan – Level 1	29/07/2013 Rev. A
DA 242	Site B Floor Plan – Level 1A	29/07/2013 Rev. A
DA 243	Site B Floor Plan – Level 2	15/11/2013 Rev. B
DA 244	Site B Floor Plan – Level 2A	29/07/2013 Rev. A
DA 245	Site B Floor Plan – Level 3	29/07/2013 Rev. A
DA 246	Site B Floor Plan – Level 3A	29/07/2013 Rev. A
DA 247	Site B Floor Plan – Level 4	29/07/2013 Rev. A
DA 248	Site B Floor Plan – Level 4A	29/07/2013 Rev. A
DA 249	Site B Floor Plan – Level 5	29/07/2013 Rev. A
DA 250	Site B Floor Plan – Level 6	29/07/2013 Rev. A
DA 260	Heritage Square Level 4 Floor Plan – Sheet 01	29/07/2013 Rev. A
DA 261	Heritage Square Level 4 Floor Plan – Sheet 02	29/07/2013 Rev. A
DA 262	Heritage Square Level 5 Floor Plan – Sheet 01	29/07/2013 Rev. A
DA 263	Heritage Square Level 5 Floor Plan – Sheet 02	29/07/2013 Rev. A
DA 264	Castle Street Detail Plan	15/11/2013 Rev. B
DA 400	Elevations – Key Sheet 01	29/07/2013 Rev. A

DA 401	Elevations – Key Sheet 02	29/07/2013 Rev. A
DA 402	Elevations – Showground Road Site B	29/07/2013 Rev. A
DA 403	Elevation – Showground Road Site A	29/07/2013 Rev. A
DA 404	Elevation – Showground Road Site A	29/07/2013 Rev. A
DA 405	Elevations – Castle Street – Site B	29/07/2013 Rev. A
DA 406	Elevations – Pennant Street Site B	29/07/2013 Rev. A
DA 407	Elevations – Pennant Street Site A	29/07/2013 Rev. A
DA 408	Elevations – Heritage Square Old Northern Road	29/07/2013 Rev. A
DA 409	Elevations – Heritage Square Internal Elevations	29/07/2013 Rev. A
DA 410	Section B-B Castle Street Site A	29/07/2013 Rev. A
DA 411	Section A-A Castle Street Site A Existing Centre	29/07/2013 Rev. A
DA 500	Sections – Sheet 01	29/07/2013 Rev. A
DA 501	Sections – Sheet 02	29/07/2013 Rev. A
DA 502	Sections – Sheet 03	29/07/2013 Rev. A
DA 600	Site A – Carpark Plan – Level 1A	15/11/2013 Rev. B
DA 601	Site A – Carpark Plan – Level 2	15/11/2013 Rev. B
DA 602	Site A – Carpark Plan – Level 2A Sheet 1	15/11/2013 Rev. B
DA 603	Site A – Carpark Plan – Level 2A Sheet 2	29/07/2013 Rev. A
DA 604	Site A – Carpark Plan – Level 2A Sheet 3	15/11/2013 Rev. B
DA 605	Site A – Carpark Plan – Level 3	15/11/2013 Rev. B
DA 606	Site A – Carpark Plan – Level 3A	29/07/2013 Rev. A
DA 607	Site A – Carpark Plan – Level 5 Sheet 1	15/11/2013 Rev. B
DA 607A	Site A – Carpark Plan – Level 5 Sheet 2	15/11/2013 Rev. B
DA 608	Site A – Carpark Plan – Level 2 Sheet 1	15/11/2013 Rev. B
DA 609	Site A – Carpark Plan – Level 4 Sheet 1	15/11/2013 Rev. B
DA 610	Site B – Carpark Plan – Basement Level Sheet 1	--- Rev. A
DA 611	Site B – Carpark Plan – Basement Level Sheet 2	--- Rev. A
DA 612	Site B – Carpark Plan – Level 1 Sheet 1	15/11/2013 Rev. B
DA 613	Site B – Carpark Plan – Level 1 Sheet 2	15/11/2013 Rev. B
DA 614	Site B – Carpark Plan – Level 1A Sheet 1	29/07/2013 Rev. A
DA 615	Site B – Carpark Plan – Level 1A Sheet 2	15/11/2013 Rev. B
DA 616	Site B – Carpark Plan – Level 2 Sheet 1	15/11/2013 Rev. B
DA 617	Site B – Carpark Plan – Level 2 Sheet 2	15/11/2013 Rev. B
DA 618	Site B – Carpark Plan – Level 2A Sheet 1	15/11/2013 Rev. B
DA 619	Site B – Carpark Plan – Level 2A Sheet 2	29/07/2013 Rev. A
DA 620	Site B – Carpark Plan – Level 3	15/11/2013 Rev. B
DA 621	Site B – Carpark Plan – Level 3A	29/07/2013 Rev. A
DA 622	Site B – Carpark Plan – Level 4 Sheet 1	15/11/2013 Rev. B
DA 623	Site B – Carpark Plan – Level 4 Sheet 2	29/07/2013 Rev. A
DA 624	Site B – Carpark Plan – Level 4A Sheet 1	29/07/2013 Rev. A
DA 625	Site B – Carpark Plan – Level 4A Sheet 2	29/07/2013 Rev. A
DA 626	Site B – Carpark Plan – Level 5 Sheet 1	15/11/2013 Rev. B
DA 627	Site B – Carpark Plan – Level 5 Sheet 2	29/07/2013 Rev. A
DA 628	Site B – Loading Dock – Level 2 Sheet 1	15/11/2013 Rev. B
DA 629	Site B – Loading Dock – Level 2 Sheet 2	15/11/2013 Rev. B
DA 630	Pennant Street Tunnel	15/11/2013 Rev. B
DA 631	Ramp Details – Sheet 01	29/07/2013 Rev. A
DA 632	Ramp Details – Sheet 02	15/11/2013 Rev. B
DA 633	Ramp Details – Sheet 03	29/07/2013 Rev. A
DA 634	Ramp Details – Sheet 04	29/07/2013 Rev. A
DA 635	Ramp Details – Sheet 05	15/11/2013 Rev. B
DA 636	Ramp Details – Sheet 06	29/07/2013 Rev. A
DA 637	Ramp Details – Sheet 07	29/07/2013 Rev. A

DA 640	Site A – Loading Dock Swept Paths – Level 2	15/11/2013 Rev. B
DA 641	Site B – Loading Dock Swept Paths – Level 2	29/07/2013 Rev. A
DA 642	Site B – Loading Dock Swept Paths – Level 2	29/07/2013 Rev. A
DA 643	Site A – Loading Dock Swept Paths – Level 4	29/07/2013 Rev. A
DA 650	Pennant Street Bridge Plans	29/07/2013 Rev. A
DA 651	Pennant Street Bridge Sections	29/07/2013 Rev. A
DA 652	Skylights	29/07/2013 Rev. A
DA 800	Shadow Diagrams – Sheet 01	29/07/2013 Rev. A
DA 801	Shadow Diagrams – Sheet 02	29/07/2013 Rev. A
DA 802	Shadow Diagrams – Sheet 03	29/07/2013 Rev. A
DA 803	Shadow Diagrams – Sheet 04	29/07/2013 Rev. A
DA 804	Shadow Diagrams – Sheet 05	29/07/2013 Rev. A
DA 805	Shadow Diagrams – Sheet 06	29/07/2013 Rev. A
LWD-000	Cover Sheet and Site Plan	04.07.13 Issue A
LWD-001	Site A Landscape Plan	04.07.13 Issue A
LWD-002	Site A Heritage Square Plan	04.07.13 Issue A
LWD-011	Site A Landscape Elevations Sheet 1	04.07.13 Issue A
LWD-021	Site B Street Level Landscape Plan	04.07.13 Issue A
LWD-022	Site B Kentwell Avenue Park Plan	04.07.13 Issue A
LWD-023	Site B Castle Street Landscape Plan	04.07.13 Issue A
LWD-031	Site B Landscape Elevation Sheet 1	04.07.13 Issue A
LWD-032	Site B Landscape Elevation Sheet 2	04.07.13 Issue A
LWD-401	Site A Planting Plan	04.07.13 Issue A
LWD-402	Site B Street Level Planting	04.07.13 Issue A
LWD-403	Site B Kentwell Avenue Park Planting Plan	04.07.13 Issue A
LWD-404	Site B Castle Street Planting Plan	04.07.13 Issue A
LWD-501	Site A Tree Plan Sheet 1	04.07.13 Issue A
LWD-502	Site B Tree Plan Sheet 2	04.07.13 Issue A

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. The deletion of Condition 2 and replacement with:

2. Gross Leaseable Floor Area and Carparking

The development is required to be provided with 3380 off-street car parking spaces. These car parking spaces shall be available for off-street parking at all times. These car parking spaces relate to the provision of 52,487m² of additional gross leaseable floor area (GLFA) the subject of this consent.

This will result in a total of 7992 spaces being provided for the whole centre and a gross leaseable floor area of 173,684m².

3. Delete Condition 7 and replace with:

7. Works within the Heritage Precinct

The works within the Heritage Precinct are limited to works detailed within the Development Application. The demolition of part of the heritage buildings is only permitted where detailed on Plans prepared by Hames Sharley with project No. 50608 dated 29 July 2013. Further works to the heritage buildings and the occupation/use of the buildings are subject to a further Development Application to Council.

4. Delete Condition 15 and replace with:

Tree Removal

Approval is granted for the removal of trees marked in red on the Tree Plan prepared by Context, dated July 2013.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

5. Delete Condition 16 and replace with:

Planting Requirements

To maintain the treed environment of the Shire (50) advanced (100 litres) replacement trees from the following list are to be planted elsewhere within the property.

<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Eucalyptus crebra</i>	Narrow leaved Ironbar
<i>Syzygium luehmannii</i>	Riberry

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

Additional planting is to be provided along both sides of Pennant Street comprising both planting within the site and street trees, utilising species shown in the plant schedule on LWD-000 Issue A.

6. Delete Condition 34(2) and replace with:

34(2). RMS Requirements

Lot 101, DP 1000798 is affected by a road widening proposal for part of Showground Road and part of Old Northern Road, as shown on RMS plan r1862 .dc - (Lots 15, 16, 17 and 18 DP 237243). The construction of any new buildings or substantial structures within the existing road reservation or area required for any road widening, including the stratum (with the exception of Car Park Levels 2 and 2A), will not be permitted without the written approval of RMS.

7. The addition of Condition 34a as follows:

34a. Transport for NSW

On-going discussions are to be undertaken between the developer, Transport for NSW and Railcorp to ensure that a collaborative approach be taken in respect to the proposed works and adjacent works being undertaken in regard to the rail link to ensure that conflict does not occur during the construction works and on-going.

The following is also required in regard to bus servicing:

- a. Alternative arrangements for the re-routing of buses during construction be provided in consultation with TfNSW.
- b. Safe and efficient pedestrian access to bus facilities is to be provided.
- c. A Construction Management Plan be prepared in consultation with TfNSW, RMS, North West Rail Link and other agencies to consider potential impacts during the construction period.

8. The addition of Condition 39a as follows:

39a. Fire Safety & BCA Upgrading

The existing shopping centre that is subject to refurbishment/extension is to be upgraded in accordance with the performance requirements of the Building Code of Australia (BCA) as proposed in the upgrade strategy report by Philip Chun & Associates, dated 22/9/13, report reference 13-201292_CTSC_Strategy Existing Centre Upgrade_CapStat_20130922.doc.

Prior to the relevant Construction Certificate being issued, the Accredited Certifier (AC) for the Base building extension/refurbishment works detailed in this development consent is to review the upgrade strategy to ensure the upgrade works are consistent with the report.

9. The deletion of Condition 44 and replacement with:

44. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

DISCOUNTED RATE - AS PER DEED OF AGREEMENT

	Rate per additional m2 of GFA	Total Retail GFA 6769.65m2
Development Category	Retail	
Civic Improvements	\$ 15.15	\$ 102,560.20
Commercial Studies	\$ 1.15	\$ 7,785.10
Total	\$ 16.30	\$ 110,345.30

FULL RATE - AS PER CP9 (adopted 13/1/09)

	Rate per additional m2 of GFA	Total Retail GFA 45717.35m2
Development Category	Retail	
Capital	\$ 134.24	\$ 6,137,097.06
Land	\$ 21.77	\$ 995,266.71
Administration	\$ 5.62	\$ 256,931.51
Total	\$ 161.63	\$ 7,389,295.28

TOTAL \$ 7,499,640.58

LESS THE VALUE OF SHOWGROUND RD/PENNANT ST INTERSECTION UPGRADE WORKS
APPORTIONED TO CP9 (52% APPORTIONMENT) TO BE COMPLETED PURSUANT TO VPA \$ 2,340,000.00

REVISED TOTAL \$ 5,159,640.58

The total monetary contributions payable is reduced by \$2,340,000 being the value of the Showground Road/Pennant Street intersection upgrade works identified in and apportioned to Contributions Plan No.9 – Castle Hill Centre, which will be completed pursuant to the Voluntary Planning Agreement.

The contribution rates above were applicable at the time the original consent (297/2008/HB) was issued. Please be aware that Section 94 contributions are updated quarterly and the amount to be paid is adjusted at the time of payment in accordance with the Contributions Plan.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 9.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

10. The addition of Condition 61a as follows:

61a. Conservation Management Plan

A Conservation Management Plan and a schedule of works shall be prepared by a qualified heritage practitioner or appropriate expert in heritage conservation and be provided to Council's Manager - Forward Planning for approval, prior to the issue of a Construction Certificate.

11. The addition of Condition 62a as follows:

62a. Dilapidation Survey of Heritage Buildings

A dilapidation survey shall be completed by an experienced and qualified Structural Engineer for the heritage items known as former Police Station and two former Castle Hill public school buildings, with a view to identifying the current state of the structure, materials and finishes and identifying items of the above which may be prone to damage or decay during the construction period. The survey shall include recommendations for the protection of those areas and areas of the site. A copy of the survey is to be submitted to Council and the property owner prior to work commencing.

12. The addition of Condition 77a as follows:

77a. Final Dilapidation Survey of Heritage Buildings

On completion of the excavation, the structural engineer shall carry out a further dilapidation survey of the heritage buildings as referred to in condition 62a above and submit a copy of the survey both to Council and the property owner.

13. The addition of Condition 110a as follows:

110a. Compliance with Upgrade Strategy

The person with the benefit or their representative is to provide to the Principal Certifying Authority (PCA) a written statement verifying that the upgrade works to the existing shopping centre have been carried out in accordance with the upgrade strategy by Philip Chun & Associates, dated 22/9/13, report reference 13-201292_CTSC_Strategy Existing Centre Upgrade_CapStat_20130922.doc.

14. The addition of Condition 118 as follows:

118. Use Kentwell Avenue Carpark entry/exit

The Kentwell Avenue car park entry / exit ramp is to be closed between 10pm and 7am. A Boom gate, lockable bollards or another suitable barrier is to be installed at the entry / exit point to the ramp. This barrier is to be in operation at the entry / exit between 10pm and 7am.

15. The addition of Condition 119 as follows:

119. Use Access to the open air roof top car parks

Boom gates are to be installed at an appropriate location at the entrance/ exit to the level 5 Roof Top Car Park on Site B.

The entry and exit boom gate is to be in operation to prevent entry to the open air car park from 6pm each night. The boom gate must also allow for vehicles to exit the car park at any time.

Signage is to be provided at the front of the entry gate to the car park advising that entry to the car park is restricted after 6pm.

ATTACHMENTS

1. Locality Plan (1 page)
2. Aerial Photograph (1 page)
3. Development Sites (1 page)
4. Location of Works (1 page)
5. Typical Floor Layout (Level 4) (1 page)
6. Building Height Plan (1 page)
7. Building Height Comparison (Showground Road) (1 page)
8. Proposed External Works in Heritage Precinct (1 page)
9. Proposed Showground Road Elevations (1 page)
10. Proposed Showground Road Elevations (1 page)
11. Proposed Kentwell Avenue Elevations (1 page)
12. Proposed Castle Street Elevations (1 page)
13. Proposed Pennant Street Site B Elevations (1 page)
14. Proposed Pennant Street Site A Elevations (1 page)
15. Proposed Old Northern Road Elevations (1 page)
16. Perspective – Old Northern Road (1 page)
17. Perspective – Heritage Precinct (1 page)
18. Perspective – Corner Showground Road and Kentwell Avenue (1 page)
19. Previous Report to Council DA 297/2008/HB (132 pages)
20. JRPP Report – DA 1287/2013/JP (40 pages)

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED
(1ST NOTIFICATION)

NOTE: ALL PERSONS WHO OBJECTED
TO THE ORIGINAL DA WERE ALSO
ADVISED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 –AERIAL PHOTOGRAPH



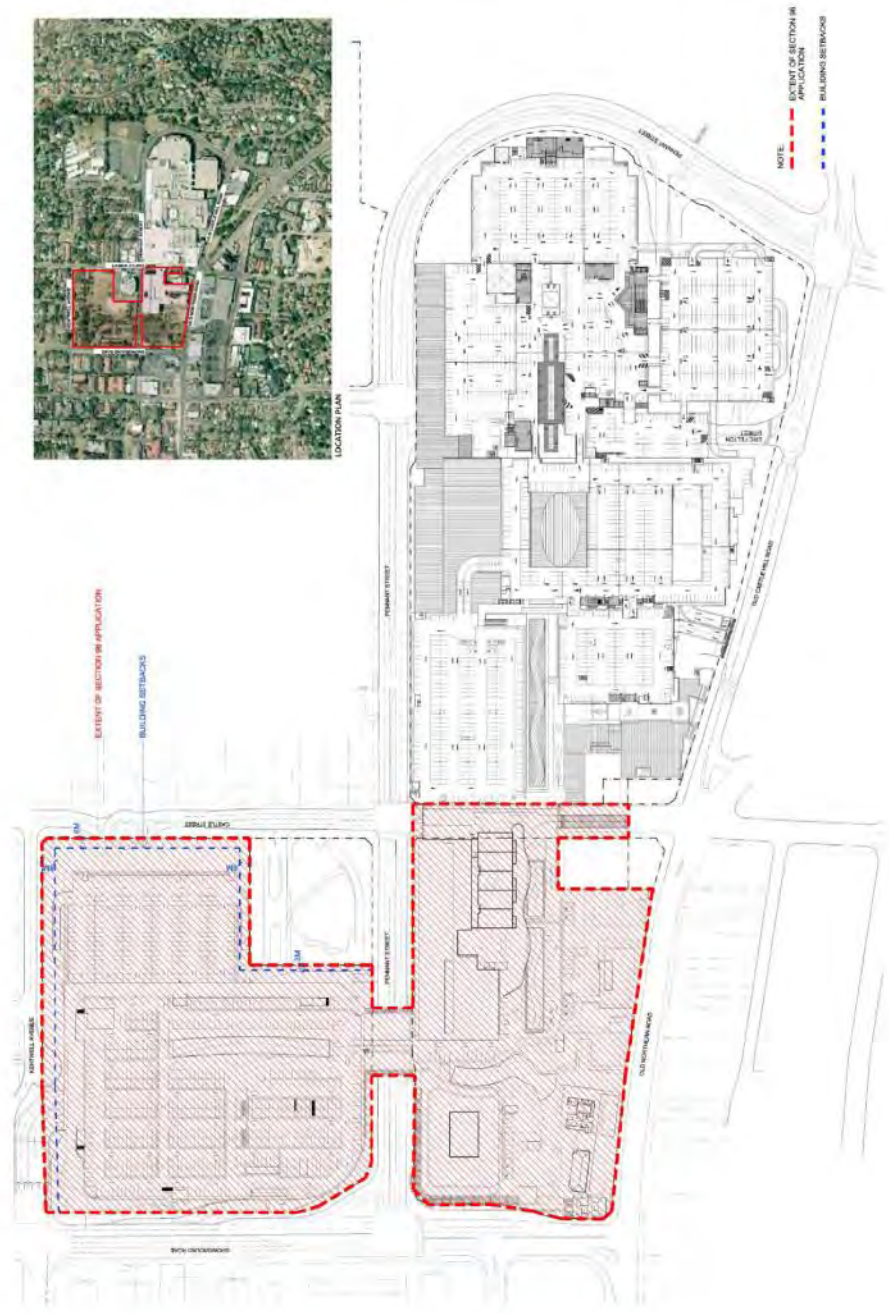
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

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ATTACHMENT 4 – LOCATION OF WORKS

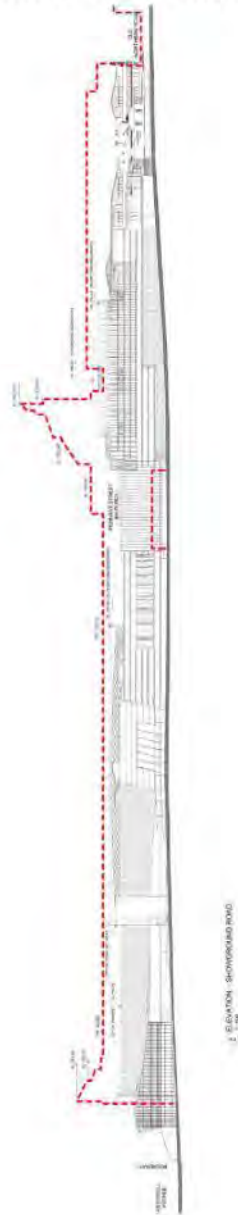


ATTACHMENT 5 – TYPICAL FLOOR LAYOUT (LEVEL 4)



NOTE: NEW PROPOSED MAXIMUM HEIGHT OF BUILDINGS AS INDICATED ON THE HEIGHTS OF BUILDING LAMP AND SHEET 13 OF APPENDIX A

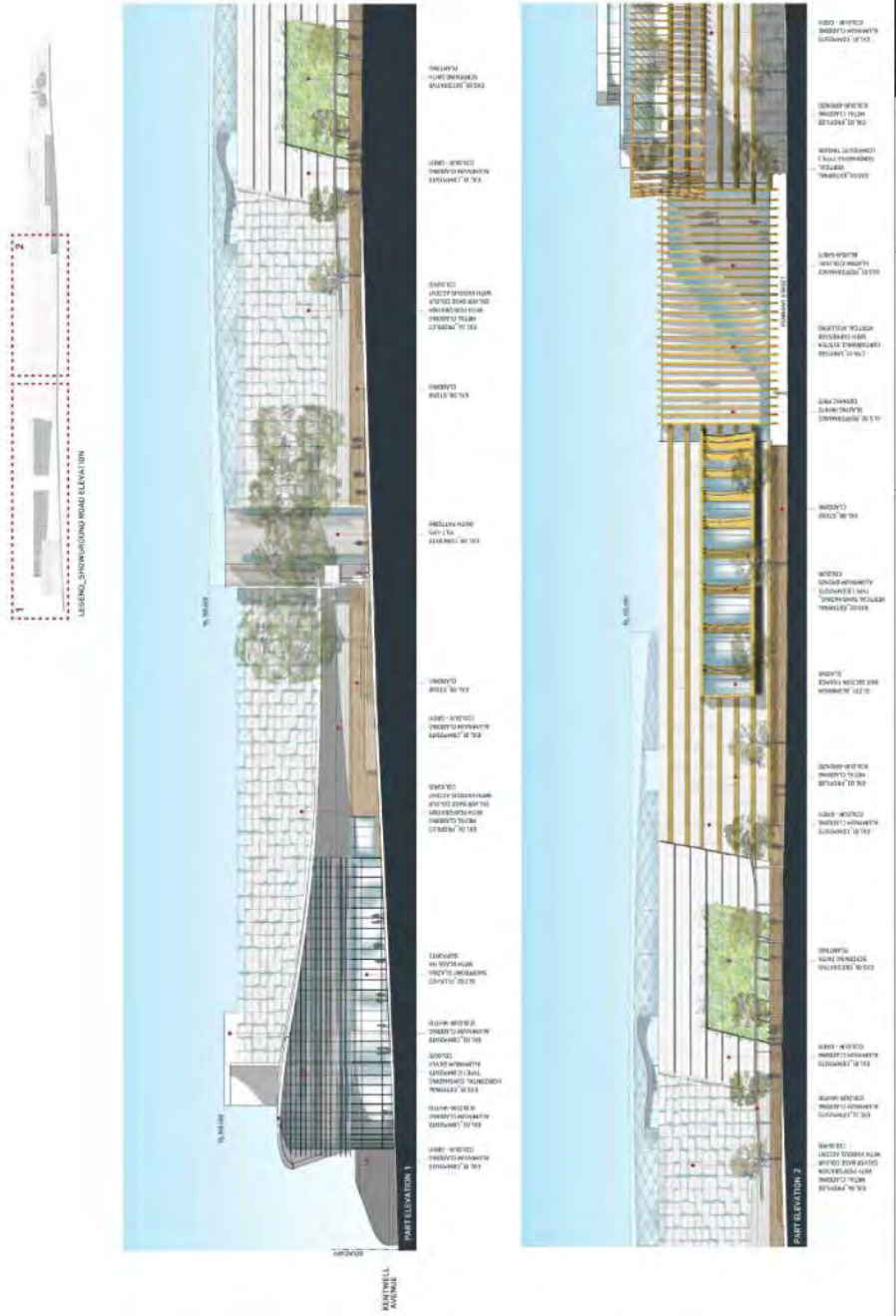
ATTACHMENT 7 – BUILDING HEIGHT COMPARISON (SHOWGROUND ROAD)



ATTACHMENT 8 – PROPOSED EXTERNAL WORKS IN HERITAGE PRECINCT



ATTACHMENT 9 – PROPOSED SHOWGROUND ROAD ELEVATIONS

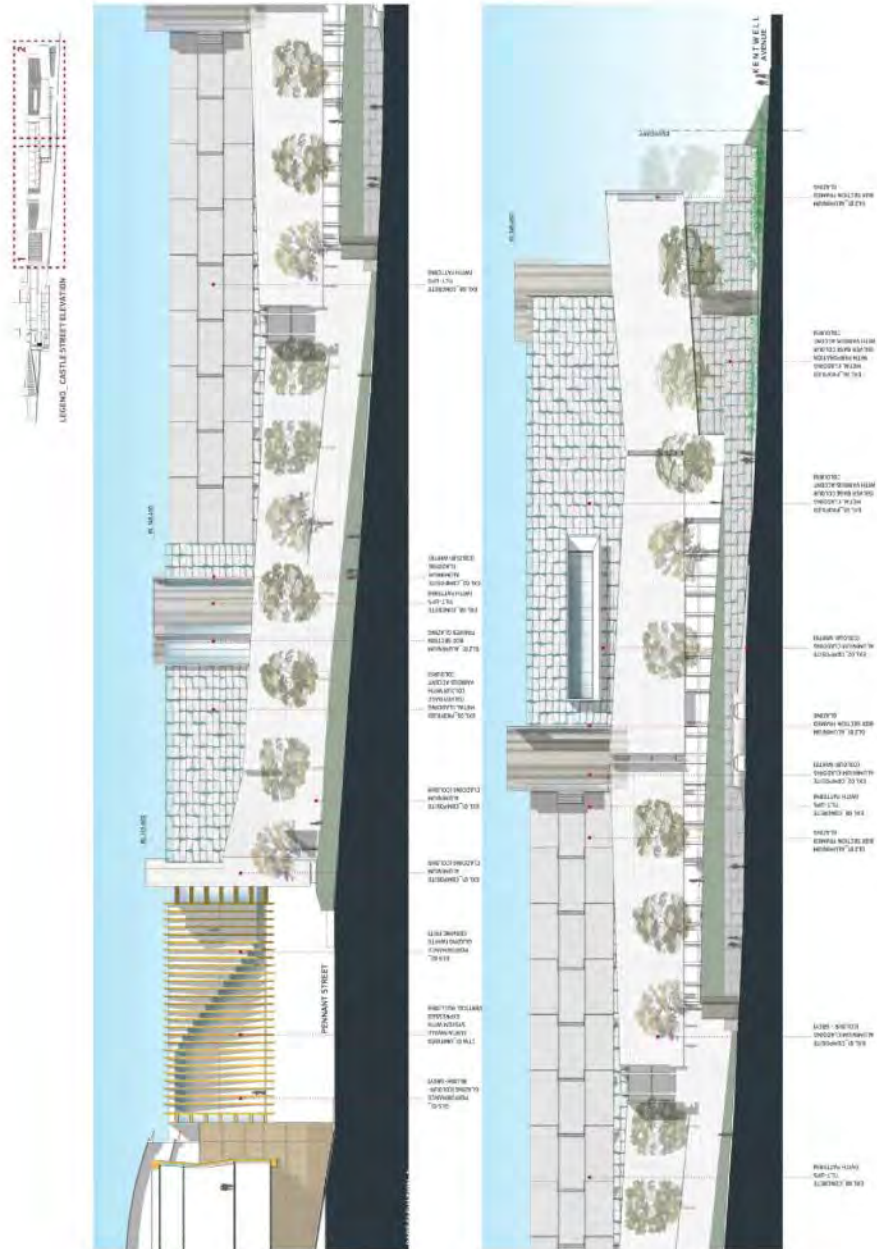


ATTACHMENT 10 – PROPOSED SHOWGROUND ROAD ELEVATIONS



[illegible]

ATTACHMENT 12 – PROPOSED CASTLE STREET ELEVATIONS

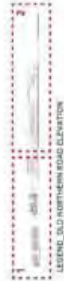


ATTACHMENT 13 – PROPOSED PENNANT STREET SITE B ELEVATION



Architectural drawings of the proposed building, including a site plan, a perspective elevation, and a section elevation. The site plan shows the building footprint on a rectangular lot, with surrounding streets and landscaping. The perspective elevation shows the building's facade with a mix of materials, including brick, stone, and large glass windows. The section elevation shows the building's internal structure, including the roof, floors, and foundation.

ATTACHMENT 15 – PROPOSED OLD NORTHERN ROAD ELEVATIONS



SHOWING
BUILDING
ELEVATION



ATTACHMENT 16 – PERSPECTIVE –OLD NORTHERN ROAD



ATTACHMENT 17 – PERSPECTIVE – HERITAGE PRECINCT



**ATTACHMENT 18 – PERSPECTIVE - CORNER SHOWGROUND ROAD AND
KENTWELL AVENUE**



ATTACHMENT 19 – PREVIOUS REPORT TO COUNCIL DA 297/2008/HB

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ATTACHMENT 19**ITEM-8**

DA NO, 297/2008/HB – STAGE 3 EXTENSION OF CASTLE TOWERS SHOPPING CENTRE – VARIOUS LOTS, LAND BOUND BY CASTLE STREET, PENNANT STREET, SHOWGROUND ROAD, OLD NORTHERN ROAD AND KENTWELL AVENUE, CASTLE HILL

THEME:

Balanced Urban Growth

HILLS 2026 OUTCOME/S:

BUG 2 Lifestyle options that reflect our natural beauty.

COUNCIL STRATEGY/S:

BUG 2.2 Maintain the Shire's natural and cultural heritage through quality urban planning, development and maintenance.

LODGEMENT DATE:**15 AUGUST 2007****AUTHOR:**

PRINCIPAL EXECUTIVE PLANNER
KRISTINE MCKENZIE

RESPONSIBLE OFFICER:

GROUP MANAGER PLANNING AND ENVIRONMENT
CAMERON MCKENZIE

EXECUTIVE SUMMARY

The proposed development is for an extension of Castle Towers Shopping Centre with land generally bounded by Old Northern Road, Castle Street, Kentwell Avenue and Showground Road. Links are also proposed across Pennant Street to provide a connection from Site A to Site B. The works will include a gross leaseable floor area of 60,487m² and 3085 carparking spaces.

The proposal has been significantly amended since its lodgement in August 2007. The amendments made to the proposal since lodgement include the deletion of the vehicle tunnel from Barwell Avenue to the proposed carpark (under Showground Road), realignment of the building to accommodate a third eastbound lane on Showground Road between Pennant Street and Old Northern Road, and inclusion of an additional open carparking structure at the corner of Kentwell Avenue. As a result the proposal has been exhibited/notified to residents on four (4) occasions. The issues raised have included a variety of concerns however can be broadly categorised as relating to traffic impact, amenity and design.

The zoning of part of the subject site has changed since lodgement to allow the proposal. The rezoning determination was accompanied by maps which provided height limits varying across the site. A SEPP 1 objection has been lodged to support the variation to the height of the building on Site B.

The proposal also contains variations in respect to the floor space ratio on Site A, height on Site A, setbacks on both Site A and B and carparking. The proposed variations are considered satisfactory and the design outcome will be a building which relates to the existing shopping centre and which provides an appropriate economic outcome for both the immediate locality, Local Government Area and beyond.

The site is located opposite residential development on Castle Street, Kentwell Avenue and Showground Road. It is considered that the main impact to residential properties will

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be to those on Castle Street and Kentwell Avenue due to the existing road width of Showground Road and future road works proposed as part of this Development Application. It is acknowledged that the subject site, when developed, will differ from the existing single residential development and open nature of the site. Notwithstanding this, the development when completed will be an acceptable outcome and will not adversely impact due to its design or external appearance.

The RTA have also been consulted regarding the proposal and have provided detailed requirements for roadworks within the locality which include new signalised intersections, upgrade to existing roads and traffic flow improvements. In particular, the RTA require the upgrade of Showground Road from Carrington Road to Pennant Street to provide a minimum four (4) lanes (two (2) lanes in each direction) and a three (3) eastbound lanes between Pennant Street and Old Northern Road. The four (4) lane carriageway will be required to be constructed within the ultimate six (6) lane carriageway ie: outer four (4) lanes with wide median. This represents significant road works along Showground Road and will result in an improved road network.

The existing parking for Castle Towers is currently provided at a rate of 1 space per 19.7m². The end result will be parking at a rate of 1 space per 20.5m². The applicant has advised that a dynamic parking system will be installed on Site B. The recommendation is that this be provided for the entire centre.

The proposal relies on construction works within, and therefore purchasing or leasing of, part of Pennant Street, Kentwell Avenue and Castle Street. The property dealings in relation to land acquisition or leasing are being considered as a separate matter by Council's Property Team. This will be reported separately to Council. The Development Application, if approved, cannot proceed until the property dealings have been finalised.

Given the extent of the proposed works and the proposed road closures and land acquisition/leasing, an independent peer review of the application has been undertaken. The peer review concludes that the judgement and conclusions reached in the assessment report are reasonably made.

The Development Application is recommended for approval subject to conditions.

BACKGROUND**MANDATORY REQUIREMENTS**

Applicant:	Gale Planning	1.	<u>LEP 2005</u> - Permissible with consent. SEPP 1 objection submitted in respect to height on Site B.
Owner:	QIC Ltd, Telstra Corp Ltd and The Hills Shire Council	2.	<u>DCP No. Part C Section 8 - Business</u> - Variations required, see report.
Zoning:	Business 3(a) and Residential 2(a2) (Kentwell Avenue)	3.	<u>Section 79C (EP&A Act)</u> - Satisfactory.
Area:		4.	<u>Section 94 Contribution</u> - Currently \$8,792,680.58
Existing Development:	Former Castle Hill Primary School and Residential Development		

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SUBMISSIONS

REASON FOR REFERRAL TO COUNCIL

1. Exhibition	Yes, fourteen (14) days for first notification only.	1. Regionally significant development.
2. Notice Adj Owners:	Yes, fourteen (14) days for each notification period.	2. Proposal is of a scale usually associated with determination by the Minister under Part 3A of the Environmental Planning and Assessment Act, 1979 (See the Proposal).
3. Number Advised:	1 st notification – Fifty-nine (59) 2 nd notification – Eight-two (82) 3 rd notification – One hundred and twenty (120) 4 th notification – One hundred and twenty (120)	3. SEPP 1 Objection to the height of the building on Site B of 5.7% for a portion of the building.
4. Submissions Received:	1 st notification – Twenty-three (23) 2 nd notification – Eight (8) 3 rd notification – Four (4) 4 th notification – nil	POLITICAL DONATION – Declaration not required (application submitted before legislation enacted)

PROPOSAL

The applicant seeks approval for the stage 3 expansion of Castle Towers. The works include:-

- (i) Site A – expansion and upgrading of the existing centre on land bound by Old Northern Road, Showground Road, Castle Street and Pennant Street;
- (ii) Site B – redevelopment of the former primary school site and some residential properties bounded by Kentwell Avenue, Castle Street, Pennant Street and Showground Road for retail purposes, with pedestrian and vehicle overbridge connections to the existing site.

Attachments 5, 6 and 7 show the proposed site and Site A and B works.

The proposal includes an increase in gross leaseable floor area of 60,487m² with an increase of 19,438m² of other floor space. This comprises the following:-

- Major retails, discount department stores, supermarkets and mini-majors – 28,398m²;
- Cinemas, Entertainment and Leisure – 2,402m²;
- Restaurants and food courts – 5,833m²;
- Retail, specialty and commercial – 23,854m².

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The development also includes the following traffic related works and works to existing public roads:-

- closure of Castle Street between Pennant Street and Old Northern Road and construction of a new ramp into the existing carpark;
- closure of the southern section of Kentwell Avenue and construction of a roundabout;
- changes to existing access parking arrangements including new access points and adjustments to the existing road network;
- lowering part of Pennant Street between Showground Road and Castle Street to achieve appropriate clearance under the proposed pedestrian bridge linking level 3 between Site A and Site B;
- the construction of a traffic tunnel under Pennant Street to link Site A and Site B;
- realignment of the south-western corner of the site at the intersection of Showground Road and Pennant Street;

The works in relation to the above road closures and land acquisition are being considered as a separate matter.

It may be noted that the original proposed included a tunnel from Barwell Avenue under Showground Road leading into the proposed carpark on Site A. These works have now been deleted from the proposal.

Additionally the works include:-

- Demolition of existing buildings including parts of the existing shopping centre complex;
- Removal of existing trees and vegetation affected by the development;
- Excavation works for the basement carpark;
- Provision of structural support for the heritage buildings as part of the basement construction;
- Expansion of the shopping centre as follows: Site A – gross leaseable floor area of 23,301m² and Site B – gross leaseable floor area of 37,186m²;
- Construction of overbridges, tunnels, access roads and ramps;
- Provision of 3085 new car spaces, being a total of 8,492 spaces for the centre.

The key design features of the proposal include:

- (i) provision of shopfronts to Old Northern Road;
- (ii) a new 'eat street' area in the heritage precinct;
- (iii) relocation of the existing 6 screen cinema to form a new 16 screen cinema complex centred on the existing 10 screen cinema.

Signage for the site will be subject to a future Development Application.

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The proposal does not include pay parking.

The applicant has also advised that approximately 785 jobs will be generated during the construction period and an additional 250 jobs during the tenancy fit out period, with approximately 1500 additional jobs estimated in the operation of the expanded centre.

The proposed works will not be staged however will be constructed in accordance with proposed sequencing plans. In general terms the sequencing is as follows:

- (i) construction works on Sites A and B carried out simultaneously;
- (ii) temporary road closures identified on Pennant Street and Kentwell Avenue;
- (iii) available public carparking areas retained on Site A;
- (iv) contractor parking available within the parking area on Les Shore Place;
- (v) temporary location for building amenities/infrastructure.

The expanded centre will operate similar core trading hours to the existing centre as follows:-

General Shopping Centre

Monday to Wednesday and Friday	9.00am to 5.30pm
Thursday	9.00am to 9.00pm
Saturday	9.00am to 5.00pm
Sunday	10.00am to 4.00pm

New Piazza and Heritage Restaurant Precinct

Sunday to Wednesday	9.00am to 10.00pm
Thursday to Saturday	9.00am to 12 midnight

Cinemas

Open to 12.30am seven (7) days per week

Supermarkets

6.00am to 12 midnight seven (7) days per week

Hypermarket

8.00am to 10.00pm seven (7) days per week

The cinemas, restaurants and majors are currently permitted to trade additional hours in line with their current consent conditions from the main shopping centre operation. The applicant sought consent for the base operating hours of the shopping centre with the additional hours subject to approval in later Development Applications for use of space by individual tenants. Given that the hours detailed above are consistent with the existing centre it is considered appropriate to apply consistent hours across the whole centre at this time.

The bulk of servicing into docks for Site A will continue to occur from Pennant Street. Service access to Site B is from Showground Road via Kentwell Avenue and from Pennant Street. A new service dock is also proposed from Old Northern Road to cater for the proposed new shops adjacent to Old Northern Road.

The Development Application was lodged on 15 August 2007 and as such is not subject to the Joint Regional Planning Panel requirements which came into force on 1 July 2009.

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In addition given that the cost of development is \$285,700,000.00 the proposal may be defined as a Major Project under Part 3A of the Environmental Planning and Assessment Act, 1979 and the provisions of SEPP Major Development 2005. The SEPP states that a retail development with a capital investment value of more than \$100 million is defined as a Major Project. Under Clause 6 of the SEPP the Minister has the discretion to identify a proposal as a Major Project. In this respect correspondence was sent to the then Minister for Planning in April 2006 (prior to lodgement of this Development Application) and October 2007 (current Development Application lodged 15 August 2007) by the then Mayor advising of the proposal and seeking agreement to allow Council to be the determining body. In this regard the proposal was not called up by the Minister for Planning and Council may determine the application.

Given Council's property interests, the extent of the proposed works and the proposed road closures and associated land leasing/acquisition, an independent peer review of the application was undertaken. The peer review is Attachment No. 20. As a result of the peer review this report has been amended slightly to address various matters and some conditions have been revised. In addition a new condition requiring an 'Operational Plan of Management' has been recommended.

The proposed development is over various lots as follows::

Lots 1 - 10 DP 135596, Nos. 4 - 22 Showground Road
 Lots 8 - 9 DP 28135, Nos. 24 - 26 Showground Road
 Lot 111 DP 880469, No. 2 Showground Road
 Lot 10 DP 20028, Showground Road
 Lot 1 DP 137044, No. 2 - 10 Pennant Street
 Lots 12 and 13 DP 2496 Section 3, Nos. 2 - 10 Pennant Street
 Lot 3 DP 1073392, No. 15A Castle Street
 Lots 6 - 9 and 11 DP 2496, Nos. 17 - 23 and 25 Castle Street
 Lots 31 and 32 DP 515782, No. 25 Castle Street
 Lot 20 DP 28895, No. 29 Castle Street
 Lots 191 and 192 DP 869861, Nos. 17 - 19 Kentwell Avenue
 Lots 21 - 28 DP 28896, Nos. 1 - 15 Kentwell Avenue
 Lot 101 DP 1000798, Nos. 264 - 266 Old Northern Road
 Lot 3 DP 658279, No. 268 Old Northern Road
 Lot 1 DP 574504 and Lot C DP 445614, No. 270 Old Northern Road
 Lot 1 DP 135699, No. 272 Old Northern Road
 Lot 500 DP 1006106, No. 274 - 280 Old Northern Road
 Lots 101 and 102 DP 774379, No. 1A Castle Street and 4 Castle Place
 Lot 1 DP 1031769, Castle Street
 Lot 2 DP 1031770, Castle Place
 Land currently forming part of Castle Street, Pennant Street and Kentwell Avenue to facilitate road closures, tunnel and walkway construction.

HISTORY

As can be seen in the history below the Development Application has been under assessment since 15 August 2007 and has changed significantly since its lodgement in response to issues raised by Council and during exhibition/notification of the proposal. In this regard the plans have been amended on a number of occasions and the proposal has been notified four (4) times. The following table addresses the main events in the history of the proposal.

15/08/2007	Subject Development Application lodged.
04/09/2007	- Development Application placed on public exhibition and notified to adjoining property owners.
04/10/2007	

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29/10/2007	Letter sent to applicant seeking additional information on: compliance with Council's DCP Part C Section 8 – Business, submission of a revised Retail Impact Assessment, status of the 'draft' traffic report, carparking numbers, submission of a survey plan, proposed hours of operation of the loading docks, signage, comments addressing the Castle Hill Main Street Planning Study, part closure of Castle Street and access arrangements, proposed use of 17-19 Kentwell Street and 29 Castle Street, shopping trolley management, loading dock locations, public access along Castle Street and access to existing properties, anticipated retail uses, existing driveway access and changes to existing access arrangements, impact on No. 26 Showground Road and isolation, adequacy of services, public art, an address of issues raised by the NSW Heritage Council, NSW Fire Brigade and Integral Energy, further details on acoustic impact, further heritage information, detailed landscape plan, further advice on waterways, infrastructure, drainage and engineering, interface with Showground Road, pedestrian link to library, waste management and traffic.
06/11/2007	Briefing to Councillor Workshop.
07/11/2007	Conciliation Conference held.
13/11/2007	Council considered a report on the proposed rezoning of land for the expansion of the Castle Towers Shopping Centre and resolved to: <ol style="list-style-type: none"> 1. Prepare and exhibit a draft amendment to the Baulkham Hills Local Environmental Plan 2005 to rezone land identified in Attachment 2 from part Special Uses 5(a) and part Residential 2(a2) to Business 3(a) (Retail) and utilise Clause 56 to enable the proposed air bridge over Pennant Street to be developed to a maximum gross floor area of 1,400m² for the purpose of shops for a period of forty-two (42) days. 2. Prepare a draft amendment to Contribution Plan No.9 (Castle Hill Centre) to address the proposed rezoning of Site B.
27/11/2007	Meeting held with the applicant to discuss the tunnel location under Barwell Avenue, access to the church property at the corner of Showground road and Kentwell Avenue, need for an additional traffic lane at McMullen Avenue and status of the Development Application.
13/12/2007	Letter sent to applicant clarifying use of the loading dock access from Old Northern Road, confirming the need for additional heritage information, closure of Castle Street and the status of the rezoning of the former primary school site.
19/06/2008	Part additional information submitted by the applicant. This included a revised retail assessment report, a parking report and an address of issues raised by the RTA. The applicant provided a status of all information requested in Council's letter

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	dated 29 October 2007. In this respect the applicant addressed some minor issues within their response letter however the majority of the items were noted to be addressed at a later time.
12/08/2008	<p>Council considered a report on the exhibition and submissions received with respect to the proposed rezoning of land for the expansion of the Castle Towers Shopping Centre and resolved as follows:</p> <ol style="list-style-type: none"> 1. <i>Council adopt the draft Local Environmental Plan as per Attachment 4 and the draft Plan be forwarded to the Department of Planning for gazettal by the Minister for Planning.</i> 2. <i>Part C Section 8 (Business) of Baulkham Hills Development Control Plan be amended to incorporate objectives and controls to guide the built form of any future development to Castle Street and Kentwell Avenue, Castle Hill.</i>
20/10/2008	Meeting held with the applicant and Council staff to discuss the potential for a vehicle access tunnel to be provided from Old Northern Road under the 1880's heritage building. Discussion was also undertaken regarding alternate vehicle access to the site. Concerns were raised with the provision of a tunnel from Old Northern Road however the applicant was requested to provide further information to address the current traffic generation on Old Northern Road, the proposed traffic generation with the tunnel in place, existing traffic generation on Showground Road and proposed traffic generation on Showground Road with the increased use of Kentwell Avenue access point.
29/10/2008	Meeting held with applicant to discuss outstanding heritage issues in regard to future use of the heritage buildings, link between the 1933 school building to the shopping centre, landscape works within the heritage precinct and external seating.
01/12/2008	Additional information submitted by the applicant regarding heritage treatment of the 1933 building.
09/12/2008	Additional information received from the applicant regarding traffic. The information included a revised plan showing traffic arrangements for the Showground Road/Kentwell Avenue intersection, a traffic report addressing the removal of the Barwell Avenue tunnel and a summary of various tunnel options considered for Barwell Avenue.
19/12/2008	Letter sent to the applicant advising that the various traffic options have been reviewed and that Paramics modelling is required to be submitted to support the removal of the Barwell tunnel. The letter also requested justification for a reduced carparking rate (1 space per 23m ² rather than 1 space per 18.5m ²) in view of the deferral of the North West Rail Link.
03/02/2009	Letter sent to the applicant regarding the 1933 heritage

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	building and advising that the current proposal does not address the heritage importance of the precinct and is contrary to the Conservation Management Plan.
20/02/2009	Gazetta of LEP Amendment No. 16 rezoning of land for the expansion of the Castle Towers Shopping Centre.
26/02/2009	Additional traffic modelling submitted by the applicant.
08/04/2009	Additional information received from the applicant. The information included the deletion of the Barwell Avenue tunnel, revised works within the heritage precinct, an address of DCP controls/requirements, operational matters such as staging, hours of operation and hours for use of loading docks, vehicle access and carparking details and drainage information.
08/04/2009	Second notification of amended plans.
28/04/2009	Further information received from the applicant in regard to existing and proposed floor area and existing and proposed carparking.
30/04/2009	Further information received from the applicant in regard to the Pennant Street lowering works and dynamic parking system.
01/05/2009	Email sent to the applicant seeking clarification on carparking numbers, construction of the Pennant Street pedestrian bridge and height between the bridge and roadway and justification for the request to defer Main Street works.
01/05/2009	Response received from applicant in regard to carparking numbers, Pennant Street bridge and deferral of works.
05/05/2009	Briefing to Councillor Workshop.
14/05/2009	Letter sent to applicant regarding the key issues discussed at the Briefing in regard to variations to the DCP and LEP in respect to height, floor space ratio, carparking provision and setbacks, that the request to defer works on the Old Northern Road Main Street Project between Crane Road and Showground Road until such times as the stage 3 works are completed is not supported and the proposed one way closure of Pennant Street for a period of around seven (7) months to facilitate road works in this area and the redirection of traffic along Old Northern Road. The letter also requested further information regarding sequencing, DCP requirements, landscape works, additional plan of heritage precinct, enclosure of loading docks, road widening, drainage and vehicle access.
20/05/2009	Meeting held with the applicant to discuss letter dated 14 May 2009.
26/05/2009	Council considered a report on a draft amendment to Baulkham Hills Development Control Plan Part C Section B Business and resolved to: <i>The draft amendment to the Baulkham Hills Development</i>

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*Control Plan Part C Section 8 (Business) be exhibited for a minimum period of 28 days.**

28/05/2009	Part additional information submitted to address matters raised in letter dated 14 May 2009.
02/06/2009	Briefing to Councillor Workshop.
09/06/2009	Further information provided from the applicant regarding floor space area and ratio and advise that other outstanding information is being prepared.
10/06/2009	Email sent to applicant regarding sequencing plans, landscape works within the heritage precinct and advice that Sydney Metro are reviewing the proposal.
10/06/2009	Meeting held with the applicant to discuss a possible Voluntary Planning Agreement in lieu of Section 94 payments. The applicant was advised to submit a formal request and finalised information for further consideration and review.
11/06/2009	Further information received from applicant regarding justification for landscape works and tree removal in the heritage precinct and advice that a detailed plan will be submitted detailing these works.
11/06/2009	Focus Group Meetings held.
17/06/2009	Meeting held with the applicant to discuss potential options to address the shortfall of parking provided on the site.
02/07/2009	Additional information submitted by applicant in regard to landscape works within the heritage precinct, enclosure of loading docks, pedestrian access, carparking and traffic arrangements.
03/07/2009	Advice received from applicant that additional parking will be provided adjacent to Castle Street and a dynamic parking system provided for Site B.
07/07/2009	Briefing to Councillor Workshop.
10/07/2009	Letter sent to applicant following Councillor Briefing and advising that no objection was raised in principle to the proposed carpark adjacent to Castle Street, the shortfall of carparking was considered and it was indicated that Council may be willing to support a rate on Site A which is consistent with the existing Stage 1 and 2 development, and for Site B (where an electronic dynamic parking system has been foreshadowed) a lesser rate may be considered.
14/07/2009	Advice received from applicant on status of outstanding traffic information.
15/07/2009	Email sent to applicant requesting details regarding tree retention and removal.

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16/07/2009	Email sent to applicant requesting a further elevation plan of the northern elevations of the existing heritage buildings, especially the 1933 building noting that a portion of the rear is proposed to be demolished.
28/07/2009	Tree survey plan submitted by the applicant.
29/07/2009	Amended information received from the applicant in respect to the Pennant Street lowering works.
04/08/2009	Additional information submitted by the applicant regarding Voluntary Planning Agreement.
06/08/2009	Additional drainage information submitted by the applicant.
12/08/2009	Additional plans and information submitted by the applicant regarding landscape works within the heritage precinct and amended plans addressing the proposed carpark adjacent to Castle Street.
14/08/2009	Third notification of amended plans.
14/08/2009	Email sent to applicant requesting further landscape details.
17/08/2009	Email received from applicant raising concern that the RTA may require the partial demolition of the former Castle Hill Police Station to facilitate roadworks.
19/08/2009	Email sent to applicant requesting acoustic advice regarding the proposed carpark on Castle Street.
20/08/2009	Email sent to the applicant seeking comments regarding the RTA plan which shows road widening affection at the corner of Showground Road and Old Northern Road.
20/08/2009	Response received from the applicant advising that there are no planning instruments that identify the RTA requirements for QIC land associated with the re-alignment of Showground Road between Pennant Street and the Old Northern Road intersection and that QIC have designed the Stage 3 development assuming full use of their site, up to their title boundary. The response also noted that recent discussions between the RTA and Council indicate that parts of the QIC property may be required for the recently developed preferred traffic solution in this area.
01/09/2009	Briefing to Councillor Workshop.
04/09/2009	Additional information submitted by the applicant being an acoustic report and amended plans for the proposed additional carpark.
07/09/2009	Amended arborist report submitted by the applicant.
16/09/2009	Letter sent to the applicant advising that the information submitted regarding the proposed Voluntary Planning Agreement is unsatisfactory and cannot be supported.

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18/09/2009	Email sent to the applicant requesting details of the proposed external screen for the carparking area.	
21/09/2009	Discussions undertaken with applicant regarding proposed parking provided on site.	
22/09/2009	Council considered a report on the draft amendment to DCP Part C Section 8 Business and resolved as follows: <i>'Council adopt the draft amendment to Baulkham Hills Development Control Plan Part C Section 8 Business as amended at Attachment 1.'</i>	
23/09/2009	Information received from applicant regarding proposed external screen for the carparking area.	
06/10/2009	The amended Baulkham Hills Development Control Plan Part C Section 8 Business provisions come into force.	
09/10/2009	Letter sent to applicant advising of status of RTA comments and advising that further assessment or determination of the application cannot proceed until such time as RTA comments are provided.	
20/10/2009	Email received from the applicant seeking advice in regard to preliminary advice from the RTA in respect to road widening and the need for a third traffic lane and possible impact upon the proposal.	
22/10/2009	Discussion undertaken with the applicant where it was advised that Council were awaiting written confirmation regarding the need for a third traffic lane and if this is the case a response will be required from the applicant which provides amended plans and details which take into account the third lane/required land acquisition.	
04/02/2010	Letter received from applicant advising that they are not in agreement with the comments received from Sydney Metro.	
15/02/2010	Email sent to the applicant advising that discussions have been held with Sydney Metro who believe their comments are reasonable. However, Sydney Metro are willing to discuss the matter further directly with the applicant.	
22/02/2010	Additional traffic report submitted by the applicant.	
05/03/2010	Meeting held with the applicant to discuss revised plans to be submitted in response to RTA requirements for upgrade works to Showground Road.	
11/05/2010	Amended plans and documentation received from the applicant in regard to the required upgrade works on Showground Road.	
12/05/2010	Fourth notification of amended plans.	
24/05/2010	Development Application 1591/2010/HA lodged for demolition works at the former Castle Hill Primary School.	

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03/06/2010	Development Application 1591/2010/HA approved for demolition works at the former Castle Hill Primary School.
01/07/2010	Request from the RTA for further traffic modelling from the applicant in regard to Showground Road.
30/08/2010	Final RTA conditions received.
28/09/2010	Letter received from the applicant advising that the applicant has concerns with a number of the RTA conditions and requesting that Council not determine the Development Application until such time as the matter is further reviewed.
05/10/2010	Final Sydney Metro comments received.
11/10/2010	Letter received from the applicant advising that while concerns remain with the RTA condition it is requested that Council staff continue to assess the proposal.
15/10/2010	Meeting held with the applicant to discuss the status of the Development Application and the RTA comments.
25/01/2011	Plans received from the applicant detailing height of the proposed works.
01/02/2011	Briefing to Councillor Workshop.

ISSUES FOR CONSIDERATION

1. Rezoning of Land

At the time of lodgement of the Development Application the subject land was zoned Business 3(a)(Retail), Special Uses 5(a) Educational Establishment and Residential 2(a2). In addition Pennant Street was zoned Special Uses 5(b)(Existing and Proposed Roads). The works were not permissible on the Special Uses 5(a) Educational Establishment and Residential 2(a2) land on the basis that:-

- retail and commercial uses are not permissible in the Residential 2(a2); and
- shops are not permissible on a classified road unless on land zoned Business 3(a) under the provisions of Clause 53 of LEP 2005.

Further, the proposal includes a bridge over Pennant Street that will be used for retail purposes which was within the Special Uses 5(b)(Existing and Proposed Roads) zone. The proposed retail component within the Special Uses 5(b)(Existing and Proposed Roads) zone was not permissible.

In response the applicant submitted a rezoning application. On 13 November 2007 Council considered a report on the proposed rezoning of land for the expansion of the Castle Towers Shopping Centre and resolved to:

1. Prepare and exhibit a draft amendment to the Baulkham Hills Local Environmental Plan 2005 to rezone land identified in Attachment 2 from part Special Uses 5(a) and part Residential 2(a2) to Business 3(a) (Retail) and utilise Clause 56 to enable the proposed air bridge over Pennant Street to be developed to a maximum gross floor area of 1,400m² for the purpose of shops for a period of forty-two (42) days.

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2. Prepare a draft amendment to Contribution Plan No.9 (Castle Hill Centre) to address the proposed rezoning of Site B.

Subsequently on 20 February 2009 the LEP Amendment No. 16 for the rezoning of land for the expansion of the Castle Towers Shopping Centre was gazetted. This includes the section of Pennant Street between Castle Street and Showground Road.

The site is now zoned Business 3(a) (Retail) and the proposed works are permissible on the subject site.

2. Statutory Considerations

The proposed development is effected by both LEP 2005 and DCP provisions. The proposal includes the following variations:

- LEP 2005 SEPP 1 variation to the height of the building on Site B;
- DCP variation to the floor space ratio on Site A;
- DCP variation to the building height on Site A;
- DCP variation to the setbacks on Sites A and B; and
- DCP variation to carparking.

It may also be noted that the Uncertified Draft LEP has been prepared. The Uncertified Draft LEP has not yet been certified by the Department of Planning or placed on public exhibition and as such is not a statutory consideration. Notwithstanding this, the Uncertified Draft LEP does not propose to change the height or FSR from that shown under the existing LEP 2005. The proposed zoning of the site will change to B4 Mixed Use which is comparable to the existing Business 3(a) (Retail) zone.

A. Compliance with Height and FSR Requirements under LEP 2005

The provisions of Clause 60 of LEP 2005 relate only to Site B. Clause 60 of LEP 2005 states as follows:

60 Development within Castle Hill

- (1) This clause applies to the land shown edged heavy black on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 16)";
- (2) The objectives of this clause are:
 - (a) to control the bulk and scale of future development on the land, and
 - (b) to ensure that future development is compatible with the scale and character of adjoining development.
- (3) The consent authority must not consent to the carrying out of development on land to which this clause applies unless:
 - (a) the floor space ratio of the development does not exceed the maximum floor space ratio as shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 16) - Castle Hill Floor Space Ratio Map", and
 - (b) The building height of the development does not exceed the maximum building height as shown on the map marked "Baulkham Hills Local Environmental Plan 2005 (Amendment No 16) - Castle Hill Building Height Map".

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In this regard the FSR on Site B is limited to 1:1 under LEP 2005, and it is noted that the FSR under DCP Part C Section 8 – Business is also limited to 1:1. The height limit under LEP 2005 for Site B varies across the site from 7 metres, 19 metres and 28 metres.

(i) FSR

The FSR on Sites A and B is limited to 1:1 under both LEP 2005 and DCP Part C Section 8. As detailed above the provisions of Clause 60 of LEP 2005 relate only to Site B. The proposed FSR on Site B is 0.996:1 which complies with LEP 2005.

It may be noted that the FSR on Site A exceeds the DCP requirements. This matter is addressed in Section (B)(i) below.

(ii) Height

The height limit under LEP 2005 for Site B varies across the site from 7 metres, 19 metres and 28 metres. Attachment 8 shows the LEP 2005 height map. The two (2) level carparking area is located within the 19 metre height limit area and has an approximate height of 5 metres. The ramp access at the Showground Road/ Kentwell Avenue intersection is within the 7 metre height limit.

The main shopping centre building is located within the 28 metre height limit area. A portion of the building on Site B exceeds the 28 metre height. In this respect the north-western corner of the building exceeds the LEP height limits by 1.6 metres. This is a variation of 5.7% based on the height for an area of 2% of the building footprint area of Site B.

Attachments 18 and 19 show the proposed height on Site B where it exceeds the 28 metre height limit.

SEPP 1 Development Standards aims to "provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) of the Act". In this respect in order to satisfy the requirements of the SEPP the applicant is required to justify why a development standard is unreasonable or unnecessary in the circumstances of the case.

The applicant has accordingly submitted a SEPP 1 objection to the provisions of Clause 60 within LEP 2005 in relation to height and has stated the following as justification that the standard is unnecessary and unreasonable:

"These non-compliances are primarily the product of the overall Business DCP being of general application, and not adequately distinguishing between the role, function and building typology of Castle Hill subregional centre, compared to other minor centres. This distinction underlies the Council's initiative to prepare a separate DCP for the Castle Hill subregional centre, even though that draft has not advanced to the point where alternative development controls are in place.

The non-compliances with the DCP standards are also justified because –

- *The proposed development otherwise maintains a comparable building height, siting and scale to established major buildings in the Castle Hill subregional centre.*
- *The height and scale of the proposed buildings are compatible with the established urban fabric. There is no sense of visual contrast or surprise.*

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- *The edges of the proposal to residential zones are addressed through a combination of variable set-backs increasing with building height, landscaping and noise barriers, consistent with the intent of the controls. The tallest components are substantially set back from residential zones.*
- *The effects of the proposed building height, particularly relative to residential areas to the west, are moderated by site topography and the general fall of the land from west to east.*
- *Floor space ratios are not a useful planning tool for shopping centres. The extent of space involved in public circulation, amenities and parking, contributes to building volume but not to parking demand. The use of the control in retail applications tends to be more related to parking than building bulk.*

Comment:

In accordance with Planning Circular B1 issued 17 March 1989 by the Department of Planning (known as the Department of Urban Affairs and Planning when the circular was released) an assessment of the applicant's SEPP 1 objection has been carried out. In assessing the applicant's SEPP 1 objection the following matters are addressed:-

a. Whether or not the planning control is a development standard

The height is a development standard as contained in Clause 60 of LEP 2005.

b. The underlying objective of the development standard

The underlying objectives of the development standard is contained with the LEP clause 60(2) which states:

(2) *The objectives of this clause are:*

- (a) *to control the bulk and scale of future development on the land, and*
- (b) *to ensure that future development is compatible with the scale and character of adjoining development.*

These objectives relate to the provision of a satisfactory bulk, scale and character of the development when considered in conjunction to the existing and future development of the Castle Hill Town Centre. The proposal does not conflict with the zone objectives and is consistent with the underlying objectives of the development standard given that the proposed scale, height and design outcome is compatible with the existing Stage 1 and 2 development of Castle Towers and the Castle Grand library, community centre and apartment building development located at the corner of Castle Street and Pennant Street.

c. Consistency of the development with the aims of the policy and the objectives of the Environmental Planning & Assessment Act, 1979 (EPA Act)

The proposal for the Stage 3 development of Castle Towers is considered to be a compatible form of development with the existing and future development of the area. The proposed height is considered to be satisfactory and will not adversely impact upon amenity, views or streetscape. The development as proposed would assist in attaining the objectives specified in Section 5 (a)(i) and (ii) of the EPA Act, in particular the proper

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management and co-ordination of the orderly and economic use and development of land.

d. Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The objectives of Clause 60 of LEP 2005 seek to control bulk and scale and to ensure that future development is compatible with the scale and character of adjoining development.

In this regard the site adjoins a variety of land uses/types which are zoned Residential 2(a1) and 2(a2), Special Uses 5(a) Community Facility and Police Station, and Business 3(a) (Retail).

Given the varying uses surrounding the site and given that the site is largely self contained, with the exception of Castle Grand, it is considered that compliance with the standard is not required. In this respect the height is comparable with the existing Castle Towers development and Castle Grand buildings and is in keeping with expectations for development of the site. The proposal does not unreasonably impact on privacy or overshadowing of adjoining development and, through the imposition of appropriate conditions of consent, will not cause an unacceptable impact to surrounding properties.

Strict compliance with the development standard is considered unreasonable and unnecessary in this case as the development standard has been formulated to accommodate development compatible with the characteristics of the locality. The proposed development does not conflict with zone objectives or undermine the intent of LEP 2005, nor does it set an undesirable precedent for development within the area.

e. Whether the SEPP 1 objection is well founded

The LEP clause is contained under the heading of 'Development within Castle Hill'. The proposal has been assessed in relation to the heading and the objectives of the clause and the following is considered relevant:

- The proposal is considered compatible in height, bulk and scale to the existing Stages 1 and 2 development;
- The proposal is considered compatible in height to the adjoining Castle Grand development;
- The bulk and scale of the development, whilst a significant change from the existing residentially scaled development, is considered to be in keeping with expectations for the development of this site;
- Appropriate landscape works, use of satisfactory external materials, colours and design elements will be utilised in order to ensure that the area remains as a retail asset to the Shire.

As detailed above, the Uncertified Draft LEP has been prepared however has not yet been certified by the Department of Planning or placed on public exhibition and as such is not a statutory consideration. Notwithstanding this, it is appropriate to consider the development in respect to the future development of surrounding land. In this regard the residential land adjoining the site is zoned both Residential 2(a1) which permits apartment buildings and Residential 2(a2) which permits townhouses. The Uncertified Draft LEP will continue to permit the same level of development within these zonings. In respect to the adjoining Business 3(a) (Retail) zones, the Uncertified Draft LEP will continue to permit comparable development.

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In addition, it is noted that the height of the building was reviewed by Council's Forward Planning Project Manager who advised as follows:

"Clause 60 of BHLEP 2005 prescribes a maximum height of 28m and FSR of 1:1 via the LEP maps sheets. The amendment was implemented in association with the rezoning of the former school site from Special Uses 5(a) (Existing and Proposed Use) to 3(a) (General Business) Zone.

Justification as outlined within the report for variation of the development standards is supported by Forward Planning. Given that the updated plans have not increased building height or floor space above that considered when drafting the amendment to the LEP, the proposal is considered consistent with the objectives of LEP 2005".

In summary it is considered that the proposed SEPP 1 objection to the height limit is considered satisfactory and can be supported. This is on the basis that the proposed height was considered when drafting the LEP controls, there is no impact to adjoining residential properties to solar access and the proposed height is considered satisfactory in regard to the expected development of the site.

Accordingly the SEPP 1 objection is supported and no objection is raised to the proposal.

B. Compliance with DCP Part C Section 8 - Business

The proposal complies with the requirements of the DCP Part C Section 8 – Business with the exception of floor space ratio on Site A, height, setback and carparking. These matters are addressed below with the exception of carparking which is addressed in Section 6 of the report. In addition, height on Site B is addressed above.

(i) Floor Space Ratio on Site A

The DCP limits FSR on Site A to 1:1. The proposed FSR on Site A is 1.21:1. It may be noted that the FSR on Site B is limited to 1:1 under the requirements of LEP 2005. The proposed FSR on Site B is 0.996:1 which complies with LEP 2005.

The objectives of the DCP are:

- (i) *To ensure that the bulk and scale of the development is in keeping with the site area and its surroundings in accordance with Council's ESD objective 7,*
- (ii) *To ensure that the bulk and scale of development does not reduce the amenity of adjacent residential or other land uses.*

The applicant has sought a variation to the DCP and has stated the following as justification:

- Adopting a Shire wide tool for shopping centre development, particularly in the Shire's main Town Centre, is neither useful nor appropriate.
- The existing Castle Towers development (north of Castle Street) has an FSR of 1.507:1. The proposed development is significantly less than the existing FSR.
- Council recently adopted DCPs for Crane Road and Terminus Street Precincts. Both of these DCPs recognise the inappropriateness of the FSR control in the Castle Hill Town Centre.
 - DCP Part E Section 21 for the Terminus Street Precinct adopted an FSR of differing portions of the land of between 2.3:1 and 3.8:1.

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- DCP Part E Section 25 for the Crane Road Precinct adopted an FSR for the site of 6.4:1.
- On this basis the proposed FSR for Site A is very modest and is more than in keeping with other existing and future precinct developments.

Comment:

The subject site is contained by existing roads and the existing Castle Towers development. In this respect the land adjoining Site A is also zoned Business 3(a). The proposed bulk and scale of the development is considered to be in keeping with the existing and future development in the area. As detailed by the applicant, the land opposite is covered by the provisions of DCP Part E Section 21 for the Terminus Street Precinct which allows an FSR between 2.3:1 and 3.8:1. This increased FSR is likely to result in the redevelopment of the Terminus Street precinct for development beyond the scale of that which currently exists.

Site A varies in design when viewed from Showground Road. The scale and bulk of the heritage buildings at the corner of Old Northern Road and Showground Road are single storey in nature with a gateway feature located at the corner of Pennant Street and Showground Road. The development is considered to be in keeping with the existing and future development in the area.

In respect to impact on residential land, there is Residential 2(a1) land located diagonally across Showground Road in a south-western direction which contains the Baptist Church. This land is located across the signalised intersection. Given the distance of the Residential 2(a1) land to the subject site it is considered that the FSR will not adversely impact upon the amenity of adjoining residential land.

Accordingly the proposed variation to the FSR for Site A is considered satisfactory and can be supported.

(ii) Building Height on Site A

The DCP limits height on Site A to 12 metres or 3 storeys. In this regard 'height' is defined under LEP 2005 as follows:

Height, in relation to a building, means the greatest distance measured vertically from any point on the ceiling of the topmost floor of the building to the natural ground level immediately below that point.

The height of the building from natural ground level to ceiling varies from approximately 14 metres to 19 metres along the Showground Road frontage. The total height of the building when viewed from Showground Road varies from approximately 20 – 25 metres with a maximum height of 49 metres to the corner tower element. Attachments 16 and 17 show the proposed height on Site A.

The objectives of the DCP are:

- (i) To ensure that building heights respond to the existing landform of the neighbourhood, including ridgelines and drainage depressions.
- (ii) To protect privacy and amenity of surrounding allotments and residential development in accordance with Council's ESD objective 7.
- (iii) To minimise overshadowing of adjoining allotments.

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The applicant has sought a variation to the DCP and has stated the following as justification:

- Attention is drawn to the height controls adopted in other parts of the Castle Hill Town Centre including Council's Horizon apartment development, Stages 1 and 2 of Castle Towers and the height limits permitted under the adopted DCPs for Crane Road and Terminus Street Precincts.
 - the Crane Road Precinct height control is 68 metres with a height of 16 metres at the street alignment.
 - the Terminus Street Precinct height control is limited to storeys, with 8 storeys on the street frontages and 13 storeys in other parts.
- Height controls adopted by Council in other sections of the Town Centre point to the inappropriateness of Shire wide planning controls for retail and commercial development. This has been acknowledged by the adoption of the height control for Site B which has a maximum height of 28 metres.
- The height of Site A maintains a façade height along Old Northern Road which is generally in keeping with the existing piazza and Council's proposed 'eat street' objectives along this part of the Town Centre. The proposed cinema box is set back from the old Northern Road boundary and is well within the 28m height adopted for Site B. Similarly, the increase in height for the cinema box is also set back from the Pennant Street façade and is not considered to have any impact on the amenity of the precinct.

Comment:

The proposed height on Site A is considered to be an appropriate response to the site topography. The site currently slopes from Old Northern Road at RL 138.9 to Pennant Street at RL 131.9 which is a difference in level of 7 metres. The proposed works will be in keeping with the existing Stage 2 development and will provide an appropriate backdrop to the heritage buildings.

There will also be opportunity for landscape planting to be undertaken both within the heritage precinct and street tree planting to soften the development. As shown in Attachment 9 the feature tower at the corner of Pennant Street and Showground Road will provide an appropriate design feature which will assist in wayfinding and the provides a design feature which identifies the site as a key component of the centre.

Site A is bounded by Pennant Street, Showground Road, Old Northern Road and the existing Stage 2 development and as such is considered to be 'isolated' in terms of its location and as such there is minimal impact on adjoining property in respect to privacy, amenity and overshadowing. Whilst it is acknowledged that there will be some shadow impact on properties located on the southern side of Showground Road between 9am-11am on June 21 it is considered that the impact is minimal and will not cause adverse impact, with the majority of shadow falling at other times of the day on the existing road network.

Accordingly the proposed variation to the height for Site A is considered satisfactory and can be supported.

(iii) Setbacks to Site A and B

The DCP contains two (2) setback controls in relation to the subject site as follows:

Site A - All single and two storey retail/commercial development located along a public road may utilise a zero setback, other than in those site specific areas specified on the precinct plan maps contained in Appendix 1. For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be setback within a building height plane of 45° starting from a height of 8 metres.

Site B - 8 metre setback to Kentwell Avenue, 6 metre setback to Castle Street and the access driveway into Castle Grand, and 3 metre setback to Castle Grand boundary. There is no specified setback to Showground Road and Pennant Street.

In respect to Site A, the proposed development includes a varying setback to Showground Road due to the proposed realigned boundary to facilitate roadworks and does not provide the required setback for buildings over 2 storeys or 8 metres to Showground Road or Pennant Street. Site B complies with the specified setbacks with the exception of the access ramp from Kentwell Avenue and the lift access adjacent to Castle Grand.

The objectives of the DCP are:

- (i) *To provide an attractive streetscape and substantial areas for landscaping and screen planting.*
- (ii) *To ensure adequate sight distance is available for vehicles entering and exiting the site.*
- (iii) *To minimise overshadowing of adjoining properties.*
- (iv) *To protect privacy and amenity of any adjoining land uses.*
- (v) *To provide a desirable and aesthetically pleasing working environment.*
- (vi) *To ensure endangered ecological communities are protected.*

The applicant has sought a variation to the DCP and has stated the following as justification:

- The sections provided confirm that the proposed development provides the required 3 metre setback on the south western side of Castle Grand, 6 metres on the north western side and 6 metres along Castle Street.
- The development sits inside the 8 metre setback along Kentwell Avenue, with the possible exception of the portions of ramps associated with access off the intersection of Kentwell Avenue and Showground Road.

Comment:

The proposed setbacks to Site A are considered satisfactory given that the site is bounded by public roads and the existing Stage 2 development and has minimal impact on adjoining land. In this respect the site is self contained due to its location. The proposed works include various finishes and materials to provide interest within the

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streetscape and allows for appropriate landscape works to be undertaken both within the site and on the footpath. The proposed setbacks will have a minimal impact on adjoining property in respect to shadow impact, amenity or privacy and are appropriate to the scale of the development.

In regard to Site B, the site contains specific setback requirements which are generally satisfied with the exception of the proposed access ramp from Kentwell Avenue and the elevator link adjacent to Castle Grand. The proposed access ramp from Kentwell Avenue provides access to the subject site and is an integral component of the design in terms of access. The access ramp is located within the Kentwell Avenue setback. In respect to the objectives of the DCP, the proposal provides appropriate access to the site, does not create shadow impact to properties on Kentwell Avenue and does not create adverse privacy impacts. It is acknowledged that there is limited opportunity for landscape screening to those properties opposite due to the location of the ramp, acoustic screen and roundabout location. This may result in visual impact to residential properties. Notwithstanding this, the potential for visual impact to properties within the vicinity is considered acceptable given the need for the access to the site, appropriateness of the location of the access and the resulting local traffic improvements with the installation of signals at the intersection with the Showground Road.

The proposed location of the lift access on Site B adjoining the Castle Grand boundary is proposed in order to ensure that adequate access is available across the ramp/access way and to provide direct access to the community centre and library within Castle Grand. The lift access is considered to be a minor structure which will cause minimal impact to adjoining residents. The lift access is satisfactory in respect to the DCP objectives in that it does not adversely impact on traffic flow, does not create shadow impacts to other properties, and will not impact on privacy or amenity. Given the location of the lift and its minor nature it is considered satisfactory.

The proposed setbacks are considered to be satisfactory when taking into consideration the scale and design of the building and are appropriate in this instance.

3. Carparking**(i) Carparking Numbers**

DCP Part D Section 1 – Parking requires that parking for a retail shopping centre be provided at a rate of 1 space per 18.5m² of gross leaseable floor area (GLFA).

The existing GLFA for Castle Towers is 113,197m² and there are currently 5734 carparking spaces on site (comprising 5407 permanent spaces and 328 temporary spaces near Les Shore Place). The existing carparking on the site is currently provided at a rate of 1 space per 19.7m².

The subject application proposes an additional GLFA of 60,487m² which comprises 23,301m² on Site A and 37,186m² on Site B. A total of 3085 carparking spaces are proposed which comprise 277 spaces on Site A and 2808 spaces on Site B. This produces a carparking rate of 1 space per 19.6m² across both site components. As detailed the vast majority of spaces proposed for the new works are on Site B for which the applicant has proposed a dynamic parking system.

The completed development (ie: existing and proposed works) will have a GLFA of 173,684m² and 8492 car parking spaces. This produces a carparking rate of 1 space per 20.5m². This figure results from the non-inclusion of the temporary spaces near Les Shore Place which the applicant seeks not to rely on once the centre is redeveloped.

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In addition to the above, Development Application 1940/2008/HA (as amended) for the extension to Myer contained Condition 3 which states that:

3. Provision of Parking Spaces and Temporary Parking Duration

The provision and maintenance thereafter of an additional 49 spaces (Level 1A Area D) and 329 spaces within a temporary car park. The temporary car park is to be used in conjunction with this consent and provides a revised surplus for the centre of 18 spaces.

The temporary car park and surplus is to be used only until Stage 3 of Castle Towers Shopping Centre is built, which must incorporate 328 car parking spaces for the additional approved floor space (being 377 parking spaces minus the 49 parking spaces constructed as permanent parking within Level 1A Area D). At this time, the temporary car park will remain as additional spaces for use in busy periods and not included as permanent parking for the assessment of any additional floor space for Castle Towers Shopping Centre.

In the event that Stage 3 does not proceed or an occupation certificate is not issued by 30 September 2012, a separate Development Application is required to be submitted to Council to further extend the use of the temporary car park or formalise its provision as a permanent parking area. This application is required to be lodged with Council by 31 August 2012.

In effect the above condition requires that a further 328 carparking spaces are provided to cater for the approved and now constructed Myer extension.

Based on the DCP rate of 1 space per 18.5m² the proposed works would require the provision of 3270 spaces based on a GLFA of 60,487m². In addition, 328 spaces are required for the Myer development which results in a total of 3598 spaces being required for the site. There are 3085 additional spaces to be provided on site which represents a shortfall of 513 spaces.

(ii) Dynamic Parking System

In order to address the shortfall of carparking on the site the applicant has proposed a dynamic parking system on Site B. The parking system will comprise the following elements:

- Installation of bay sensors over each parking space to indicate whether the site is available or occupied;
- External and internal signage which advises of the number of available carparking spaces within a particular zone;

The proposed system is similar to that used at Rouse Hill Town Centre.

The applicant has advised that the use of a dynamic parking system will improve access and parking at the site as follows:

- Reduce queue delays at the entries to the centre;
- External signage will assist in diverting traffic to underutilised access points and available spaces;
- Reduce circulation time within the carpark by directing patrons to available spaces and reduces traffic blockages from vehicles waiting for spaces to become available;

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- Use of sensors to alert management to traffic congestion of vehicles parked in restricted areas to improve circulation.

The report also states that the use of a dynamic system will reduce vehicle kilometres travelled to find a parking space by 44-56% and reduce customers taking 5 minutes or more to find a space by 80%.

Consideration has been given to the proposed parking rate provided for the centre given that a variation is proposed to DCP rates. Notwithstanding the applicant's proposal to install a dynamic parking system for Site B, it is considered appropriate to require the installation of a dynamic system across the whole centre. This matter is addressed further in Section (iii) below.

(iii) Adequacy of Carparking

In order to support the carparking variation the applicant initially sought to rely on a reduced carparking rate of 1 space per 23m² of gross leaseable retail floor area which is commensurate with the parking rate used for the Rouse Hill Town Centre and also the future provision of the North West Rail Link.

As detailed above the applicant was subsequently advised that a carparking rate on Site A which is consistent with the existing Stage 1 and 2 development may be considered and for Site B (where an electronic dynamic parking system has been foreshadowed) a lesser rate may be considered.

On this basis the following applies:

Existing Centre - carparking provided at rate of 1 space per 19.7m².

Proposed Stage 3 works - carparking provided at a rate of 1 space per 19.6m² across both site components.

Completed development (ie: existing and proposed works) - carparking provided at a rate of 1 space per 20.5m². This is because, as indicated previously, the completed centre carparking rate does not include the existing temporary carparking spaces located at Les Shore Place.

As detailed within Section (ii) above a dynamic parking system is proposed for Site B.

The objectives of the DCP are:

- To ensure the safety of all road users in commercial/retail areas.*
- To ensure that all carparking demands generated by the development are accommodated on the development site.*
- To ensure the free flow of traffic into and out of the development and the surrounding street network.*
- To ensure that the provision of off-street parking facilities does not detract from the overall visual amenity and character of the neighbourhood in relation to streetscape in accordance with Council's ESD objective 7.*

The proposed upgrade to the road network has been reviewed by both the RTA and Council's Manager Traffic. The RTA comments are included below in detail. The proposed works to the road network will ensure that road users within the Town Centre have a safe and direct route through and within the Town Centre.

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On the basis of the use of a commensurate rate with the Rouse Hill Town Centre, based on a rate of 1 space per 23m², the additional works would require 2630 additional spaces based on a GLFA of 60,487m². In addition, the Myer development would require an additional 328 spaces to be included which would result in 2958 additional spaces being required. The proposal exceeds this requirement.

The applicant has also proposed a dynamic parking system for Site B which will assist in identifying the location of available spaces and directing vehicles to those spaces in a timely manner. This will assist in minimising traffic impact upon local streets and patron turnover.

Council's Manager Infrastructure Planning has reviewed the proposed parking and advised as follows:

The existing Castle Towers Shopping Centre provides a total of 5734 parking spaces in seven car parking areas. The proposed extension intends to provide an additional 3085 spaces for a total GLFA of 173,684m² and a total of 8492 carparking spaces. This equates to a car parking rate of 1 space per 20.5m² compared to Council's rate of 1 space per 18.5m². The RTA specifies a lower rate of 1 space per 24.4 m².

The applicant has submitted extensive analysis comparing parking provisions at 20 other substantial retail centres, with some having rail and bus options. The general consensus, through the Regional Development Committee chaired by the RTA, is that the proposal has sufficient car parking. At nearly all times through the year vacancy rate surveys show that the parking provision at Castle Towers is adequate, with the exception being the 2 weeks before Christmas when parking attendants must be used to assist traffic movement.

At these times it becomes clear that the problem is not insufficient numbers, but rather the ability of motorists to identify where parking is available before entering the Centre, and then the ability to locate those spaces quickly once the driver has entered the car park. While the car park attendants have assisted greatly in the past, experience at the new Rouse Hill Regional Centre shows that an electronic car park management system will achieve both desired outcomes.

The applicant proposes to install a dynamic system on Site B where the majority of new carparking spaces are proposed. However, given the non-compliance with the DCP parking rate and the difficulty associated with locating spaces quickly, it is recommended that a dynamic system be required to deal with all of the car parking areas. This is the main reason why the car parking rate proposed in this Development Application is satisfactory.

However in addition to this conclusion, it has been noted that the existing approximately 400 daily bus services to and from Castle Hill have been increased in the last 2 months with the introduction of Metro Buses. These new services are primarily aimed at commuter traffic heading to Epping, Macquarie, Chatswood, North Sydney and the Sydney CBD, but there is no question that better options are now available for people, particularly young employees, wishing to travel to Castle Hill.

The future construction of the Northwest Rail Link is another public transport option that will increase travel choice. However due to the uncertainty of the rail link, no analysis has been modified to allow for a reduction in parking demand or traffic generation associated with the Development Application. The conclusions and subsequent recommendations of this report are therefore conservatively high.

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As detailed above Council's Manager Infrastructure Planning has requested the use of dynamic parking system across the whole shopping centre site ie: existing and proposed centre. This will assist customers in locating available spaces rather than travelling through the carparking levels seeking available spaces. It is also noted that the RTA have requested the use of dynamic signage and have recommended the following condition:

'To improve parking utilisation on the site and to minimise the potential for traffic congestion at key access points, the developer must implement a dynamic signage system which indicates the location and availability of underutilised and vacant parking areas/spaces'.

Based on the above comments it is considered appropriate to require the installation of a dynamic parking system across both the existing and proposed centre. This will ensure that customers are able to identify areas of available parking either at street level or within the carparking areas, can locate a space, park quickly and conveniently and will assist in minimising congestion on local roads and within the carparking areas. It is acknowledged that the layout of the existing carparking areas may cause practical difficulties for the installation of appropriate external signage, however the installation of individual bay sensor lights above each space to indicate whether the space is available or occupied is achievable.

A condition of consent has been recommended which requires that details of the dynamic system be submitted to Council's Manager Infrastructure Planning for endorsement prior to installation and that the system must be installed prior to issue of the Occupation Certificate (See Condition 3).

On the basis of the above the proposed parking variation is considered satisfactory

(iv) Loading Dock adjacent to Old Northern Road

The proposed works include a loading dock with access to Old Northern Road. The loading dock will service the adjacent restaurants and shops. Concerns were raised with the applicant where it was advised that the loading dock location was considered unsatisfactory in terms of its location, visual impact, pedestrian and desired strip-shop character of Old Northern Road and potential to adversely impact on traffic management. The applicant was requested to submit revised plans for consideration which deletes the loading dock and provides an alternative access for loading services to the adjacent units. Discussions were subsequently held between the applicant and Council's then Group Manager (currently Group Manager Strategic Planning). The outcome of the discussions were confirmed to the applicant where it was advised that:

While it is desirable to minimise and perhaps delete loading from Old Northern Road, it is understood that to remove this loading dock would require major redevelopment of the existing car park to enable passage of higher service vehicles. Such major redevelopment is not part of this proposal and it is understood the loading dock off Old Northern Road will be limited in scale and use. It is hoped that with the right design and use, the impact upon the planned mainstreet treatment of Old Northern Road will be minimised'.

Notwithstanding the above, concerns remain with the proposed use of the loading dock and potential for impact upon Mainstreet. As such a condition of consent has been recommended which limits the use of the loading dock to 7am to 5pm seven (7) days per week (See Condition 113).

On the basis of the above the proposed loading dock location is considered satisfactory.

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(v) Access to Castle Street

The proposal includes the closure of Castle Street between Old Northern Road and Pennant Street to facilitate additional or upgraded entry to the shopping centre and new retail works. This includes the construction of a new access ramp to the existing Stage 2 development (at the eastern section of Castle Street) and upgraded access to the shopping centre (at the western end of Castle Street). The works also include the construction of new retail area over Castle Street. Whilst the land negotiations involved are separate to the assessment of the application, the need to consider continuous public access along the former (if land negotiations are successful) public road are relevant. In this respect there are a number of key sites located on both the western and eastern side of the shopping centre and access through the former public road is required. These key sites to the west include the Castle Hill Police Station, library and community centre, and a number of schools, whilst the key site to the east include the future bus interchange and train station.

In order to ensure that adequate pedestrian access is provided through Castle Street a condition of consent has been recommended (See Condition 44).

4. RTA Requirements

The proposal was referred to the RTA under the provisions of SEPP No. 11 - Traffic Generating Developments which was in place at the time of lodgement of the application as the proposed floor area exceeded 2000m². It may be noted that the referral requirements under SEPP (Infrastructure) 2007 are the same as those contained in SEPP No. 11. The application was considered by SRDAC at that time and has been the subject of numerous discussions, meetings with Council staff and referrals in respect to the submission of additional information.

The RTA provided detailed requirements in correspondence dated 27 August 2010. The requirements address all aspects of the development. The matters addressed include new signalised intersections, upgrade to existing roads and traffic flow improvements.

In broad terms the main requirements of the RTA can be summarised as:

- Upgrade of Showground Road from Carrington Road to Old Northern Road to provide a minimum four (4) lanes (two (2) lanes in each direction) between Carrington Road and Pennant Street. The four (4) lane carriageway will be required to be constructed within the ultimate six (6) lane carriageway ie: outer four (4) lanes with wide median.
- A third eastbound lane will be constructed between Pennant Street and Old Northern Road.
- Modification to the Showground Road/Old Northern Road intersection to provide a dual right turn and single left turn on the Showground Road approach to Old Northern Road and a dual left turn into Showground Road from Old Northern Road (subject to feasibility).
- Reconstruction of the Showground Road/Pennant Street intersection.
- Provision of a signalised intersection at Showground Road/Kentwell Avenue/Cheriton Avenue with provision for dual right turn movement from Showground Road into Kentwell Avenue.
- Removal of the existing pedestrian signals at Cecil Avenue to provide full signalisation of the Showground Road/Rowallan Avenue intersection.

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- Left-in/left-out movements only at the Showground Road/Britannia Road intersection.
- Intersection improvements at Showground Road/Carrington Road to accommodate bus priority measures, the provision of dual right turns from Showground Road to Carrington Road and a left turn slip lane from Carrington Road into Showground Road.
- Provision of bus priority measures at key signalised intersections.
- Provision of separate right turn bays on both Castle Street approaches to Pennant Street.
- Engage in a land swap with the owner at the corner of McMullen Avenue/Old Castle Hill Road to provide a separate left turn from McMullen Avenue into Old Castle Hill Road.

In respect to the above, the major works required to be undertaken by the applicant involve the upgrade of Showground Road from Carrington Road to Old Northern Road to provide a minimum four (4) lanes (two (2) lanes in each direction). The four (4) lane carriageway will be required to be constructed within the ultimate six (6) lane carriageway ie: outer four (4) lanes with wide median. These works are significant and will substantially improve the traffic environment on Showground Road.

Accordingly the proposed works are considered satisfactory in respect to the RTA.

5. Design and External Appearance**(i) General**

The proposed development is considered to be a modernised version of the existing Stage 2 works. The materials will comprise a mix of natural sandstone, metal panels and screens, precast concrete panels, masonry and coloured glass. In addition landscape works are proposed around the perimeter of the site which includes footpath planting.

The design incorporates two (2) corner tower features which are located at the corner of Showground Road and Kentwell Avenue and the corner of Showground Road and Pennant Street. The tower features will provide visual interest to the buildings and will create a focal point for the centre.

The applicant has provided a 'design response' which in part states:

"When completed, the Castle Towers Shopping Centre will make a positive visual and functional contribution to the Castle Hill Town Centre....The streetscapes on all frontages are a coordinated and well balanced composition of contemporary design elements that will engage curiosity, provide comfort, delight and definition of purposes. The result will be an active, pedestrian oriented edge to the development that enlivens and rejuvenates the entire precinct".

The proposed development is considered to be satisfactory and whilst it is acknowledged that the streetscape to Castle Street, Kentwell Avenue, Showground Road, Pennant Street and Old Northern Road will change significantly from that which is existing, it is considered that an appropriate streetscape outcome will result.

(ii) Kentwell Avenue and Castle Street

The proposed development is subject to specific objectives within DCP Part C Section 8 – Business in relation to Kentwell Avenue and Castle Street. The objectives of the Clause relate to the design of the works. The objective and a comment on how the proposal complies with the objectives is as follows:

(i) To promote a visually aesthetic retail/commercial and sustainable built form;

Comment: The proposal when viewed from Castle Street will primarily be the open carpark structure with the main structure located behind. The proposed open carpark structure is set back a minimum of 6.07 metres from the front (Castle Street) boundary. A 5 metre high metal slat screen is proposed around the carpark on both the Castle Street and Kentwell Avenue frontages for aesthetic reasons and to assist in protecting privacy to residents. Landscape works are proposed forward of the carpark.

The proposal when viewed from Kentwell Avenue will be the side of the shopping centre building and the open carpark structure. The ramp access from Showground Road will also be visible at an oblique angle and including the vehicle access ramp to the centre. Landscape works are proposed forward of the building and carpark.

The proposed development will have a height at the corner of Kentwell Avenue and Castle Street of approximately 35.6 metres in height from the existing street level to the top of the screen structure around the roof-top carparking. The works are set back approximately 9 metres from Kentwell Avenue (to the open carpark structure) and 6 metres from Castle Street (to the open carpark structure).

The materials will comprise a mix of natural sandstone, metal panels and screens, precast concrete panels, masonry and coloured glass. The external appearance will provide a modernised version of the Stage 2 works.

The proposal incorporates a number of sustainability measures including:

- Compliance with deemed-to-satisfy requirements for energy efficiency under the BCA;
- Utilise measures during construction to minimise impacts from erosion, sedimentation, air pollution, waste management strategies and recycling of materials where appropriate;
- Use of water flow devices and water efficient fixtures;
- Harvesting rainwater for non-potable uses such as cleaning, mechanical systems and toilet flushing;
- Reuse of grey-water for non-potable uses such as sewage conveyance;
- Use of low energy lighting technology including intelligent lighting to control lighting according to demand

The proposed works are considered to be appropriate and in keeping with the existing Castle Towers development and is considered to utilise appropriate sustainability measures.

(ii) To enhance the vitality of the Castle Hill Centre in the vicinity of Kentwell Avenue and Castle Street, Castle Hill;

Comment: The proposed development is considered to improve the vitality of the Kentwell Avenue and Castle Street area through the activation of the street. In this respect whilst there is no direct pedestrian access from these streets the proposal is considered to improve the streetscape appearance and will potentially increase pedestrian flow within the area which will result in a more vital community.

The subject site in the vicinity of Kentwell Avenue is currently used for residential purposes and in the vicinity of Castle Street is used as an informal carparking area. The area will be revitalised through the development of the site which will replace older housing stock and carparking with a retail outcome which is in keeping with the anticipated development of the site. Appropriate landscape works will be undertaken forward of the works on Kentwell Avenue and Castle Street to screen the development and will result in an acceptable streetscape outcome.

(iii) *To protect the residential and public amenity of the Castle Hill Centre in the vicinity of Kentwell Avenue and Castle Street, Castle Hill*

Comment: The proposed development is not considered to adversely impact upon the residential or public amenity of the area. Whilst it is acknowledged that the subject site, when developed, will differ from the existing single residential development, it is considered that the development when completed will result in an acceptable outcome in regard to its design and external appearance.

(iv) *To provide a high quality, safe and pleasant walking environment.*

Comment: Both Castle Street and Kentwell Avenue are currently considered to provide a satisfactory walking environment. In this respect the proposal will continue to offer a quality, safe and pleasant walking environment for residents.

(iii) Interface with Castle Grand

The loading dock and an access ramp for Site B are located beside the existing Castle Grand building. The works, with the exception of the lift, are located 3.4 metres from the common boundary. As detailed in Section 2 a variation is proposed to the setback to the lift. The main wall of the shopping centre component has a setback of 16.4 metres to the boundary. Attachment 15 shows a cross section detailing the proposed setback.

The Residential Flat Design Code, while not strictly applicable to this development, provides primary development controls which relate to building separation. In this instance, where an apartment building is nine storeys and above (the Castle Grand building is 10 storeys with basement parking below which includes the library and community centre), an 18 metre separation between habitable rooms/balconies and non-habitable rooms is suggested. The separation between the Castle Grand building (to the balconies) and the common boundary is approximately 10.5 metres. The separation is 13.9 metres between Castle Grand and the loading dock access, with a separation of 26.9 metres to the main building. Landscape works are proposed within the setback between the boundary and loading dock access.

The relevant objectives in respect to the Residential Flat Design Code relate to providing space between buildings, provide visual and acoustic privacy and to control overshadowing. In this regard the separation between the buildings, whilst not strictly complying with the separation requirements when taken to the dock and ramp area, exceed the separation requirements when considered from Castle Grand to the main Castle Towers building. The separation between the buildings is considered acceptable given the distance between the buildings, opportunity for landscape planting along the

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boundary and acceptable impact on residential units in respect to views and light to units.

In addition, it may be noted that the DCP requires a 3 metre setback to the common boundary with Castle Grand. The proposed works are set back 3.4 metres which complies with the DCP requirements.

It is acknowledged that there will be some loss of views from Castle Grand and that the outlook will differ from that currently enjoyed. However the subject site has been zoned for retail purposes and the setback to the common boundary complies with the DCP. As such the proposed outcome has been anticipated by the DCP controls and rezoning of the site.

On the basis of the above comments the proposed works are considered acceptable.

6. Government Authority Comments

The application was referred to the Roads and Traffic Authority, Heritage Council, Fire Brigade, Integral Energy, NSW Police, Transport and Infrastructure Development Corporation (TIDC) and Railcorp. The following responses were received:

(a) RTA

Refer to detailed comments provided above in Section 4 and Condition 35.

(b) Heritage Council

The proposal was referred to the Heritage Council on three (3) separate occasions. The Heritage Council advised in their initial comments (letter dated 11 September 2007) that the heritage buildings are local items and as such the Heritage Council have no statutory role however have provided comments to assist Council:-

- A review of the documentation indicates that the heritage site will be largely unaltered.
- While the development has been designed to conserve heritage values, the mass and scale of the buildings will have a dominant impact, especially from view lines from Old Northern Road. Consideration is to be given to the design, materials and colours of the carpark wall to reduce visual dominance.
- The impact from Showground Road is less due to the landscaping and effective tree planting that breaks up the visual impact of the wall mass.
- Should any relics be uncovered during works all excavation is to cease and an excavation permit or exemption notification endorsement must be obtained.

The subsequent advice received from the Heritage Office (letter dated 12 May 2009) advised that the previous advice remains relevant and the following advice (letter dated 21 May 2010) stated that the information had been reviewed and the impact on the heritage items is acceptable.

In respect to the comments made by the Heritage Council it is considered that the visual impact of the proposed works in relation to the heritage items is satisfactory. In this respect the works around the heritage items comprise landscape works including gardens, paving and walkways. The visual impact of the proposed works to the rear of the heritage buildings is considered satisfactory and the proposed materials and colours are appropriate.

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Conditions have been recommended in respect to the discovery of any relics during construction (See Conditions 80 and 81).

(c) NSW Fire Brigade

The NSW Fire Brigade advised that the proposal should comply with the requirements of the BCA, that minimum vehicle carriageway widths of 6 metres be provided to allow access, access be available during the construction period and that the water supply to the site meets Australian Standard AS 2419.1. A condition has been recommended requiring the applicant to provide written advice from NSW Fire Brigades that satisfactory arrangements have been made prior to the issue of the Construction Certificate (See Condition 32).

(d) Integral Energy

Integral Energy advised that the proposal will require the installation of a padmount/indoor substation to secure the supply of electricity to the proposed development and advised that the applicant is required to submit an application to Integral Energy to ensure that supply is delivered in a timely manner. A condition has been recommended requiring the applicant to provide written advice from Integral Energy that satisfactory arrangements have been made (See Condition 33).

(e) NSW Police

The NSW Police provided the following comments in relation to the proposal:

- The Police request continued liaison with the architect/applicant to ensure the site has adequate radio coverage to enable the Police Radio to work in any area of the complex.
- Police are concerned with disruption to traffic flow and access to/from the Police Station during construction works and request on-going liaison with the applicant/developer.
- The Police noted that the proposal included purchase of roadways and advise that the Police do not infer approval to any proposed road works.
- Lighting is required to meet Australian Standards. In particular effective lighting is to be utilised in the open air carpark at the corner of Castle Street and Kentwell Avenue to maximise surveillance opportunities.
- All landscape works are to be maintained to ensure adequate sight lines are available and reduce opportunity for concealment and entrapment. If adequate sight lines are not maintained a CCTV surveillance system will be required to be installed.
- The site is to be maintained at all times, including repair of vandalism and graffiti, the replacement of lighting and general site cleanliness.
- Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove and often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

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- Offenders often target this type of development, including in the construction phase. It is recommended that security sensor lights be used and a security company to monitor the site while construction is in progress.
- The footpath along Castle Street (adjoining the Police Station) is inadequate to support the anticipated increase in pedestrian traffic. Police recommend that the footpath be upgraded and widened.
- The applicant/QIC liaise with the Police Crime Prevention Officer in relation to internal construction and layout of the supermarkets, major retailer, discount department store and any proposed liquor outlets to ensure that Safer By Design concepts are considered.

In respect to the comments made by the Police, a condition has been recommended requiring the applicant to provide written advice from the NSW Police that satisfactory arrangements have been made prior to the issue of the Construction Certificate. It may be noted in respect to the footpath along Castle Street that works required by the RTA will include road widening and reconstruction of the footpath (See Condition 34 and Traffic Comments).

(f) Sydney Metro Comments

Sydney Metro reviewed the proposal and confirmed that the proposed works are within the area identified for the North West Rail Link and as such are required to take into consideration the potential impacts of the development on the future construction and operation of the rail link. Sydney Metro also advised that they had consulted with Railcorp who were the authority previously responsible for the North West Rail Link. A condition has been recommended requiring the applicant to undertake works in accordance with the requirements of Sydney Metro (See Condition 31).

7. Heritage

The proposal includes works adjacent to the existing heritage buildings which are located fronting Old Northern Road. The heritage buildings include the former Castle Hill public school buildings and the former Police station. These items are listed as 'local' heritage items under the provisions of LEP 2005. The following details are from Council's Inventory Sheet:

Castle Hill Public School (two buildings)

Specifications for the building were approved 1878 and the building was completed in 1880 on land acquired by the Government for school purposes from William Sutton's grant of 40 acres. The architect was GA Mansfield at the end of his career as Architect for Public Schools. The pupils from St Paul's Church of England Denominational School and their teacher, John Ussher, moved there during 1880. John Ussher was also the Castle Hill post master and operated the post office from the front of the school. Building restored 1979. The building is now used as a community centre, somewhat diminished by the name "Doo Duck Inn" painted on the roof. A fine example of a Victorian school building; jerkinhead gables feature decorative barge boards. Verandahs on two sides of the building feature fretwork brackets. Outstanding example of Mansfield's style. GA Mansfield's schools can be found throughout the state and this is a fine example of his Neo-Gothic style of public school, in the year of transition from the Mansfield era to William Kemp's more classical style.

Former Police Station (one building)

Built on part of 40 acres grant to William Sutton (portion 131 Castle Hill parish). The earliest portion was resumed for the public school in 1880 and the present police station was built in 1897, comprising two bedrooms, living and dining rooms, bathroom and prison cell, with an enclosed exercise yard. An attic was erected in 1920. Intact public style building on an important street junction. An essential symbol of authority in the emerging suburb in the late Victorian period: a good example of the smaller police station of this period.

The 1933 building is considered to be an important link between the original adjoining school building and the police station. These three buildings are considered to be valuable historical features of the Castle Hill town centre.

With respect to development in the vicinity of the heritage buildings, the application proposes a two storey expansion of the shopping centre surrounding the heritage buildings within a landscaped square. The application also includes the demolition of the rear of the 1933 school building with the retention of the front and side walls. The Police and 1880s school building are proposed to remain.

The application does not provide any significant detail as to the future use and adaptive works to these buildings and it is noted in the Heritage Impact Assessment that *"the exact use for the 1880s school building and the police station building will be subject to a separate DA at a later stage"*.

Council's Forward Planning Co-ordinator and Forward Planner have reviewed the proposal and have raised no objection to the proposed works. It is noted that the works proposed with this application are limited to external works and minor works to the buildings and do not include the occupation/future use of the heritage buildings. Conditions of consent have been recommended which require the submission of a further Development Application for use and requires protection of the heritage buildings during construction work (See Conditions 8 and 77).

8. Compliance with Section 79C of the Environmental Planning and Assessment Act, 1979

The proposal has been assessed against Section 79C of the Environmental Planning and Assessment Act, 1979 as follows:-

(a) (i) Any environmental planning instrument

Satisfactory - The proposed development has been addressed having regard to the provisions of LEP 2005 and is considered satisfactory. The proposal includes a variation to the height limit under Clause 60 of LEP 2005 and a SEPP 1 objection has been submitted by the applicant. The SEPP 1 objection has been reviewed and in this instance the development standard is considered to be unreasonable and unnecessary given the contained location of the site and having regard to the existing and future development of the area. All relevant SREPs and SEPPs have also been considered and are satisfactory. In this regard it is particularly noted that site contamination has been reviewed under the provisions of SEPP 55 and is satisfactory subject to a further review being carried out and submitted to Council for concurrence.

(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, and

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Not Applicable – there is no draft planning instrument applicable to the proposed development as the Uncertified Draft LEP has not yet been placed on exhibition. In any event, the Uncertified Draft LEP will include the current height and FSR restrictions on Site B which are currently within LEP 2005. Site A will adopt an FSR of 1:1 and a height limit of 12 metres which is consistent with the current DCP requirements. The variations to the DCP standards are considered within this report.

(iii) any development control plan, and

Satisfactory – The proposal has been assessed having regard to the relevant DCP requirements. Variations have been requested to the following:

- FSR on Site A;
- Building height on Site A;
- Setbacks to Site A and B;
- Carparking.

The variations have been addressed within Sections 2 and 3 of the report and are considered satisfactory. The proposed variations, despite being a departure from Council controls, have been assessed on the basis of the objectives of the DCP and whether a satisfactory design outcome will be achieved. In this regard the proposal is considered to be an acceptable outcome.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

Not Applicable – there is no planning agreement applicable to the proposed development.

(iv) any matters prescribed by the regulations,

Not relevant.

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

Satisfactory – The proposed development provides a built form, bulk and scale which is consistent with existing and future developments within the Castle Hill Town Centre and has satisfactorily addressed the relevant development standards and objectives of Council's DCP.

(c) the suitability of the site for the development,

Satisfactory – The proposed development provides a built form, bulk and scale which is consistent with existing and future developments within the Castle Hill Town Centre and has satisfactorily addressed the relevant development standards and objectives of Council's DCP.

(d) any submissions made in accordance with this Act or the regulations,

Satisfactory – The issues raised within the received submissions have been addressed within Section 9 of this report.

(e) the public interest.

Satisfactory – The proposed development provides a built form outcome which is considered acceptable and appropriate for the Castle Hill Town Centre setting and is consistent with existing and future development. It is acknowledged that the proposed development will differ from the existing streetscape and single dwelling built form however the development when completed will not create an unacceptable impact through its design or external appearance. Further, a number of conditions have been recommended to ensure that the development is carried out and operates in an acceptable manner.

9. Community Consultation**(i) Conciliation Conference**

Due to the number of submission received a Conciliation Conference was held on 7 November 2007. Approximately forty (40) residents attended the Conciliation Conference. The discussion centred around the following matters:

- traffic impact; and
- amenity and design.

The following outcomes were achieved at the Conciliation Conference with a comment addressing each outcome:-

(a) The applicant will meet with focus groups with respect to:

- i) the proposed closure of Kentwell Avenue;
- ii) traffic management in Barwell Avenue.

Council Staff will assist in facilitating these meetings.

Comment: Focus Group meetings were held on 11 June 2009. This matter is discussed in detail in Section (ii) below.

(b) The applicant will review the design of the proposal to consider interface issues with residential properties.**Comment:**

The proposal has not been substantially amended since the Conciliation Conference in respect to interface issues with residential properties. The impact on residential properties is addressed in Section 5 above.

(c) If there are significant changes to the plans or application all those who have made submissions or attended the Conciliation Conference will be notified.

Comment: The Development Application has been renotified on three (3) separate occasions in regard to amended plans and information submitted by the applicant.

(d) The Development Application will be determined at a meeting of Council.

Comment: The application is being considered by Council.

ii) Focus Group Meetings

An outcome of the Conciliation Conference required Focus Groups to be held to discuss:

- i) the proposed closure of Kentwell Avenue;
- ii) traffic management in Barwell Avenue

The Focus Groups were held on 11 June 2009.

Seven (7) residents attended the first focus group meeting and thirteen (13) residents attended the second focus group meeting.

The following provides an overview of the main discussions.

a. Focus Group 1 - Barwell Avenue

The meeting commenced with an introduction by Cameron McKenzie (then Acting Group Manager Planning and Environment), introduction of the applicant and his representatives and the residents. The following provides a summary of the main discussion:

- The applicant outlined the amended information submitted to Council in April 2009 and that there were limited changes to the building design or facades but instead the changes focussed on traffic with the deletion of the Barwell Avenue tunnel and a new one-way access provided from Showground Road into Kentwell Avenue. The deletion of the link between the heritage building and the new centre was also noted.
- The applicant advised that negotiations were undertaken with both McDonalds and the Masonic Centre with regard to the Barwell Avenue tunnel however agreement could not be reached regarding road widening required to accommodate the tunnel. As a result the tunnel was deleted. The applicant also advised that they considered other options such as the construction of a tunnel from Old Northern Road under the heritage precinct however this was not a preferred option. As a result the applicant advised that the improved road network at the intersection of Showground Road and Kentwell Avenue was considered to be a comparable solution.
- The representative from McDonalds advised that they are in favour of the deletion of the Barwell Avenue tunnel but have on-going concerns with the central median island on Showground Road which prevents right turns into Barwell Avenue from Showground Road and the impact on the business. They also requested the construction of a roundabout at the corner of Cecil Avenue and Barwell Avenue to improve traffic flow. The applicant advised that the construction of the median on Showground Road was RTA works and not part of the Development Application. He also advised that the construction of a roundabout at Cecil Avenue and Barwell Avenue intersection is beyond the scope of the Development Application.
- The Masonic Centre representative also stated that they had no objection to the deletion of the Barwell Avenue tunnel.
- A resident sought clarification of works around the heritage precinct.

The applicant advised that the heritage precinct forms an important part of the site and provides a focus point. There is some changes proposed in the precinct from the original plans such as deletion of the link between the heritage buildings and the new centre. The

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proposal also includes changing some windows on the school building. The applicant advised that both hard and soft landscape works are proposed around the heritage precinct but that these are minor works as the buildings will be subject to a further Development Application for works. The applicant also advised that the later use of the buildings is anticipated to be for 'fine dining'. The works are proposed to link to Council's Main Street works and vision.

- The building does not take advantage of the views to the north and north-west.

The applicant acknowledged this comment.

There were no outcomes requiring further action on the basis of the above discussion.

b. Focus Group 2 - Kentwell Avenue

- The applicant provided a recap of the amended information provided to Council in April 2009 and the changes to the plans, focussing on the changes at the Kentwell Avenue and Showground Road intersection, with the main change being the incorporation of a one way access into Kentwell Avenue from Showground Road. The applicant also advised that the original plans provided no direct access from Showground Road to Kentwell Avenue on the basis of discussions with Council staff and the assumptions of the preference of the property owners, however the access was requested at the Conciliation Conference and the plans were subsequently amended. The applicant also confirmed that lights would be installed at the intersection.

- A resident raised a question of the need for a roundabout on Kentwell Avenue at the intersection of Worthing Avenue and raised concern that this may encourage antisocial behaviour by drivers. The then Mayor (Councillor Bolitho) commented that the roundabout may be required for garbage and emergency vehicle access. The applicant advised that they had no objection in principle to the deletion of the roundabout and would discuss this matter further with the Manager Traffic.

- Concerns were raised that increased traffic would use Cheriton Avenue to gain access to McDonalds and other Barwell Avenue businesses and that trucks may travel along Cheriton Avenue and Cecil Avenue. A comment was made that Barwell Avenue should be upgraded to allow its function as a 'bypass' and to ensure local roads aren't used. The applicant responded that given the intended upgrade of Showground Road the majority of vehicles would remain on Showground Road. It was acknowledged that some vehicles may use Cecil Avenue or Cheriton Avenue to access Barwell Avenue as they are now required to do because of the new central median island in Showground Road, however it was again noted that the construction of the median was not in response to the current Development Application. The applicant stated that based on the location of loading bays truck access to the site would be as follows:-

- From the west - Showground Road to Kentwell Avenue access;
- From the south - Showground Road to Kentwell Avenue access;
- From the east or north - via the ring road; and
- Access from Pennant Street via Showground Road.

- A question was raised regarding whether a roundabout could be constructed at the intersection of Kentwell Avenue and Castle Street to assist with funeral situations. The applicant advised that there may be difficulty with this location due to its proximity to the proposed roundabout on Castle Street which gives access to the carpark due to minimal queuing area in between the roundabouts.

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- A resident raised concern with the intersection of Pennant Street and Castle Street for vehicles turning both left and right from Castle Street as vehicles travelling east (up hill) have a red arrow and vehicles travelling west (down hill) have a green light. The applicant advised that this situation will be in part resolved as Castle Street will be closed to through traffic and only customers exiting the carpark will use this intersection.
- Concerns were raised by a resident who currently has a medical practice at the corner of Castle Street and Kentwell Avenue and how this may impact on business. The applicant acknowledged that there will be some disruption during construction however they seek to minimise disruption on adjoining streets. The applicant also anticipates that early works will include Castle Street closure, Pennant Street lowering and Kentwell Avenue access ramps, with these works being undertaken before the main construction commences.
- Council's Manager Traffic responded to the key traffic concerns as follows:-
 - (i) Construction of a roundabout at the intersection of Barwell Avenue and Cecil Avenue. Approval for a roundabout in this location was in place, a design has been completed and funding is in place. The roundabout was anticipated to be constructed prior to December 2009. It was also noted that these works may increase traffic in Barwell Avenue due to the improved access in and out of Barwell Avenue.

It may be noted that the roundabout construction has been completed.
 - (ii) Construction of a roundabout at the intersection of Cecil Avenue and Cheriton Avenue. It was advised that a design had been completed and funding allocated however the timing of the works is contingent on Showground Road works being completed as the main priority is to ensure that traffic remains on Showground Road and is not diverted into local roads.
 - (iii) Concern that traffic will travel along Cecil Avenue and Cheriton Avenue as a shortcut between Old Northern Road and Showground Road. It was advised that the upgrade works on Showground Road will encourage traffic to remain on Showground Road rather than trying to use local roads which will have traffic management schemes in place.
 - (iv) The need for a roundabout on Kentwell Avenue at the intersection of Worthing Avenue. It was advised that Kentwell Avenue is to be used by local traffic only. The need for this roundabout will be further reviewed.

At this time a resident raised concern with the proposed one way access from Showground Road into Kentwell Avenue and requested deletion of the one way access however stated that he had no objection to the roundabout. The Acting Group Manager sought clarification regarding this matter as the resident had previously advised that he supported the one way access but sought deletion of the roundabout. It was confirmed that the resident sought deletion of the one way access.

A representative of the Wesley Uniting Church advised that the church would like one way access to remain in order to allow access into the church and child care centre and has no concerns about the roundabout either way.

The applicant advised that the one way access was only incorporated at the request of property owners and they had not objections either way and would further consider its retention or deletion.

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(v) Roundabout at the corner of Castle Street and Kentwell Avenue. Council's Manager Traffic advised that the roundabout is shown in the Local Area Traffic Management Plan but that consideration needs to be given to other works within the area. The applicant advised of the previously mentioned concern that a roundabout in this location would be too close to the proposed carpark entry roundabout however Council's Manager Traffic advised that the 40-50 metre distance between the roundabouts should not adversely impact on their function and will be considered as part of the future traffic management options in Castle Street.

(vi) Upgrade of Showground Road. Council's Manager Traffic advised that the initial works required as part of this Development Application would be two (2) lanes in each direction with an opportunity to increase to three (3) lanes in each direction at a later date, with the 2 outer lanes being used as bus lanes. It was advised however that the ultimate configuration and design is still under review by Council staff, RTA and Ministry of Transport. A resident commented that it has been 57 years since discussions commenced on the widening of Showground Road. Council's Manager Traffic advised that the upgrade of Showground Road was not an RTA priority and was only under consideration due to the Development Application.

A question was then put to the applicant about parking during construction. The applicant advised that contractor parking would initially occur on Les Shore Place and then would be relocated into the basement car parks as they are constructed.

The then Mayor (Councillor Bolitho) requested that the applicant consult with businesses and residents prior to commencing construction works. The Acting Group Manager advised that the determination would be by Council and that the current discussions should not pre-empt the determination.

The meeting concluded with the Acting Group Manager advising that if attendees wished to lodge a further submission they should do so within the following two (2) weeks.

There were no outcomes requiring further action on the basis of the above discussion.

Following the Focus Group meetings four (4) submissions were received one (1) from the Wesley Church and three (3) from residents in Kentwell Avenue) which commented as follows:

- The Wesley Church supports the proposed left and right turn into Kentwell Avenue from Showground Road as it is important for the continued function of the church and pre-school.
- The Wesley Church do not believe that vehicle speeds are not sufficiently high as to warrant traffic calming measures being introduced, and road works to be undertaken in this area will be sufficient to reduce speeds.
- The Wesley Church support the future construction of a roundabout at the intersection of Kentwell Avenue and Castle Street as part of a future traffic management plan for the area.
- Request from residents that there be no entry or exit from Showground Road into the residential part of Kentwell Avenue and that the road be closed as originally proposed.
- Request from residents that the proposed one-way slipway to allow access is not required, and access to the Wesley Church should be from Worthing Avenue.

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- Comment from residents that the future construction of a roundabout at the intersection of Kentwell Avenue and Castle Street is considered superfluous given that a roundabout will be constructed at the proposed carpark entry which is approximately 50 metres to the east. An additional roundabout will impede traffic flow and may cause impact on access to residences and businesses in the area.

In respect to the above matters, the applicant's proposal to provide a one-way access (adjacent to the Kentwell Avenue entry ramp) is considered, on balance, undesirable. The provision of such a vehicle access would likely result in a 'rat run' with vehicular traffic utilising the one-way access to short cut around signalised intersections, create an adverse traffic impact on Kentwell Avenue, undermine the function of Showground Road as a classified road and increase exposure to through traffic. Further, suitable signalised access to residential areas is available from Rowallan Avenue. Whilst it is acknowledged that the continued function of the southern part of Kentwell Avenue would benefit the Wesley Church, it is considered that there is adequate alternative traffic routes available to access the rear Worthing Avenue carpark. A condition of consent has been recommended requiring the deletion of the proposed public road access from Showground Road to Kentwell Avenue (See Condition 7).

In regard to the future roundabout at the intersection of Kentwell Avenue and Castle Street, this proposal is part of the broader Traffic Management Plan (TMP) for the area. Whilst the roundabout is shown in the current TMP and Council's Manager Infrastructure Planning has advised that the distance between the roundabouts should not adversely impact on their function, this matter will be considered as part of the future traffic management options in Castle Street.

11. Submissions

The proposal was notified to adjoining property owners on four (4) occasions, with the first occasion also including public exhibition. The further occasions of notification was in response to the submission of amended plans from the applicant. In order to detail the concerns in relation to the specific amendments made to the plans the objectors table has been divided into three (3) sections to specify the amendments made at that time by the applicant and any objections received. In summary the objections raised to each notification period are as follows:

First notification – Twenty-three (23) submissions.

Second notification – Eight (8) submissions.

Third notification – Four (4) submissions.

Fourth notification – no submissions received.

(i) Issues raised during First Notification Period

ISSUE/OBJECTION	COMMENT	OUTCOME
The intersection of Pennant Street and Castle Street should be upgraded to provide improved access for pedestrians and turning traffic. A solution would be to allow pedestrian movement in all directions simultaneously or to limit the location of pedestrian	The RTA have required the provision of separate right turn bays on both Castle Street approaches. This will assist in movements at this intersection. The phasing of lights will be reviewed by the RTA after an appropriate operational period. The request for 'scramble' pedestrian light phases cannot	Condition imposed – see Condition 35 (19).

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ISSUE/OBJECTION	COMMENT	OUTCOME
access. The phasing of lights at this intersection should be reviewed.	be approved as it does not meet RTA warrants for this type of facility however pedestrian access will be maintained at the intersection.	
Request that an Armco barrier be erected at the corner of Pennant Street and Showground Road outside of the Baptist Church.	The RTA have installed a barrier in this location.	Issue addressed.
Concern that the closure of Kentwell Avenue will reduce travel options for residents in the area and request that access in a northerly direction be maintained.	The closure of Kentwell Avenue will marginally increase some vehicle trips however there is adequate road access available to all properties via Castle Street.	Issue addressed.
Inadequate detail has been provided regarding the Barwell Avenue tunnel.	The Barwell Avenue tunnel has now been deleted.	Issue addressed.
Impact of the Barwell Avenue tunnel in respect to vehicle access to existing properties. The Masonic Hall and McDonalds will be restricted to left in/left out. The lanes on Barwell Avenue do not have adequate width to allow turning movements of vehicles including service vehicles. Should an accident occur on Barwell Avenue or in the tunnel or traffic build-up in the adjacent carpark there will be an impact on traffic flow in Barwell Avenue.	The Barwell Avenue tunnel has now been deleted.	Issue addressed.
Need for safe pedestrian access in proximity to the Barwell Avenue tunnel due to proposed narrow footpath.	The Barwell Avenue tunnel has now been deleted.	Issue addressed.
The Barwell Avenue tunnel will impact upon future development of the Masonic Hall and will limit the size of vehicles able to enter the site.	The Barwell Avenue tunnel has now been deleted.	Issue addressed.
Further investigation should be carried out by the applicant regarding the need for the Barwell Avenue tunnel and alternate options with/without the tunnel including other locations for	The Barwell Avenue tunnel has now been deleted.	Issue addressed.

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ISSUE/OBJECTION	COMMENT	OUTCOME
the tunnel and tunnel entrance. Question of adequacy of the traffic report submitted addressing the Barwell Avenue tunnel.		
The Barwell Avenue tunnel will result in traffic using other local roads to avoid use of the tunnel.	The Barwell Avenue tunnel has now been deleted.	Issue addressed.
The need for the Barwell Avenue tunnel indicates that this is an overdevelopment of the site.	The Barwell Avenue tunnel has now been deleted.	Issue addressed.
The traffic assessment does not address the increased traffic on Castle Street taking into account the new entry/exit ramp on Castle Street.	The traffic assessment has been reviewed and is satisfactory. See comments in Section 6.	Issue addressed.
Difficulty in entering and exiting private driveways due to increased traffic in the area.	Local Area Traffic Management will be undertaken in Castle Street and Cecil Avenue which will calm traffic. These schemes will be reviewed and implemented after the completion of the Showground Road upgrade works.	Issue addressed.
Question of the estimated number of truck movements per day during construction, and whether trucks will access the site from Kentwell Avenue or as a staging area for the work site.	The applicant has advised that truck movement will vary during phases of the construction work however the busiest time for vehicle movements is anticipated during the bulk excavation period (up to a peak of around 200 vehicle movements per day) and during large concrete pours (up to around 100 movements on any day). A condition has been recommended which states that no construction traffic is permitted to enter the site from Kentwell Avenue.	Condition imposed – see Condition 76.
Question of whether there will be a separate area of parking for construction workers as Kentwell Avenue is already congested.	A condition of consent has been recommended requiring all contractor/builder parking to be on the site or within land owned by QIC.	Condition imposed – see Condition 79.
Question of the number of trucks using the ramp access and loading docks from Kentwell Avenue.	The applicant has advised that this loading dock would have an average of forty (40) truck movements per day comprising of fifteen (15) semi trailers and twenty-five (25) other trucks.	Issue addressed.
The phasing of traffic lights	Phasing of the traffic lights is a	Issue addressed.

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ISSUE/OBJECTION	COMMENT	OUTCOME
at the corner of Les Shore Place and Pennant Street should be changed to ensure access to Les Shore Place at peak times, and to ensure that the school is given priority at peak times.	matter for consideration by the RTA. The phasing of lights will be reviewed by the RTA after an appropriate operational period.	
Traffic flow around Pennant Street and Les Shore Place should not be interrupted between 8am – 9pm and 3pm – 4pm weekdays in order to decrease danger to students as the operation of traffic management controls will result in motorists paying attention to the controls and less attention to students.	Pennant Street now forms part of the western ring road and is a major link for traffic travelling both north and south. There are adequate traffic lights and associated pedestrian crossings to allow safe pedestrian access.	Issue addressed.
Construction periods with large numbers of truck/traffic movements should occur during school holidays.	The construction period will be approximately 30 months. It is not considered reasonable to limit vehicle movements to the site to school holidays.	Issue addressed.
Truck movements between 8 – 9am and 3 – 4pm should be restricted in order to decrease danger to students.	The construction period will be approximately 30 months. It is not considered reasonable to limit vehicle movements.	Issue addressed.
Request that construction traffic be limited between 8am – 9am and 3pm – 4pm on weekdays.	The construction period will be approximately 30 months. It is not considered reasonable to limit vehicle movements.	Issue addressed.
Traffic lights should be installed at the intersection of Rowallan Avenue and Showground Road or a similar upgrade of this intersection.	Signalisation is required at the Showground Road/Rowallan Avenue intersection in accordance with RTA requirements.	Condition imposed – see Condition 35 (21).
If traffic lights are installed at Rowallan Avenue/Showground Road intersection this will result in additional adverse traffic impact to the residents of Castle Street. If traffic lights are installed it is requested that the properties on Castle Street between the RSL Club and the Stage 3 works be rezoned to Business 3(b) (Commercial).	Signalisation is required at the Showground Road/Rowallan Avenue intersection in accordance with RTA requirements. There is no plan for properties to be rezoned in Castle Street. The proposed traffic outcome is considered satisfactory given the location of Castle Street to the town centre.	Issue addressed.
The traffic arrangements including access ramps and roundabout on Kentwell	The proposed ramps will include the closure of Kentwell Avenue, with access via Castle Street	Condition imposed – see Condition 7.

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ISSUE/OBJECTION	COMMENT	OUTCOME
Avenue will be a driving hazard to vulnerable persons using the Wesley Mission site.	and the northern end of Kentwell Avenue. A safe traffic environment will remain.	
Increased traffic flow on Cecil Avenue and Cheriton Avenue. The traffic report does not include figures for the morning peak hour on these roads.	Local Area Traffic Management will be undertaken in Castle Street and Cecil Avenue which will calm traffic. These schemes will be reviewed and implemented after the completion of the Showground Road upgrade works. Council's Manager Traffic has advised that the submitted traffic report is satisfactory.	Issue addressed.
Question of what works will be undertaken to improve traffic movements at the Showground Road /Old Northern Road intersection.	This matter has been addressed in Section 6 of the report.	Issue addressed.
Traffic calming devices should be installed in Cecil Avenue to make this a less attractive alternative for traffic between Showground Road and Old Northern Road.	Local Area Traffic Management will be undertaken in Castle Street and Cecil Avenue which will calm traffic. These schemes will be reviewed and implemented after the completion of the Showground Road upgrade works.	Issue addressed.
Impact upon other local roads in the area.	Council's Manager Traffic has reviewed the proposal and raised no objection. See comments in Section 6 of the report.	Issue addressed.
The closure of Kentwell Avenue will impact on access to the Wesley Church carpark and will increase travel distance to the site. Council has restricted access to the Wesley Church carpark to via Worthing Avenue and does not permit access from Showground Road on the basis that access has been available from Kentwell Avenue.	The closure of Kentwell Avenue will marginally increase some vehicle trips however there is adequate road access available to all properties via Castle Street.	Issue addressed.
Vehicle access will be restricted to the properties on the corner of Showground Road and Kentwell Avenue and to No. 2 Kentwell Avenue.	QIC have purchased Nos. 26 and 28 Showground Road (both at the corner of Kentwell Avenue). Vehicle access is required to be retained to the existing building on 30-34 Showground Road (part alternate access 2 Kentwell Avenue) which fronts Kentwell	Condition imposed – see Condition 46.

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ISSUE/OBJECTION	COMMENT	OUTCOME
	Avenue.	
Access through the Wesley Church site will be restricted as visitors will not be able to move from one carpark to the next without travelling on public roads.	Public road access to the Wesley Church remains available.	Issue addressed.
Road widening on Showground Road may result in the Wesley Church being limited to left in/left out, and this restriction along with closure of Kentwell Street will result in additional travel distance for church visitors.	The works required by the RTA to upgrade Showground Road will include a central median and as such access to the Wesley Church will be limited to left in/left out. It is acknowledged that this will marginally increase some vehicle trips.	Issue addressed.
Heavy traffic may cause danger to children using the Wesley Mission site.	The current access arrangements to/from Showground Road will remain. There is no access to the site from Kentwell Avenue which is in proximity to Worthing Avenue.	Issue addressed.
The closure of Kentwell Avenue is only for the interest of Castle Towers and is not in the best interest of the community.	The closure of Kentwell Avenue will benefit residents on Kentwell Avenue due to better traffic management and reduced traffic volumes.	Issue addressed.
The closure of Kentwell Avenue is required to be notified under the Roads Act as a separate matter to the Development Application. The road closure should be determined by Council prior to determination of the Development Application.	The proposed closure will be carried out in accordance with the Roads Act. The closure is subject to the approval of this application and further negotiations with Council and as such will be undertaken post consent.	Issue addressed.
The erection of traffic lights on Showground Road at the Kentwell Avenue access serves only Castle Towers.	The proposed traffic lights will facilitate development of Castle Towers but will also assist in controlling general traffic flow along Showground Road.	Issue addressed.
Kentwell Avenue should remain open and provide access to Castle Towers via an access driveway. In this arrangement the community has access to the traffic lights at the Kentwell Avenue/Showground Road intersection.	The applicant proposed a one-way access from Showground Road to Kentwell Avenue in response to concerns raised however did not propose any access from Kentwell Avenue to Showground Road. The proposed one-way access is not supported due to adverse impact on residential properties in Kentwell Avenue. See Section 1 of the report.	Issue addressed.
Request that vehicle access	Vehicle access will be retained.	Issue addressed.

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ISSUE/OBJECTION	COMMENT	OUTCOME
to properties in Kentwell Avenue not be impacted upon.	to all residential properties in Kentwell Avenue.	
Request that the existing parking restrictions in Kentwell Avenue remain.	The Local Traffic Committee will review the parking restrictions post development, particularly in respect to potential for staff parking.	Issue addressed.
Traffic flow in Pennant Street and Castle Street will be excessive.	Council's Manager Traffic has reviewed traffic flow and has raised no objection to the proposal.	Issue addressed.
A turning bay should be installed at the U-turn on Pennant Street (outside the Police Station) to ensure the safety of users due to the increased traffic on Pennant Street.	Pennant Street now forms part of the western ring road and is a major link for traffic travelling both north and south. There are adequate traffic lights and side streets within the vicinity to facilitate required turning movements.	Issue addressed.
Kentwell Avenue should be widened as currently traffic in peak hour is a concern.	There is no proposal to widen Kentwell Avenue given that it serves local traffic needs only. Kentwell Avenue will be closed to through traffic.	Issue addressed.
Closure and sale of Castle Street and Castle Place is a concern.	The closure and sale/lease of Castle Street/Castle Place is subject to negotiations between Council and the applicant/developer and is not under consideration with this application.	Issue addressed.
Vehicle access is required to be available 24 hours to the Australia Post parking area/loading dock via Castle Street during the construction period and post construction. Customer access must also be available to the site and request that plans be provided to Australia Post of any alternate access routes.	A condition of consent has been recommended requiring access to Australia Post to be available at all times.	Condition imposed – see Condition 13.
Australia Post signage and building should be visible at all times. Should signage be impeded it is requested that alternate signage be erected at the cost of the developer.	A condition of consent has been recommended requiring that Australia Post signs remain visible during construction.	Condition imposed – see Condition 13.
Request that a dilapidation report be prepared at the developers cost and submitted to Australia Post prior to works commencing.	A condition of consent has been recommended which requires a dilapidation survey to be carried out for property including Australia Post.	Conditions imposed – see Conditions 63 and 78.

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ISSUE/OBJECTION	COMMENT	OUTCOME
Lack of pedestrian access, specifically from Castle Grand to Showground Road, from corner of Pennant Street/Showground Road to the corner of Kentwell Avenue/Showground Road; and from Castle Grand to Old Northern Road.	Foot paving will be required to be constructed along all public roads where not already provided.	Condition imposed – see Condition 57(viii).
The pedestrian thoroughfare on Castle Street should be step-free or have a step-free alternative to allow access for mobility impaired persons.	A condition has been recommended requiring that the pedestrian access be in accordance with Australian Standard 1428.1.	Condition imposed – see Condition 44.
24 hour pedestrian access should be provided along Castle Street for access.	A condition of consent has been recommended requiring 24 hour pedestrian access to be provided along Castle Street.	Condition imposed – see Condition 44.
Increased noise level from traffic, particularly at the roundabout on Castle Street.	Whilst traffic within the locality will differ from the current traffic patterns, it is considered that noise levels will not be excessive.	Issue addressed.
Loss of light to apartments in Castle Grand.	The proposed works are set back approximately 3 metres from the boundary with Castle Grand. It is acknowledged that there may be some loss of light to apartments however this is considered acceptable. Castle Grand is located to the north of the proposed works and the shadow diagrams submitted indicate that the proposed works will not cause shadow impact on Castle Grand.	Issue addressed.
Setback to Castle Grand and that doors and windows open in the direction of the proposal.	The proposed works are set back approximately 3 metres from the boundary with Castle Grand. It is acknowledged that there will be a change to current views due to the proposed works. The proposed impact is considered acceptable given the separation between buildings.	Issue addressed.
24 hour truck access to centre.	The proposed loading docks are limited to use between 7am – 10pm. A condition has also been recommended requiring that access to loading docks be restricted outside of these hours by lockable bollards/ boom gates or similar.	Conditions imposed – see Conditions 113 and 115.
Roof top parking will impact	Given the distance from the	Issue addressed.

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ISSUE/OBJECTION	COMMENT	OUTCOME
on privacy.	proposed parking to any adjoining buildings it is considered that loss of privacy from roof top parking will be minimal.	
Noise from air conditioning units, freezers, chillers and garbage compactors.	A condition of consent has been recommended which requires that operational noise not be intrusive and also requires that a further acoustic report be carried out three (3) months and twelve (12) months after issue of the Occupation Certificate to ensure that noise levels are satisfactory.	Conditions imposed – see Conditions 112 and 114.
Noise during construction.	A condition of consent has been recommended which requires that noise not be excessive during construction. Hours for construction are also limited in accordance with Council practice.	Conditions imposed – see Conditions 85 and 87.
Impact upon buildings at the corner of Showground Road and Kentwell Avenue used by Wesley Mission for counselling, family services and similar activities in respect to noise and air pollution, view of building and location beside access ramps and roundabout.	QIC have purchased 28 Showground Road (corner of Kentwell Avenue). It is not considered that the proposed development, when operational, will cause adverse impact in respect to noise and air pollution. It is acknowledged that views to the east will differ from those currently experienced.	Issue addressed.
Impact on the lifestyle of residents in Cecil Avenue.	It is not considered that the proposal will adversely impact upon residents in Cecil Avenue given the location of the proposed works. It is acknowledged there may be some change to traffic flow however this is not considered a reason for refusal.	Issue addressed.
Height of the proposal, particularly in relation to Castle Grand and Kentwell Avenue.	The proposed height of the main retail building is approximately 29m to the roofline adjacent to Castle Grand and is comparable to Castle Grand. The proposal is considered acceptable having regard to the proposed rezoning of the site for retail purposes, SEPP 1 considerations, relationship with existing and future development and expectations of development of the site – see comments in	Issue addressed.

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ISSUE/OBJECTION	COMMENT	OUTCOME
Height of the access ramp from Kentwell Avenue, its visual impact and whether it will be visible from Kentwell Avenue.	Section 2. The proposed access ramp will be constructed of the same materials as the main building, is screened with an acoustic wall and has a landscape setback to part of Kentwell Avenue. The ramp will be visible from properties in Kentwell Avenue. The proposed visual impact is acceptable.	Issue addressed.
Vehicle access ramps are located in close proximity to Castle Grand, including the loading dock which will cause excessive noise.	The works are set back a minimum of 3m from the northern boundary, are enclosed and with an acoustic barrier located between the works and Castle Grand.	Issue addressed.
All works should be located a minimum of 15 metres from Castle Grand apartments.	The works are set back a minimum of 3.4m from the northern boundary with the lift having a nil setback. The proposed works are considered satisfactory given the retail nature of the site. The separation between the works and Castle Grand has been considered having regard to the principles of SEPP 65 and is considered acceptable. See comments in Section 5.	Issue addressed.
Scale and bulk of the building.	The proposed scale and bulk of the buildings is considered satisfactory and is appropriate in respect to the aims and objectives of the LEP and DCP.	Issue addressed.
Increase in air pollution from additional vehicles.	It is not considered that the proposal will create an adverse pollution level.	Issue addressed.
Increased litter due to more pedestrian activity.	It is not considered that the proposal will increase the extent of littering in the area. A condition has been recommended to require adequate litter bins to be provided.	Conditions imposed – see Conditions 14 and 111.
Question of hours of use of the loading docks.	The loading docks are limited to use between the hours of 7am – 10pm seven (7) days per week, with the exception of the Old Northern Road dock which is limited to 7am – 5pm.	Condition imposed – see Condition 113.
Question of the setback to the loading dock from Kentwell Avenue and noise from the loading dock.	The proposed loading dock is set back approximately 9 metres from the site boundary with landscape works forward. A	Condition imposed – see Condition 113.

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	condition has been recommended in respect to loading dock noise to ensure that noise will not be intrusive.	
Increased crime level.	The Castle Hill Police have reviewed the proposal and have not raised any concerns that the development will result in increased crime levels. See comments in Section 8.	Issue addressed.
Question of the need for retention of the dwellings on Castle Street and Kentwell Avenue and the intended use of this area.	The existing dwellings on the eastern side of Kentwell Street and the corner of Castle Street are located within the construction zone and will be demolished as part of the proposed works.	Issue addressed.
Question of the proposed construction time period and the hours that construction is permitted.	The proposed construction period is approximately 30 months. The hours of work are restricted to Monday to Saturday 7am to 5pm.	Condition imposed – see Condition 85.
Retention of existing mature trees on site and question of whether mature trees will be used in landscape works.	A number of existing trees on site will require removal due to the proposed works. The proposed replacement trees are required to have 75 litre pot size.	Conditions imposed – see Conditions 16 and 17.
Request that any plant species identified on the old school site be relocated to the Castle Hill primary school at the applicant's expense. This includes the twelve (12) narrow leaved black peppermint eucalypts and magenta lillypilly which should be relocated to the Castle High primary school and Castle Hill high school.	A number of existing trees on site will require removal due to the proposed works. Any request or proposal to relocate tree species is a private matter and should be pursued between the parties.	Issue addressed.
The proposal does not benefit residents in Castle Street due to the closure of Castle Street and Kentwell Avenue.	There is adequate access remaining for vehicle access via public roads.	Issue addressed.
Economic impact upon Stockland Mall and other existing commercial developments in the region. The documents submitted do not address the need for a centre of this size, the applicant has not demonstrated a need for 5 supermarkets or whether	The application was accompanied by a retail impact assessment which concludes that there is a need for the proposed development and the impacts on competing retail centres is acceptable. The assessment is considered satisfactory. This is further supported by Council's rezoning	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
the development is sustainable, does not address existing competition, dependent on the occupiers the sales of the centres may be under forecast, and there is no justification regarding how food and grocery trading will retain the nominated escape expenditure. Request that an independent assessment of the economic impacts be undertaken at the applicants cost.	of the site for retail purposes.	
The proposal does not contain adequate information for a proper assessment to be undertaken under Section 79C of the EP and A Act, 1979.	The proposal is satisfactory and contains adequate information to assess and determine.	Issue addressed.
Request that the same level of assessment be undertaken as occurred with the Rouse Hill Regional Centre, specifically in relation to ESD principles and transport planning. The applicant should address the Department of Planning 'Centre Types' document (July 2007).	The proposal is satisfactory and contains adequate information to assess and determine.	Issue addressed.
Question of status of rezoning of the site,	The rezoning has been gazetted and is in place. See Section 2 of the report.	Issue addressed.
The proposal is inconsistent with the 1997 Leyshon report which identifies Castle Hill as a sub-regional centre and with the 2006 Leyshon report which identifies the future floor space demand.	The proposal has been accompanied by a retail impact assessment which concludes that there is a need for the proposed development and the impacts on competing retail centres is acceptable. This is further supported by Council's rezoning of the site for retail purposes. It may also be noted that the Draft North West Subregional Strategy designates Castle Hill as a 'Major Centre'.	Issue addressed.
The area currently occupied by Hillsong Youth Services will be demolished if the proposal proceeds. Request that QIC relocate Hillsong Youth Services to a suitable	This is a private matter between parties and is not a matter for consideration with the application.	Issue addressed.

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ISSUE/OBJECTION	COMMENT	OUTCOME
venue.		

(ii) Issues Raised during Second Notification Period

The following concerns were in response to amended/additional information which included the following:-

- (i) deletion of the Barwell Avenue tunnel.
- (ii) revised works within the heritage precinct.
- (iii) an address of DCP controls/requirements.
- (iv) operational matters such as staging, hours of operation and hours for use of loading docks.
- (v) vehicle access and carparking details.
- (vi) drainage information.

There were eight (8) submissions received during the second notification period.

ISSUE/OBJECTION	COMMENT	OUTCOME
Question of whether the heritage precinct will be protected during construction work.	A condition of consent has been recommended which requires that the heritage buildings be protected during the construction period.	Condition imposed - see Condition 77.
Request that an oak tree located at the corner of Showground Road and Pennant Street be retained and incorporated into the landscape works.	The existing oak tree will be removed as part of the proposed works however suitable replacement landscape works will be undertaken on site.	Conditions imposed - see Conditions 17 and 51.
Emissions from the rooftop carpark will impact on The Horizons and cause health problems.	It is not considered that the proposal will create an adverse pollution level.	Issue addressed.
The height of the building will result in loss of light to and views from The Horizons. The plans should be modified to increase curtilage and light to The Horizons.	The proposed height of the building is similar to The Horizons. The works will result in some loss of light and views however the proposed impact is considered acceptable and is consistent with expected retail development on the site. See Section 2 above.	Issue addressed.
Vehicle access ramps should be enclosed to reduce noise.	All ramps are covered but are not all fully enclosed. A condition of consent has been recommended requiring that operational noise not be intrusive and requiring an acoustic	Conditions imposed - see Condition 112, 113, 114 and 115.

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	compliance report to be submitted three (3) months and Twelve (12) months after issue of the Occupational Certificate to ensure that noise impact is satisfactory.	
Impact on Kentwell Avenue streetscape and concern that landscape screening takes many years to reach maturity.	A condition has been recommended requiring replacement tree planting of 75 litre pot size. It is however acknowledged that the trees will take a number of years to provide a screen. The proposal is considered satisfactory in terms of external appearance.	Issue addressed.
Noise from docks operating 24 hours a day, air conditioners, trash compactors and similar.	The proposed docks are limited to 7am – 10pm with the exception of the Old northern Road dock which is limited to 7am-5pm. Both operational noise and loading dock noise has been reviewed and conditions of consent have been recommended to require that noise not be intrusive.	Condition imposed – see Condition 112, 113, 114 and 115.
Dust, pollution and general waste during the construction period.	A number of conditions have been recommended to ensure that construction is undertaken in an appropriate manner.	Conditions imposed – see Conditions 14 and 82.
Request that construction traffic not be permitted to use Kentwell Avenue.	A condition of consent has been recommended which requires that all construction traffic be from Showground Road, Pennant Street and the existing driveway on Castle Street, with no construction access from Kentwell Avenue.	Condition imposed – see Condition 76.
Request that the site be secured and patrolled during the night.	This is a matter for the applicant and is not a matter for consideration with the application.	Issue addressed.
Question of whether construction will be permitted on weekends.	The hours of work are limited to 7am – 5pm Monday to Saturday with no work or activity on Sunday or Public Holidays.	Condition imposed – see Condition 85.
The original proposal indicated the closure of Kentwell Avenue which would impact upon the	A condition of consent has been recommended requiring the closure of the proposed one-way access	Condition imposed – see Condition 7.

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Wesley Church. The additional information now indicates that Kentwell Avenue will remain open for vehicles travelling from Showground Road to Worthing Avenue. Clarification is requested.	from Showground Road to Kentwell Avenue. See Section 9 of the report.	
Question of whether both left and right turns will be permitted at the signalised intersection from Kentwell Avenue into Showground Road.	Both left and right turns will be available at the intersection of Kentwell Avenue and Showground Road when entering/ exiting the carpark. There will be no through access to Kentwell Avenue.	Issue addressed.
Increase in traffic on Pennant Street due to the closure of Old Northern Road.	Pennant Street now forms part of the western ring road and provides a major link to the north and south.	Issue addressed.
Additional traffic on Pennant Street travelling north will create further safety concerns for rear collision accidents to vehicles entering the Police Station and the adjoining residential complexes at 20 - 26 Pennant Street.	Pennant Street now forms part of the western ring road and provides a major link to the north and south. It is not considered that the increased traffic will create any additional safety issues.	Issue addressed.
Vehicles exiting 22 Pennant Street have reduced sight distance due to the dip in Pennant Street and the placement of garbage bins on the kerb.	This is not a matter for consideration with the application.	Issue addressed.
Request that a left turn bay be constructed to service the Police Station and the adjoining residential complexes at 20 - 26 Pennant Street to improve safety.	This is not a matter for consideration with the application.	Issue addressed.
Objection to retail shops operating 24 hours a day.	The proposed hours of operation, at the maximum, extend from 6am to 12.30am.	Condition imposed - see Condition 118.
Request that QIC provide double glazing of windows to No. 10 Kentwell Avenue.	A condition of consent has been recommended which requires that operational noise not be intrusive. It is not considered necessary to require the applicant to double glaze windows.	Issue addressed.
To facilitate access to McDonalds the following is requested: traffic signals be	The RTA have required that signalisation occur at the Showground Road/ Kentwell	Condition imposed - see Condition 35 (21).

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installed at the corner of Showground Road and Cheriton Avenue, construction of a roundabout at the intersection of Cecil Avenue and Barwell Avenue and construction of a right turn bay on Showground Road westbound to allow access to Kentwell Avenue.	Avenue/Cheriton Avenue intersection which will include a right turn access into the Kentwell Avenue access point. A roundabout has been constructed by Council at the intersection of Barwell Avenue and Cecil Avenue in accordance with Local Area Traffic Management.	
Adverse impact to McDonalds as a result of changes to the road network and increased traffic.	There is adequate public road access available to McDonalds.	Issue addressed.

(iii) Issues Raised during Third Notification Period

The following concerns were in response to amended/additional information which included the following:-

- (i) additional plans and information regarding landscape works within the heritage precinct.
- (ii) plans addressing the proposed construction of a two-level carpark and associated works at the corner of Castle Street and Kentwell Avenue with vehicle access to the carpark from Castle Street.

There were four (4) submissions received during the second notification period.

ISSUE/OBJECTION	COMMENT	OUTCOME
Loss of privacy from rooftop carparking.	Given the distance from the proposed parking to any adjoining buildings it is considered that loss of privacy from roof top parking will be minimal.	Issue addressed.
The proposed metal acoustic screen is not in keeping with the streetscape and it will take a number of years for landscape planting to provide a natural screen.	The proposed acoustic screen is considered satisfactory and is in keeping with the external appearance of the works. A condition has been recommended requiring replacement tree planting of 75 litre pot size. It is however acknowledged that the trees will take a number of years to provide a screen. The proposal is considered acceptable in terms of external appearance.	Condition imposed – see Condition 17.
Question of why the	The screening has been	Issue addressed.

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screening at the southern end of Kentwell Avenue is sandstone.	proposed by the applicant and is considered appropriate and will have a satisfactory external appearance.	
Height of proposed carpark will impact on the streetscape and question of whether there is a height limit.	The height limit under the LEP for this portion of the site is 19m. The proposed carpark as a height of approximately 7.5m.	Issue addressed.
Traffic congestion on Castle Street, Showground Road, Kentwell Avenue and Castle Street, and at the intersection of Kentwell Avenue and Castle Street.	The proposed traffic generation has been assessed by Council's Manager Traffic and is considered satisfactory. See Section 6 of this report.	Issue addressed.
Increased pollution from cars.	It is not considered that the proposal will create an adverse pollution level.	Issue addressed.
Additional cars in this area will result in more noise from shoppers, car alarms, loading docks, air conditioners and garbage compactors.	A condition of consent has been recommended to ensure that operational noise from the centre is not intrusive. It is acknowledged that noise from car alarms may cause some disruption however any noise would be short term.	Condition imposed – see Condition 112.
Question of whether there will be a large sign on the corner of Kentwell Avenue and Castle Street.	The proposal does not include any advertising signage. Any advertising signage is subject to a further Development Application.	Condition imposed – see Condition 5.
Question of whether there is a tunnel proposed under Kentwell Avenue and whether it will be illuminated.	There is no tunnel proposed under Kentwell Avenue.	Issue addressed.
The original plans showed this area as open space and this should remain.	The original plans submitted indicated that area would be an open landscape area and may be subject to further development. The applicant now seeks to utilise this area to provide additional carparking in order to reduce the parking shortfall proposed.	Issue addressed.
The proposed carpark will not protect the residential and public amenity in the vicinity of Castle Street and Kentwell Avenue.	The proposed carpark is not considered to adversely impact upon amenity and will have appropriate setbacks and landscape screening.	Issue addressed.

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Safety for local residents.	The Castle Hill Police have reviewed the proposal and have not raised any concerns that the development will result in increased crime levels. See comments in Section 8.	Issue addressed.
Underground access to stairwells is unsatisfactory and unsafe and can create negative behaviour.	The Castle Hill Police have reviewed the proposal and have not raised any concerns in respect to stairwells. See comments in Section 8.	Issue addressed.
The proposal will restrict the ability to trade of the medical practice at the corner of Kentwell Avenue and Castle Street.	It is acknowledged that there may be some disruption during construction however conditions of consent have been recommended in regard to contractor parking, access and general site maintenance and operations.	Conditions imposed - see Conditions 76, 79, 85 and 87.
Overshadowing of residences on Kentwell Avenue from the carpark.	The residential properties on Kentwell Avenue are located to the north-west of the proposed carpark. There is some shadow impact to the subject site and road reserve however there is no shadow impact on the residential properties.	Issue addressed.
Loss of property values.	There has been no evidence submitted to indicate that a loss of property values will result due to the development.	Issue addressed.
The Castle Hill CBD needs more green space.	This is a broad issue that does not relate to the current application. Notwithstanding this adequate landscape works are proposed on the site.	Issue addressed.
Comment that QIC should consider the purchase of homes in Kentwell Avenue and then sell them back into the market.	This is not a matter for consideration with the application.	Issue addressed.

(iv) Issues Raised during Fourth Notification Period

The applicant submitted amended plans for Site A which address the proposed widening of Showground Road between Old Northern Road and Pennant Street on 11 May 2010. The amended plans were renotified to residents however no further submissions were received.

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BUILDING CONTROL COMMENTS

No objection to the proposal subject to conditions.

ENGINEERING COMMENTS

No objection to the proposal subject to conditions.

TRAFFIC COMMENTS**a. Introduction**

The Hills District has the highest car ownership rate in Sydney at 2.7 vehicles per dwelling, generating more than 10 trips per day per dwelling and having one of the lowest alternative transport use rates in Australia at around 3% of the total trips to work (ABS – 2006). This data means that all significant traffic generating developments such as the proposed Castle Towers expansion require rigorous assessment to ensure that limited road capacity is effectively utilised, or upgraded facilities are properly justified.

Castle Hill is not recognised as a regional centre in the Sydney Metropolitan Plan, but the existing land use coupled with possible increases in residential density, retail and commercial floor space places the district similar categories to most other regional centres. Transport issues associated with Castle Hill are therefore demanding increased attention at both Local and State Government levels.

b. Report

The applicant has previously submitted a detailed traffic and transport analysis (Masson Wilson Twiney – 2007). That original report has been reviewed and updated several times since 2007 for reasons including Council or RTA requirements, altered traffic conditions resulting from new development, and changes in government policy relating to traffic flow during construction works.

Extensive discussions have been held over the last three years with the RTA, Ministry of Transport, Bus Service providers, public utility authorities, Police and various property owners in Castle Hill regarding the traffic impacts of the proposed development to ensure that a holistic approach is given to the improvements required in the Town Centre.

The RTA has now provided a substantial response that incorporates all of the key issues identified in those earlier discussions and identifying key elements of road works that are to be upgraded as part of the Castle Towers Stage 3 development. Most of the matters raised in the RTA submission are discussed in this section of the report to explain the reasoning behind various traffic improvements that will be required if development consent is granted.

Funding arrangements are yet to be finalised between the RTA and QIC regarding the costs for works on State Roads as there are further determinations to be made on the proportion of regional traffic and shopping centre traffic. However, Council is not involved in those negotiations and there are no financial implications on the Council resulting from those negotiations.

There are four major road improvement components involved in the traffic analysis for the Stage 3 development proposal:

1. Castle Hill Ring Road

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2. Mainstreet
3. Bus Interchange
4. Showground Road

There are several other important, but comparatively minor aspects of the development that will also be discussed later in this report including the closure of Castle Street between Pennant Street and Old Northern Road, Local Area Traffic Management (LATM) schemes along Cecil Avenue and Castle Street, cycleway access and pedestrian access.

c. Castle Hill Ring Road

The entire ring road is now part of the State Road network (Gazetted 15 January 2010) under the administration of the RTA. Works by Council along the Terminus Street bypass have been completed for over 6 months and the peak hour operating efficiency of the network is satisfactory at most times, with an average level of service rated at C on a scale of A (excellent) to F (fail). The intersection of Pennant Street and Showground Road falls to E during the morning weekday peak, but the delays at this location relate to capacity issues along Showground Road that are discussed later in this report. Week day peak hour co-ordination of all the traffic signals has been done by RTA officers, but there are still further improvements planned over the next 4 months for weekend peak demand.

Additional "fine tuning" of several intersections continues. Council has approached the RTA through the Local Traffic Committee to consider improved pavement markings along the north bound carriageway of Old Northern Road south of the town centre to redirect motorists into the right turn lanes for Cecil Avenue/Terminus Street. This recommendation is aimed at encouraging north bound through traffic into Terminus Street, thereby avoiding the town centre. Substantial green/white directional signs already exist at the northern and southern approaches to the town centre indicating how to use the ring road, but many visiting motorists remain unaware of the bypass, particularly on weekends.

The intersection of Terminus Street and Crane Road is currently under review for a number of reasons. Access from the Castlewood Precinct has improved during the morning peak in recent months, but delays for northbound right turning traffic remain. There are also substantial delays for southbound right turning traffic entering Terminus Street, with buses significantly affected in the morning peak. This bus traffic is dramatically increasing with over 100 new buses operating through the Castle Hill CBD at 5 minute headways during the morning peak as part of the new Metro Service. The Mainstreet work that is discussed later in the report has now forced most Sydney CBD/Parramatta morning peak buses into Crane Road. As a result Council officers are working with the RTA to introduce new traffic signal phasing at the Terminus Street intersection that will provide separate phases for motorists exiting either Crane Road approach. This "split phase" approach will also increase traffic safety at the intersection by separating the opposing right turn movements, but the pedestrian crossing on the western approach of Crane Road will need to be removed to maintain sufficient capacity for through traffic on Terminus Street. This pedestrian crossing has very low usage and is not expected to create access issues.

The above two intersection improvements are not part of the Castle Towers expansion program and will subsequently not be introduced in proposed consent conditions. However, there are two other intersections along the western half of the ring road that will form part of consideration of the Castle Towers expansion.

1. The intersection of McMullen Avenue and Old Castle Hill Road will require two improvements. Firstly, the south bound approach of Old Castle Hill Road to the shopping centre will need the short dual lane line marking extended back to the

top end of Garthowen Crescent. This dual lane treatment for southbound motorists approaching the traffic signals can be accommodated within the existing road carriageway at low expense and very little inconvenience to the adjacent residents. These alterations will not affect access conditions to Council owned property known as the Gay Street development site. Secondly, an additional lane is needed in McMullen Avenue for west bound traffic coming down the hill from Old Northern Road. This lane will be designated for left turns into Old Castle Hill Road going into the shopping centre precinct. The work will require private property acquisition from three (3) owners along the northern side of McMullen Avenue, but the largest affectation will be on property owned by QIC. Preliminary consultation with the owners has commenced in this regard but no commitments for acquisition would proceed unless approval is given for the Stage 3 DA. This work has previously been identified in the Castle Hill Commercial Centre DCP and Contribution Plan. Therefore the work may be undertaken by Council from Contribution Plan funding or the applicant may undertake works in kind.

2. The intersection of Pennant Street and Castle Street will require an upgrade of right turn facilities, affecting each approach of Castle Street. This intersection operates at level of service D in the afternoon weekday peak and the introduction of right turn lanes in each approach of Castle Street to Pennant Street would greatly enhance efficiency. Opportunities exist to build new right turn lanes on both approaches but the carriageway widening will affect the northern footpath adjacent to the Police Station and adjacent to the existing shopping centre wall. Acquisition of land owned by the NSW Police Service should not be required but a detailed concept plan would identify the additional pavement and footpath reconstruction work that will be required to accommodate the extra lane. There are no plans to widen the road adjacent to Castle Grand. The significant volume of pedestrian movements crossing Pennant St at this intersection will continue to affect operational performance at this intersection, but it is expected that the right turn lanes, combined with a proposed pedestrian bridge across Pennant St to be built by QIC to the south of the Intersection as part of the proposed development, will greatly assist in improving traffic flow. These pedestrian access matters are addressed later in the report.

The road works proposed in the development application also include a new tunnel connection under Pennant Street between low level car parks on the former school sites, plus a traffic and pedestrian overhead bridge in the same location connecting upper level car parks. These structures will remain the responsibility of QIC, but the RTA has specified extensive controls for the construction and maintenance schedules that will meet their standards and clearance requirements.

The proposed Castle Towers extensions will ultimately add up to 28% extra traffic to several approaches on various intersections around the ring during the weekday peak hours. This traffic has been combined with an annual growth factor for the Castle Hill precinct that is based on over 15 years of arterial road surveys. The modelling work that has been analysed by Council and the RTA indicates sufficient capacity remains in the network to maintain a minimum Level of Service (LOS) D over the entire ring road network up to the year 2016. This is an acceptable standard in metropolitan Sydney for peak travelling periods.

Several assumptions made in that report will shortly be verified by additional traffic modelling work as soon as the Mainstreet project is completed. Further traffic surveys and analysis will be done by the applicant's traffic consultants to recalibrate the model. This modelling work will also be used to provide ongoing advice to Council about additional development sites in the Castle Hill CBD as identified in the relevant DCP, particularly the Terminus Street car park. This modelling work does not factor in

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substantial reductions in vehicle travel demand resulting from increased use of bus services through the Interchange or from the future North West Rail Link. Traffic projections are therefore conservatively high.

d. Mainstreet

Work has commenced on Stage 1 of the Mainstreet treatment, with traffic control effectively removing all vehicles off that section of Old Northern Road. When completed in March/April of this year, the Mainstreet is expected to cater for a traffic demand of up to 8,000 vehicle movements each day. All of this traffic will have a destination within the CBD, primarily using this link for access to the adjacent car parks. This is because the design of the Mainstreet discourages through traffic by installing several forms of LATM.

It can therefore be surmised that the current work has resulted in an additional load on the ring road of up to 8,000 vehicle movements each day that has continued through the Christmas peak until works are completed. This additional load has not significantly affected the ring road operation during peak weekday traffic demand, but performance has been closely monitored during December with the Christmas traffic loading.

The Mainstreet treatment, Stage 1 and a portion of Stage 2 are a part of the Castle Hill CBD Contribution Plan. QIC will be paying in accordance with the relevant rate for work being done in the CBD, but as previously mentioned, there will be a need for agreements with Council for works that are in the Contribution Plan. The limits of the Council project under construction at the present time do not extend along the western side of Old Castle Hill Road or along either side of Castle Street. Therefore some frontage works that are consistent with the footpath treatment along the Mainstreet will be required as part of this Development Application. All proposed changes to the retail areas controlled by QIC fronting the Mainstreet area have been assessed to ensure that they are compatible with the Mainstreet project. This includes limited access times for delivery vehicles that will therefore not impact on the quality of amenity for businesses and customers.

e. Bus Interchange

The Castle Hill Bus Interchange is now operating at about 70% of capacity and as mentioned earlier in this report, over 100 new buses are already using the Interchange as a result of the Metro Services that commenced before Christmas, together with the existing route services. As part of Stage 2 of the Mainstreet treatment, there are approximately \$7.5M in further works to complete the area in accordance with the approved Masterplan. Bus operations will not significantly affect future performance of the ring road.

These future works for the Interchange should primarily be funded by the Ministry of Transport, the RTA, and developers of the adjacent land. The works include secure bus driver facilities, bus lane widening, pedestrian signals, landscaping, bus shelters, median islands and other related infrastructure. The Castle Hill CBD Contribution Plan will fund upgrades to certain sections of Arthur Whitting Park, together with kiosk facilities and pedestrian access improvements.

QIC will not be directly involved with the Interchange area, other than a review of traffic modelling, together with relatively small modifications to car park access along Old Castle Hill Road.

f. Showground Road

The single major obstacle to efficient traffic flow in the Castle Hill CBD is the existing carriageway constraint along Showground Rd. Traffic volumes along this two lane arterial route have been constrained at around 40,000 movements per day for the last 10 years.

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These volumes equate to peak hour lane volumes of 2000, which is around 130% of typical single lane capacity in an urban environment. As a result the level of service is F, with extensive delays for several hours during morning and afternoon peaks, as well as over lunch time during weekends.

The existing road reservation along this section of Showground Rd is just over 30 metres wide, allowing up to six lanes to be accommodated. Early in 2010 the Minister for Roads announced a \$1M funding package to complete survey, design and accurate construction estimates of the road by Council, and these detailed engineering designs are nearing completion. As part of the continuous design review, the RTA have specified that the ultimate six lane configuration be prepared so that any works required as part of the proposed Castle Towers DA will be done in accordance with a suitable alignment. This will ensure that future rework is minimised.

The RTA have further advised that QIC are required to build a carriageway along Showground Road between Old Northern Road and Carrington Road of four lanes (two east bound and two west bound), with a third eastbound lane between Pennant Street and Old Northern Road, together with new signalised intersections at Rowallan Street and at Kentwell Avenue. This four lane configuration must align within the ultimate six lane design. When the engineering design is complete the RTA will undertake a Review of Environmental Factors (REF) that will include public exhibition and consultation with the affected property owners.

The preliminary estimates of the four lane construction suggest that the work will cost between \$60M and \$70M however, the completed design and tendering process will refine this cost. The apportionment of the cost is not a matter for Council as no Council funding is to be allocated for State Road works, but the traffic analysis suggests that around half of the future daily volumes along Showground Road are travelling to and from Castle Towers, with the remaining half travelling to other businesses in the CBD or travelling through the CBD. QIC and the RTA are negotiating on the cost responsibilities and a funding agreement will be in place before works commence on the road.

Proposed consent conditions regarding the works along Showground Road have been prepared for this report but in summary, the project would double the lane capacity between Carrington Road and Old Northern Road. There would also be new traffic signals at the Kentwell Avenue intersection, and the existing pedestrian signals near Rowallan Avenue would be relocated to the actual intersection to improve access for motorists. The Pennant Street and Old Northern Road intersections would be upgraded as well. However, the existing intersections at Britannia Road and the western end of Cecil Avenue would be restricted to left in / left out only by a central median island along the full length of Showground Road. This restriction would apply to all other individual driveways along the route as well. The alignment of the new carriageway will require all public utility relocations as part of this project and this cost will be a substantial component of the budget. The new alignment will also result in a residual wide central median island that would be used for two additional lanes in the future at an estimated cost of \$10M.

g. Closure of Castle Street

The Development Application lodged by QIC incorporates a full closure of Castle Street between Pennant Street and Old Northern Road to through vehicular traffic. The traffic modelling for the town centre includes the impact of this closure, noting that upper and lower car park entry/exit is still required at either end of the closed road. The removal of access for vehicles will place a small extra demand on the ring road. The demand will be minor because over 93% of the existing vehicle movements in this section of Castle Street are associated with car park access, and these movements will effectively remain. The new car park access points will reduce the gradient of Castle Street at each

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Intersection but vehicles will continue to use the traffic signals in the same manner as under the existing control. The full permanent closure of any public road requires a specific procedure to be followed under the Roads Act 1993, and this process will commence through the Local Traffic Committee if consent is granted to the Development Application. Issues regarding pedestrian access through this section of Castle Street are discussed later in the report.

h. Pedestrian and Cycleway Access – Castle Hill CBD

The Castle Hill CBD has previously been the subject of a Pedestrian Access & Mobility Plan (PAMP – ERM Consulting 2001). This Plan has been implemented in stages over the last 12 years with nearly all recommended works completed. These works included new concrete footpaths, pedestrian crossings, pram ramps, line marking, signs and street lighting.

However, as a result of the proposed Castle Towers expansion, together with several other approved or planned redevelopments sites within the CBD, a review of the PAMP is needed to ensure that Council's access objectives continue to be met.

The CBD also forms an integral part of the Shire Cycleway Plan with primary links proposed along all State Roads, and secondary links via Castle Street, Cecil Avenue (east and west of Old Northern Road), Crane Road and Old Castle Hill Road. Most of these cycleway links are on road routes, but there are several sections of footpath that have been built wider to accommodate off road cyclists as well. The proposed upgrade of Showground Road will include off road cycleways and new concrete footpaths. These pedestrian and cycleway links will integrate with the Mainstreet in accordance with the planned network. All footpath and kerb reconstruction in the central area of the CBD that is required for the Development Application will be completed using materials and finished products that are consistent with the Mainstreet objectives.

One of the most important pedestrian desire lines to the CBD is along Castle Street from the High School and the RSL. The eastern section of this route is proposed to be closed to through vehicular traffic as part of the Development Application. However, all preliminary discussions between the applicant and Council officers regarding this proposed road closure have reinforced the need to maintain pedestrian access between Pennant Street and Old Northern Road. This is because there will always be a strong demand for people to walk from the Police Station to the Mainstreet area, and alternative pedestrian access through the shopping centre will not meet all public demand. The applicant has suggested that the proposed bridge and tunnel structures crossing Pennant Street to the south of the intersection will substantially meet this demand, but these facilities will not accommodate pedestrians who have walked from the school or the RSL. It is therefore imperative that this pedestrian access along the current alignment of Castle Street be maintained with increased security arrangements such as CCTV, particularly near all ATM devices. This access would also allow fast response on foot from the Police Station to the Mainstreet area.

i. Old Castle Hill Road – Car Park Access

Access to the upper car park decks off Old Castle Hill Road will be retained as per the plans shown in the Development Application. The access is currently restricted to left in and left out because Old Castle Hill Road is one way north bound between Old Northern Road and the former Eric Felton Street access leading into the car parks. No changes are proposed to these access conditions under the current proposals but it should be noted that as a result of increasing bus parking demands (Castle Hill Bus Interchange Report – Cardno Eppell Olsen Consulting 2008) and the future access requirements of the Northwest Rail Link, Council officers are investigating the re-introduction of two way

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traffic along the full length of Old Castle Hill Road. This matter will be the subject of future reports to Council associated with the proposed Castle Hill Railway Station.

j. LATM Schemes - Cecil Avenue and Castle Street

As noted earlier in the report, vehicular access along Cecil Avenue and Castle Street will alter significantly as a result of changes to traffic patterns along Showground Road. In general terms traffic volumes along Cecil Avenue will slightly reduce due to improved capacity along Showground Road, but traffic volumes along Castle Street will increase.

Both of these roads run parallel to Showground Road and are major collector routes in Council's road hierarchy. LATM Schemes have been investigated along both roads over many years, incorporating various parking restrictions, mini-roundabout and parking lane treatments.

Castle Street will have an increased volume of traffic of about 20% from 10,000 to 12,000 movements each day, particularly in the afternoon peak, because of the improved exit conditions under signal control into Showground Road from Rowallan Avenue for motorists leaving the Castle Towers car park exits. Traffic signals are required at this location for a number of reasons:

1. Rowallan Avenue services the high school, RSL Club and the Bowling Club, which are all significant traffic generators needing controlled access out to Showground Road.
2. Signalised pedestrian crossing facilities are needed along Showground Road, primarily for high school students, and although the existing signals perform that function, the need for controlled right turns at Rowallan Avenue means that the signals should be relocated to serve both purposes.
3. Signals at Rowallan Avenue can be justified given the above reasons. An alternative option to signalise Britannia Road will encourage through traffic along Bounty Avenue and Patrick Avenue which is not a desirable outcome.
4. An option to install traffic signals at the Cecil Avenue intersection has also been considered, but the close proximity to Rowallan Avenue means that only one intersection can maintain all right turn access under signal control. The traffic signals at Rowallan Avenue serve a much wider community demand than at Cecil Avenue.
5. The application includes a proposal to have major car park access via access ramps in Kentwell Avenue. The design will effectively close Kentwell Avenue to through traffic meaning residents in this street and in Worthing Avenue will need an alternative safe exit. Rowallan Avenue provides the best option for these residents. Similar to Castle Street, this full closure will need to follow procedures specified in the Roads Act.

The projected traffic volume of 12,000 exceeds the environmental capacity of Castle Street and hence there will be a need to implement the recommendations of the LATM Scheme at the same time as the signals at Rowallan Avenue are built.

Implementation of LATM for Castle Street has already commenced in recent years with the construction of a roundabout at Rowallan Avenue, and that scheme recommends further roundabouts at Britannia Avenue and Kentwell Avenue. A third roundabout has also been proposed at the Castle Street entrance to the new car park. The scheme is primarily aimed at controlling vehicle speeds as through traffic volumes will be difficult to reduce given the ease of access to the Castle Hill CBD. There are also proposals to extend the parking lane treatment along Castle Street, introduce additional pedestrian crossing facilities, and install more parking restrictions where appropriate. These traffic facilities are listed in the future Capital Works Program, and would be brought forward if consent is given to the Castle Towers Development Application. Public consultation

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through the Local Traffic Committee would be a part of the investigation and reporting process.

The LATM Scheme along Cecil Avenue has also commenced with the provision of a roundabout at the Barwell Avenue intersection, and the parking lane treatment along the full length of the route. Additional traffic control measures are planned, but the warrant for these facilities will be reviewed after Showground Road is upgraded as there may be no need to build extra devices because of the projected drop in traffic volume of about 30% from 7,000 to 5,000 movements each day. As Cheriton Avenue would have signalised access to Showground Road, there may be some attraction for motorists to still use this route, depending on the performance of the adjacent main road.

k. Parking Provision and Impact of Public Transport Improvements

The existing Castle Towers Shopping Centre provides a total of 5734 parking spaces in seven car parking areas. The proposed extension intends to provide an additional 3085 spaces for a total GLFA of 173,684m² and a total of 8492 carparking spaces. This equates to a car parking rate of 1 space per 20.5m² compared to Council's rate of 1 space per 18.5m². The RTA specifies a lower rate of 1 space per 24.4 m².

The applicant has submitted extensive analysis comparing parking provisions at 20 other substantial retail centres, with some having rail and bus options. The general consensus, through the Regional Development Committee chaired by the RTA, is that the proposal has sufficient car parking. At nearly all times through the year vacancy rate surveys show that the parking provision at Castle Towers is adequate, with the exception being the 2 weeks before Christmas when parking attendants must be used to assist traffic movement.

At these times it becomes clear that the problem is not insufficient numbers, but rather the ability of motorists to identify where parking is available before entering the Centre, and then the ability to locate those spaces quickly once the driver has entered the car park. While the car park attendants have assisted greatly in the past, experience at the new Rouse Hill Regional Centre shows that an electronic car park management system will achieve both desired outcomes.

The applicant proposes to install a dynamic system on Site B where the majority of new carparking spaces are proposed. However, given the non-compliance with the DCP parking rate and the difficulty associated with locating spaces quickly, it is recommended that a dynamic system be required to deal with all of the car parking areas. This is the main reason why the car parking rate proposed in this Development Application is satisfactory.

However in addition to this conclusion, it has been noted that the existing approximately 400 daily bus services to and from Castle Hill have been increased in the last 2 months with the introduction of Metro Buses. These new services are primarily aimed at commuter traffic heading to Epping, Macquarie, Chatswood, North Sydney and the Sydney CBD, but there is no question that better options are now available for people, particularly young employees, wishing to travel to Castle Hill.

The future construction of the Northwest Rail Link is another public transport option that will increase travel choice. However due to the uncertainty of the rail link, no analysis has been modified to allow for a reduction in parking demand or traffic generation associated with the Development Application. The conclusions and subsequent recommendations of this report are therefore conservatively high.

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TREE MANAGEMENT COMMENTS

No objection to the proposal subject to conditions.

COMMUNITY SERVICES COMMENTS

No objection to the proposal subject to conditions.

HERITAGE COMMENTS

See comments in Section 7. No objection to the proposal subject to conditions.

ENVIRONMENTAL HEALTH & SUSTAINABILITY COMMENTS

The Environmental Health Section have reviewed the application with regards to potential pollution, public health impacts and potential public nuisance.

Council has previously been in receipt of complaints relating to noise from the loading docks in Pennant Street and to alarms and the noise from plant and equipment. Council has also received complaints in regards to the water quality of the local waterway which receives the water from the catchment containing Castle Towers. The source of at least some of the instances of water pollution have been traced back to Castle Towers and each issue has been addressed.

To best protect the waterway it is proposed to impose conditions of consent requiring the drains in the loading docks and waste storage area to be directed to the sewer. Stormwater drains for the car park areas are to be drained to gross pollution traps to remove litter, oils and greases. Litter bins have also been required for open public areas and at exits.

In regards to noise issues, the acoustic reports which accompanied the application and amended plans were reviewed and were considered satisfactory. To minimise the likelihood of noise problems occurring, conditions have been proposed to set operational hours for the loading docks and to restrict the overall noise emission. Also required is an acoustic assessment and compliance report once the development is constructed and operational to ensure that the predictions and recommendations of the acoustic report are met.

No objection is raised subject to conditions of consent.

WATERWAYS COMMENTS

No objection to the proposal subject to conditions.

ROADS COMMENTS

No objection to the proposal subject to conditions.

FORWARD PLANNING COMMENTS

With respect to the current status of The Hills Shire Principal Local Environmental Plan 2010 and supporting Directions, the proposed development is consistent with the proposed B4 Mixed Uses Zone and future role of the Castle Hill Major Centre. In particular, the *Centres Direction* (2009) indicates that the demand for retail in Castle Hill by 2016, includes 4 additional large supermarkets, 1 additional small supermarkets, 2 additional department stores and 334 additional specialty shops. According to the

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Direction there will be an undersupply of retail in Castle Hill in the future and as such the Stage 3 expansion of Castle Towers Shopping Centre will assist in meeting these retail demands.

Furthermore, the proposed development is considered consistent with the overall vision for a well-planned, vibrant, safe and attractive town centre that provides a range of living, shopping, working, transport and leisure activities. The proposed development assists this vision via a quality built form and private domain, improvements in road safety and pedestrian amenity.

With respect to the public domain, Council adopted the *Environment and Leisure Direction* in August 2008 which in part recommended the preparation of public domain plans to guide the development of, and to improve the public domain and streetscape within centres. The public domain plans are currently being prepared and as such are not yet a consideration with this application. The proposal however will result in a satisfactory public domain and streetscape outcome.

No objection to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, Sydney Regional Planning Policy No. 20 - Hawkesbury Nepean River, Local Environmental Plan 2005 and Development Control Plan Part C Section 8 - Business and is considered to be satisfactory.

There are a number of variations proposed to LEP 2005 and the DCP in regard to floor space ratio, height, setbacks and carparking however these amendments are considered to be satisfactory and the proposal can be supported. The proposal is considered to be consistent with the aims and objectives of LEP 2005 and will result in a development which will provide retail opportunities for the immediate and wider area. The proposed works will provide a regional centre for the residents of both the Baulkham Hills Shire and the surrounding area.

The development is considered to be satisfactory in regard to the external design and appearance of the works and whilst the proposal will have a different external design to the existing centre it is considered to be complementary and will achieve an appropriate streetscape outcome. In this respect the external colours and materials are appropriate for the location and will provide a focal point for the town centre.

Accordingly, approval subject to conditions is now recommended.

IMPACTS:**Financial**

The proposed works are dependent on the sale and/or lease of land currently owned by Council. This sale and/or lease is a separate matter being addressed via land valuation and associated negotiation between the applicant and Council's Property Section. While the enactment of the proposed development will provide some financial impact associated with sale and transfer costs, this is a matter that will be separately reported to Council if the proposed sale and/or lease is recommended for approval.

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Hills 2026

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth and employment generation.

The proposed external works maintain an aesthetically pleasing streetscape presentation to Old Northern Road, Showground Road, Kentwell Avenue, Pennant Street and Castle Street and includes embellishment works within the heritage precinct. These works ensure the objectives of Hills 2026 are maintained.

The proposed operation will also not detrimentally impact upon the environmental or social amenity of adjoining property owners however a number of conditions of consent have been included in the recommendation to ensure that amenity is maintained.

As a result the proposed Stage 3 works are considered satisfactory with respect to "Hills 2026 – Looking Towards the Future".

RECOMMENDATION

The development application be approved subject to the following conditions of consent.

GENERAL MATTERS**1. Development in Accordance with Submitted Plans**

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

PLAN	DESCRIPTION	DATE
DA 000C-0	Perspective Image 2	July 2007
DA 000D-0	Perspective Image 3	July 2007
DA 000E-0	Perspective Image 4	July 2007
DA 000F-0	Perspective Image 5	July 2007
DA000G-0	Perspective Image 6	July 2007
DA000H-0	Perspective Image 7	July 2007
DA002-4	Site Plan and Site Location Map	July 2007
DA003-3	Site A – Level 1 Plan – Basement Carpark	July 2007
DA003A-3	Site A – L1 & L1 Site B Reference Plan	July 2007
DA004-3	Site A – Level 2 Plan – Basement Carpark	July 2007
DA004A-3	Site A – L2 & L1B Site B Reference Plan	July 2007
DA005-3	Site A – Level 3 Plan – Retail	July 2007
DA005A-3	Site A – L3 & Site B – L3 Reference Plan	July 2007
DA006-3	Site A – Level 3 Mezzanine Plan – Carpark	July 2007
DA007-3	Site A – Level 4 Plan – Retail	July 2007

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DA007A-3	Site A – Level 4 & site B Level 4 Reference Plan	July 2007
DA008-3	Site A – Level 5 Plan – Retail	July 2007
DA008A-3	Site A – Level 5 & Site B Level 5 Reference Plan	July 2007
DA009-3	Site A – Level 6 Plan – Plant	July 2007
DA010-3	Site A – Roof Plan	July 2007
DA011-2	Site A – Level 2 & Level 3 Castle Street Part Plans	July 2007
DA012-1	Site B – Level 3 Castle Street Part Plans	March 2009
DA013-4	Site A – Street Elevations	July 2007
DA014A-3	Site A – south West Elevation – Showground Road	July 2007
DA014B-3	Site A – North West Elevation – Pennant Street	July 2007
DA015-2	Site A – South East Elevations – Old Northern Road	July 2007
DA016-2	Site A – Castle Street Elevations	July 2007
DA017-2	Site A – Sections AA and BB	July 2007
DA018-3	Site A – Sections CC, DD and EE	July 2007
DA019-2	Site A – Sections FF & GG	July 2007
DA020-0	Site A – Sections KK and JJ	July 2007
DA021-3	Site A – Heritage Square – Main Entry Elevation	July 2007
DA-22-2	Site A – Sections EE and QQ	July 2007
DA023-0	Sample Board 1	July 2007
DA024-0	Image Board	July 2007
DA025-2	Shadow Diagrams 1 – June 21 – 9am & 10am	July 2007
DA026-2	Site A Shadow Diagrams 2 – June 21 – 11am & 12pm	July 2007
DA027-2	Shadow Diagrams 3 – June 21 – 1pm & 2pm	July 2007
DA028-2	Shadow Diagrams 4 – June 21 – 3pm	July 2007
DA029-2	Shadows Diagrams 5 – Sept 21 – 9am & 3pm	July 2007
DA030-2	Shadow Diagrams 6 – Dec 21 – 9am & 3pm	July 2007
DA032-1	Showground Road (Site A + B) & Pennant Street Elevations (Site B)	July 2007
DA033-1	Site B – Castle Street & Kentwell Avenue Elevations	July 2007
DA034-2	Site A – Pennant Street & Heritage Sq. Main Entry Elevations	July 2007
DA035-2	Site A – Heritage Square Elevations	July 2007
DA036-0	Sample Board 2 – Proposed External Finishes	July 2007
DA037-0	Sample Board 3 – Proposed External Finishes	July 2007
DA038-2	Site A – Level 1 – Carpark Detail Plan	March 2009
DA039-2	Site A – Level 2 – New Carpark Detail Plan	March 2009
DA040-1	Site A – L2/L3/L3M1 Part Plans – New Ramp	March 2009

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DA041-2	Site A – Level 5 – Carpark Detail Plan	March 2009
DA042-1	Site A – Level 5 – Ex. Carpark Express Ramp Plan	March 2009
DA043-1	Site A – Proposed Carpark Ramp Sections	March 2009
DA044-1	Site A – Pennant Street Link Bridge	March 2009
DA045-1	Site A & Site B – Part of Showground Road Plan	March 2008
DA047-2	Site A – Proposed Heritage Square	March 2009
DA048-2	Site A – Proposed L4 Heritage Square	June 2009
DA050-4	Site B – Level 1 Plan – Carpark	July 2007
DA050A-1	Site B – Level B1 Plan – Carpark	July 2009
DA050B-1	Site B – Level B2 Plan – Carpark	July 2009
DA051-3	Site B – Level 1A Plan – Carpark	July 2007
DA052-3	Site B – Level B1 Plan – Carpark	July 2007
DA053-3	Site B – Level 2 Plan – Carpark	July 2007
DA054-3	Site B – Level 3 Plan – Retail	July 2007
DA055-3	Site B – Level 4 Plan – Retail	July 2007
DA056-3	Site B – Level 5 Plan – Carpark	July 2007
DA057-3	Site B – Level 6 Plan – Carpark	July 2007
DA058-3	Site B – Roof Plan	July 2007
DA059-2	Site B – Sections PP & QQ	July 2007
DA060-2	Site B – Sections RR & SS	July 2007
DA060A-0	Site B – Level B1 & B2 Carpark – Sections	July 2009
DA061-2	Site B – South East Elevation	July 2007
DA062-2	Site B – North East Sectional Elevation – Castle Street	July 2007
DA063-3	Site B – North West Elevation	July 2007
DA63A-1	Site B – Level B1 & B2 Carpark – North East and North West Elevations	July 2009
DA63B-0	Site B – Level B1 & B2 Carpark – South East Elevation	July 2009
DA064-2	Site B – South West Elevation	July 2007
DA065-3	Site B – Level 1 Kentwell Express Ramp	March 2009
DA066-0	Site B – Level 1 Loading Dock Ramp	March 2009
DA67A-1	Site B – Level 1 Loading Dock & Entrance Lobby Area	July 2009
DA068-3	Site B – Level 1 – Carpark Detail Plan	March 2009
DA069-2	Site B – Level 1A – Carpark Detail Plan	March 2009
DA070-2	Site B – Level 1B Carpark Detail Plan	March 2009
DA071-2	Site B – Level 2 Carpark Detail Plan	March 2009
DA072-2	Site B – Level 2 Carpark Detail Plan	March 2009

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DA073-2	Site B – Level 2 Carpark Detail Plan	March 2009
DA074-1	Site B – Level 3 Loading Dock Detail Plan	March 2009
DA075-2	Site B – Level 4 Express Ramp Detail Plan	March 2009
DA076-2	Site B – Level 5 Carpark Detail Plan	March 2009
DA077-2	Site B – Level 5 Carpark Detail Plan	March 2009
DA078-2	Site B – Level 6 Carpark Detail Plan	March 2009
DA079-2	Site B – Level 6 Carpark Detail Plan	March 2009
DA080-2	Site B – Level 1 Ramp Sections	March 2009
DA081-2	Site B – Level 1 & Level 2 Ramp Sections	March 2009
DA082-1	Site B – Level 1 Kentwell Ramp & L5/L6 Ramp Sections	March 2009
DA083-1	Site B – Level B1 Carpark Detail Plan	July 2009
DA084-1	Site B – Level B1 Carpark Detail Plan	July 2009
DA085-1	Site B – Level B2 Carpark Detail Plan	July 2009
DA086-1	Site B – Level B2 Carpark Detail Plan	July 2009
DA087-0	Site B – Carpark Metal Screen	July 2009
LWD-000 Issue F	Landscape Cover Sheet and Site Plan	August 2007
LWD-001 Issue C	Site A Landscape Plan	August 2007
LWD-002 Issue D	Site A Heritage Square Plan	August 2007
LWD-011 Issue C	Site A Landscape Elevations Sheet 1	August 2007
LWD-012 Issue A	Site A Landscape Elevations Sheet 2	March 2009
LWD-021 Issue H	Site B Street Level Landscape Plan	August 2007
LWD-022 Issue C	Site B Kentwell Avenue Park Plan	August 2007
LWD-023 Issue E	Site B Castle Street Landscape Plan	August 2007
LWD-024 Issue D	Site B Upper Level Planters Plan	August 2007
LWD-031 Issue C	Site B Landscape Elevation Sheet 1	August 2007
LWD-032 Issue D	Site B Landscape Elevation Sheet 2	August 2007
LWD-402 Issue B	Site B Street Level Planting	June 2009
LWD-403 Issue B	Site B Kentwell Avenue Park Planting Plan	June 2009

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LWD-404 Issue B	Site B Castle Street Planting Plan	June 2009
LWD-501 Issue A	Site A Tree Plan Sheet 1	July 2009
LWD-502 Issue A	Site B Tree Plan Sheet 2	July 2009

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Provision of Parking Spaces and Gross Leaseable Floor Area

The development is required to be provided with 3085 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times. These carparking spaces relate to the provision of 60,487m² of additional gross leaseable floor area (GLFA) the subject of this consent.

This will result in a total of 8492 spaces being provided for the whole centre and a gross leaseable floor area of 173,684m².

3. Dynamic Parking Assist System

The developer/owner is required to install a dynamic parking assist system for the entire centre (including the open carparking structure at the corner of Kentwell Avenue and Castle Street). The system is to include:

- Installation of bay sensors over each parking space to indicate whether the space is available or occupied;
- External and internal signage which advises of the number of available carparking spaces within a particular zone.

Final details of the dynamic parking system are to be endorsed by Council's Manager Infrastructure Planning prior to installation. The system is to be installed prior to issue of the Occupation Certificate.

4. Pay Parking

This consent does not authorise any pay parking within the Castle Towers shopping centre. Any proposal to install or utilise a pay parking system will require the further Development Consent of Council.

5. Separate application for signs

A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

6. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

7. No Public Road Access from Showground Road to Kentwell Avenue

The proposed public road vehicle access from Showground Road to Kentwell Avenue shown on plans (single lane configuration to west of access ramp) shall be deleted, as shown in red on the approved plans.

8. Works Within the Heritage Precinct

The works within the Heritage Precinct are limited to works detailed within the Development Application. The demolition of part of the heritage buildings is only permitted where detailed on Plan DA048-2. Further works to the heritage buildings and the occupation/use of the buildings are subject to a further Development Application to Council.

9. Seating for Restaurants

Any seating for the proposed restaurants which is outside of the tenancy (ie: within the mall/walkway areas) is subject to the further Development Consent of Council.

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10. Kiosks

Approval is granted for the installation of a total of thirty-two (32) kiosks, comprising twenty-two (22) kiosks on Site A and ten (10) kiosks on Site B. All kiosks are limited to 3m x 3m in size with the exception of the kiosk located on Level 4 adjacent to the atrium.

The location of all kiosks is to be substantially in accordance with the approved plans and is to have regard to pedestrian circulation, use by those with trolleys and prams, access for the mobility impaired and safe egress during emergencies.

Any additional kiosks, whether permanent or temporary, or the increase in size of the approved kiosks require the further Development Consent of Council.

11. Parent Rooms

Parent rooms are to be provided in the Stage 3 works in accordance with the requirements of the Baulkham Hills Development Control Plan Part C Section 8 – Business.

12. No Approval for Staging

This consent does not grant any approval for the staging of the works on Site A and B ie: Site A and B works are to be completed concurrently. The sequencing of works is to be generally in accordance with 'Castle Towers Stage 3 Redevelopment Indicative Development Programme' submitted to Council on 8 April 2009.

Should staging be proposed, a further application is to be submitted to Council detailing the proposed staging and demonstrating that adequate parking is available at all times in accordance with Council requirements.

13. Access to Australia Post

Both pedestrian and vehicle access is to be available to Australia Post at all times, including the loading dock/parking area off Castle Street. The existing signage for Australia Post is to remain visible and not to be impacted upon during the construction works.

14. Site Cleanliness

The site is to be kept in a clean and tidy manner at all times.

15. Property Numbering for Commercial Developments

The responsibility for property numbering is vested solely in Council.

The primary property address for this development and all sections of Castle Towers will remain as 6-14 Castle Street Castle Hill.

Internal shop numbering to be completed by developer. A copy of same, when available, to be supplied to Land Information Section at Council.

Clear and accurate external directional signage is to be erected on site at all street and car park entry points and on buildings. It is essential that all signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

16. Tree Removal and Retention

Approval is granted for the removal and retention of trees as per the Arborist Report prepared by Australis Tree Management and dated 30/05/07.

17. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

Additional planting is to be provided along both sides of Pennant Street comprising both planting within the site and street trees, utilising species shown in the plant schedule on LWD-000 Issue F.

18. Protection of Public Infrastructure

Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.

Adequate protection must be provided for public infrastructure prior to work commencing and during building operations.

Any damage to public infrastructure caused during construction shall be made good prior to the issue of an occupation or subdivision certificate.

19. Minor Engineering Works

The design and construction of the minor engineering works outlined below must be provided for in accordance with:

- a) THSC Design Guidelines Subdivisions/ Developments (June 1997)
- b) THSC Works Specifications Subdivisions/ Developments (November 2001)

NOTE: Works on existing public roads or reserves and any land under the care and control of Council must be approved and inspected by Council (including payment of all applicable fees) in accordance with the Roads Act 1993 and/ or the Local Government Act 1993.

i. Gutter Removal

The removal of any and all disused layback and footpath crossings and their replacement with full kerb and gutter together with the restoration (and turfing where applicable) of the adjoining footpath verge area.

This includes the disused laybacks on Kentwell Avenue and Castle Street from Site B.

ii. Heavy Duty Crossings

Heavy duty gutter and footpath crossings at all new points of vehicular access generally as shown on the approved drawings and in accordance with the requirements of Council.

iii. Driveway Stormwater Runoff

On high level sites a grated drain must be provided on the driveway(s) at the property boundary.

iv. Site Stormwater Drainage

The site area covered by the proposed development must be graded/ collected and drained by pits and pipes to a suitable point of legal discharge. Internal site stormwater drainage is to be provided/ designed based on a 1:10 year ARI storm event.

20. Vehicular Access and Parking

The formation/ surfacing and drainage of all vehicular access and parking areas is required. The design/ layout and construction of all vehicular access and parking areas must comply with:

- a) AS/ NZS 2890.1:2004 – Parking facilities – Part 1: Off-street car parking
- b) AS 2890.2:2002 – Parking facilities – Part 2: Off-street commercial vehicle facilities
- c) BHDCP Part D Section 1 – Parking

NOTE: Where conflict exists the Australian Standard(s) must be adopted in lieu of the DCP.

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In this regard the design must provide for the following:

- i. All internal car parking spaces and access roads must be prominently and permanently line marked and signposted and maintained to ensure entry and exit from the site is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All access roads and car parking areas are to be separated from landscaped areas by a concrete kerb or dwarf wall.
- iii. Sufficient headroom must be provided for all undercover parking/ loading areas complying with AS/ NZS 2890.1:2004 and AS 2890.2:2002. The available headroom must be measured from the floor to the lowest projection from the roof (including overhead services).
- iv. All visitor/ customer parking spaces must have a minimum width of 2.5m and a minimum depth of 5.4m (unless clearly nominated and line-marked/ signposted as small car parking).
NOTE: A further 300mm width must be provided for spaces adjacent to a wall or other obstruction higher than 150mm.
- v. All disabled/ accessible parking spaces must have a minimum width of 3.2m and a minimum depth of 5.4m.
NOTE: A further 300mm width must be provided for spaces adjacent to a wall or other obstruction higher than 150mm.
- vi. The gradient of all circulation roadways/ ramps and parking modules must comply with AS/ NZS 2890.1:2004 and AS 2890.2:2002 along with Council's specifications.
NOTE: Grade transitions must be provided where the change in gradient is considered excessive.
- vii. The width and bend/ curve radius of all circulation roadways and ramps must comply with AS/ NZS 2890.1:2004.

NOTE: A letter from a suitably qualified and practising traffic engineer certifying that the detailed design plans comply with the above requirements must be provided and included with any Construction Certificate issued for the development.

21. Engineering Works – Detailed Design and Construction Approval

The design certification and construction approval of the engineering works nominated in this consent require BOTH a separate Engineering Construction Certificate (ECC) AND a Design Compliance Certificate (DCC) to be obtained prior to the commencement of any works.

An ECC is required for works on existing public roads or reserves and any land under the care and control of Council in accordance with the Roads Act 1993 and/ or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road.

NOTE: An ECC can only be issued by Council.

NOTE: Road works on classified roads require further/ separate approval from the RTA also.

A DCC is required for engineering works associated with the building approval which do not require an ECC (see above) such as Onsite Stormwater Detention (OSD) systems.

NOTE: A DCC can be issued by either Council or a suitably accredited private certifier. A private certifier issuing a DCC must provide evidence that they are accredited to do so (such as C3 accreditation from the Building Professionals

Board for a DCC relating to the OSD system). Any DCC issued must stipulate that it is a Part 4A Certificate issued under Section 109(C)(1)(a) of the Environmental Planning and Assessment Act 1979.

For Council to issue either an ECC or a DCC the following must be provided with each application:

- a) A completed application form;
- b) Four (4) copies of the design plans and specifications;
- c) Payment of the appropriate application fee;
- d) Payment of the appropriate inspection fee(s); and
- e) Payment of a suitable bond for any required security bonds.

22. Supervision of Works

All work in the public road reserve shall be supervised by a suitably qualified and experienced civil engineer and/ or registered surveyor and/ or civil engineering foreman. The name, address and contact phone number of the supervisor and a construction programme and anticipated duration for works in the road reserve must be submitted to Council prior to the commencement of any works in the road reserve.

23. Gutter and Footpath Crossing Application(s)

The submission to Council of an application for all gutter and footpath crossings accompanied by the current applicable fee (per driveway) as prescribed in Council's Schedule of Fees and Charges.

NOTE: Gutter crossings on classified roads require separate approval from the RTA.

24. Public Liability Insurance

All contractors working in the public road shall take out public liability insurance for a minimum amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be submitted to Council prior to the commencement of construction in the road reserve.

25. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

26. Rock Breaking Noise

Rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity are to be submitted to Council seven (7) days prior to rock breaking occurring.

27. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

28. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

29. Garbage Storage - Odour Control

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined by the Protection of the Environment Operations Act, 1997.

30. Waste Management- Commercial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area

The waste storage area must be:

- i). provided with a hose tap connected to the water supply;
- ii). paved with impervious floor materials;
- iii). graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv). adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- v). fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

31. Sydney Metro Requirement

The following condition is required by Sydney Metro or as otherwise agreed by Sydney Metro and Council in writing:

In the Sydney Metro Condition:

- (a) "Clear working day" means a day, not being a Saturday, Sunday or public holiday, on which banks are generally open for business generally in New South Wales, and not being a day during the period commencing on the Monday before 24 December and ending on the Friday following 1 January.
 - (b) "Foundation" means any construction element including (but not limited to) piles, foundations, slabs, columns and beams, cut rock faces, rock bolts, rock anchors, ground anchors and ties;
 - (c) "Relevant Foundation" means any Foundation which is associated with the approved development (including, without limitation, any structure which exists on the site at the date of this consent – for example, any structure which forms part of the existing building) and which:
 - (i) is, or will be, located at or below ground surface level; and
 - (ii) is, or will be, located within ten (10) metres of the Foundation Exclusion Zone; and
 - (iii) is likely to, or will be likely to transfer any load or bearing to a location (whether or not in connection with any other Foundation) within ten (10) metres of the Foundation Exclusion Zone.
 - (d) "Relevant Excavation" means excavation within ten (10) metres of the Foundation Exclusion Zone.
 - (e) "Foundation Exclusion Zone" means the foundation exclusion zone identified in SK-0000-C1-201 and SK-0000-C1-202 and the North West Rail Link corridor in SK-0000-C1-C200.
1. Excavation and the construction or installation of Foundations are not permitted within or below the Foundation Exclusion Zone.
 2. All Relevant Foundations which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development, must be designed, constructed and maintained in accordance with design requirements specified in PBACH drawings SK-0000-C1-C200,201 and 202.

3. The design and construction of all Relevant Foundations are to be completed, and all Relevant Excavations are to be carried out and completed, to the satisfaction of Sydney Metro. Specifically, the following must be provided to Sydney Metro:
- (a) a program covering the provision of information required under the Sydney Metro Conditions, prepared to the satisfaction of Sydney Metro, within ten (10) clear working days after the issuing of any construction certificate in respect of any Relevant Foundation or Relevant Excavation and, in any event, before the commencement of any excavation or construction in connection with the approved development;
 - (b) plans of any proposed Relevant Foundations and Relevant Excavations, together with results of investigations of subsurface conditions, prepared to the satisfaction of Sydney Metro, at least ten (10) clear working days prior to the commencement of construction of any Relevant Foundation or the commencement of any Relevant Excavation. The results of investigations of subsurface conditions are to include suitable geotechnical information required to enable assessment of any proposed Relevant Foundations and Relevant Excavations;
 - (c) construction method statements in respect of the construction of any Relevant Foundation and the carrying out of any Relevant Excavation prepared to the satisfaction of Sydney Metro, at least ten (10) clear working days prior to the commencement of construction of any Relevant Foundation or the commencement of any Relevant Excavation;
 - (d) reports from a qualified geotechnical engineer and a qualified structural engineer who are acceptable to Sydney Metro, at least ten (10) clear working days prior to the commencement of construction of any Relevant Foundation or the commencement of any Relevant Excavation, which:
 - (i) demonstrate that the approved development, including (without limitation) structural design of any Relevant Structures and any Relevant Excavations, will comply with the design requirements specified in the Sydney Metro Conditions, and the manner in which it will comply;
 - (ii) demonstrate that construction and operation of the NWRL will not interfere with or damage the approved development;
 - (iii) include a detailed survey of any Relevant Excavation, including location, vertical dimensions, diameter and the levels of the top and bottom of each hole excavated for any Relevant Foundations, prepared by a registered surveyor who is acceptable to Sydney Metro; and
 - (iv) include details of inspection of any Relevant Excavation faces, including geotechnical mapping of all excavation faces.
 - (e) the carrying out of a Relevant Excavation or the construction of a Relevant Foundation must not commence until Sydney Metro has given notice in writing of its satisfaction of the matters referred to in Sydney Metro Conditions 3(a) to 3(d) in relation to that Relevant Excavation or Relevant Foundation;
 - (f) If Sydney Metro has not responded within 20 clear working days of receiving any of the information contemplated in conditions 3(a) to (d), the Proponent may, by notice in writing to Sydney Metro, specifically request a response to the relevant item of information. If Sydney Metro, having received notice under this clause from the Proponent, has not responded within 20 clear working days of receiving the response, Sydney Metro is, for the purposes of condition 3(e), deemed to be satisfied only as to the particular information provided;
 - (g) within twenty (20) clear working days after the completion of the construction of all Relevant Foundations and the completion of the Relevant Excavations, reports prepared by a qualified geotechnical

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- engineer and a qualified structural engineer, who are acceptable to Sydney Metro; which:
- (i) demonstrate that the approved development, including (without limitation) structural design of all Relevant Foundations and the design of the Relevant Excavations, complies with the design requirements specified in the Sydney Metro Conditions and PBACH drawings SK-0000-C1-C200; 201 and 202, and specifies the manner in which the approved development complies; and
 - (ii) Includes as-built drawings of all Relevant Foundations and Relevant Excavations.
4. A detailed consultation regime is to be prepared to the satisfaction of Sydney Metro, to provide for consultation with Sydney Metro in respect of:
 - (a) the design and construction of all Relevant Foundations and the carrying out of all Relevant Excavations; and
 - (b) the preparation and provision of the documents referred to in Sydney Metro Condition 3.
 5. Sydney Metro, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all Relevant Foundations and Relevant Excavations to enable Sydney Metro to consider whether the Relevant Foundations have been or are being constructed and maintained in accordance with the Sydney Metro Conditions, and the Relevant Excavations have been or are being carried out in accordance with the Sydney Metro Conditions, on giving reasonable notice.
 6. Sydney Metro must be given five (5) clear working days written notice of each of the following events:
 - (a) site investigations;
 - (b) foundation, pile and anchor set out;
 - (c) set out of other Relevant Structures;
 - (d) foundation, pile and anchor excavation;
 - (e) commencement of any Relevant Excavation;
 - (f) surveying of foundation, pile and anchor excavation;
 - (g) surveying of as-built excavation;
 - (h) foundation and pile concreting;
 - (i) anchor grouting;
 - (j) other concreting associated with the construction of the Relevant Structures; and
 - (k) any other event notified by Sydney Metro in writing.
 7. Copies of any certificates, drawings or approvals given to or issued by Sydney Metro must be delivered by the applicant to the Council of the Shire of Baulkham Hills for its records. Copies of all construction certificates and occupation certificates must be delivered to Sydney Metro for its records within twenty (20) working days after the date on which the Council receives them.
 8. Prior to the issue of a construction certificate, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, which:
 - (a) restricts any modification of, or any alteration or addition to, any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with, the design, construction and/or operation of the proposed North West Rail Link without the prior written consent of Sydney Metro; and
 - (b) provides that Sydney Metro's consent may be withheld only if Sydney Metro considers that the modification, alteration or addition is likely to have a material adverse impact on, or is likely to materially interfere with, the design, construction and/or operation of any part of the North West Rail Link.

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9. No modifications may be made to the design of the basement levels and foundations which have been provided to Sydney Metro in accordance with Sydney Metro condition 3, without the prior written consent of Sydney Metro.
10. (a) Sydney Metro may, by notice given in writing, require any or all work for the construction of Relevant Foundations or the carrying out of Relevant Excavations to cease if Sydney Metro is of the opinion that there has been, or there is likely to be, non-compliance with any of the Sydney Metro Conditions in a manner which, in the opinion of Sydney Metro, is likely to have a material adverse impact on, or is likely to materially interfere with, the design, construction and/or operation of any part of the North West Rail Link ("Condition 10(a) Notice").
- (b) Subject to paragraph (c) below, if a Condition 10(a) Notice is given, no work in connection with the carrying out of any Relevant Excavation or the construction of any Relevant Foundation may be carried out.
- (c) If a Condition 10(a) Notice is given, Sydney Metro may issue a further notice permitting certain work in connection with the carrying out of a Relevant Excavation or the construction of a Relevant Foundation ("Condition 10(c) Notice"). If a Condition 10(c) Notice is given, then work in connection with the carrying out of a Relevant Excavation or the construction of a Relevant Foundation may be carried out in accordance with the terms of that Condition 10(c) Notice.
11. The approved development must be designed, constructed and maintained so as to avoid any damage or other interference which may occur as a result of:
 - (a) stray electrical currents, electromagnetic effects and the like from railway operations; and
 - (b) noise and vibration from railway operations.
12. Notices by the applicant to Sydney Metro must be addressed to Station Precincts and Planning Approvals (or such other person as may be nominated in writing by Sydney Metro) and received by the General Manager Station Precincts and Project Approvals in person or by facsimile to 02 8238 2796 (or such other facsimile number as may be nominated in writing by Sydney Metro) between 8.00am and 5.00pm on any business day (that is, a day not being a Saturday, Sunday or Public Holiday, on which banks generally are open for business in NSW).

32. NSW Fire Brigades Requirements

The following condition is required by NSW Fire Brigades or as otherwise agreed by NSW Fire Brigades and Council in writing:

- (a) All works are to comply with the Building Code of Australia and relevant Australian Standards;
- (b) To facilitate fire fighting operations, a minimum carriageway width of 6 metres is required to all mid or high rise development to permit rapid deployment of aerial appliances;
- (c) Access during construction is required to be provided; and
- (d) The reticulated water supply to the site is to meet the requirements of Australian Standard AS 2419.1

33. Integral Energy Requirements

The following condition is required by Integral Energy or as otherwise agreed by Integral Energy and Council in writing:

- (a) A padmount/indoor substation will be required for the development. The applicant is to nominate a Level 3 Service Provider and submit an application for approval.

34. NSW Police Requirements

The following condition is required by NSW Police or as otherwise agreed by NSW Police and Council in writing:

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- (a) The site is to be provided with adequate radio coverage to enable the Police Radio to work in any area of the complex; and
- (b) The applicant/developer is to liaise with the NSW Police to ensure that appropriate access is maintained to/from the Police Station during the construction period.
- (c) Lighting is required to meet Australian Standards. In particular effective lighting is to be utilised in the open air carpark at the corner of Castle Street and Kentwell Avenue to maximise surveillance opportunities.
- (d) All landscape works are to be maintained to ensure adequate sight lines are available and reduce opportunity for concealment and entrapment. If adequate sight lines are not maintained a CCTV surveillance system will be required to be installed.
- (e) The site is to be maintained at all times, including repair of vandalism and graffiti, the replacement of lighting and general site cleanliness.
- (f) Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove and often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.
- (g) Offenders often target this type of development, including in the construction phase. Security sensor lights and a security company to monitor the site is to be used while construction is in progress.
- (h) The applicant/QIC liaise with the Police Crime Prevention Officer in relation to internal construction and layout of the supermarkets, major retailer, discount department store and any proposed liquor outlets to ensure that Safer By Design concepts are considered.

35. RTA Requirements

The following condition is required by RTA or as otherwise agreed by RTA and Council in writing:

1. The Applicant will be required to enter into a Works Authorisation Deed (WAD) with the RTA for all road works / traffic control facilities identified on the classified road system.
2. Lot 101, DP 1000798 is affected by a road widening proposal for part of Showground Road and part of Old Northern Road, as shown on the RTA plan r1862.dc - (Lots 15, 16, 17 and 18 DP 237243) and a further road proposal for a proposed Strategic Bus Corridor, as shown on RTA plan Transit_BC_A28. The construction of any new buildings or substantial structures within the existing road reservation or area required for any road widening, including the stratum, will not be permitted without the written approval of the RTA.
3. Consent under Section 138 of the Roads Act 1993 would be issued by the RTA for any improvements within a State Road and would be subject to provision of detailed engineering Council approved plans of the proposed structures, together with engineering certification.

RTA concurrence would be subject in part, to conditions including the following:

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- The Applicant shall maintain and keep the work in a proper state of repair to the satisfaction of the RTA and the Council, and shall carry out maintenance, renewal and repair work as expeditiously as possible and in conformity with any reasonable requirement of the RTA and the Council and with any statute regulation or ordinance or direction by a public authority.
- The Applicant, at all times for the duration of the Consent, will not interrupt or otherwise disturb the traffic flow on the road without first obtaining the written consent of the RTA.
- The Applicant shall, if required by the RTA or the Council by notice in writing, at the cost of the Applicant, relocate or remove all or any part of the work or, for the safety and protection of the public, carry out additional work and make good all damage done to the road by reason of such relocation or removal or carrying out of additional work.
- The Applicant shall, at all times, indemnify and keep indemnified the RTA and the Council from and against all actions, suits, proceedings, losses, costs, damages, charges, claims and demands in any way arising out of or by reason of anything done or omitted to be done by the Applicant, in respect of the placement, erection, renewal, relocation, repair and maintenance of the work or of the existence or use thereof or by reason of the Council having given this Consent or by reason of any approval, direction or assent to anything done or purported to be done by this indemnity, the RTA and the Council shall be at liberty to pay, satisfy, defend, compromise or settle any claim action or other proceedings which may be made, threatened, instituted, commenced or prosecuted against the RTA or the Council and any amount paid by the RTA or the Council, in accordance with this condition, shall be repaid by the Applicant.
- The Applicant shall make good any damage caused to the property of any person or any property of the RTA or the Council by reason of the carrying out of any work by the Applicant under the conditions of the Consent.
- Nothing in the Consent shall be deemed to:
 - ◻ Prejudice or affect the rights of the public to free passage upon or along the road;
 - ◻ Authorise any nuisance to or permanent obstruction of the road or public places;
 - ◻ Confer upon the Applicant exclusive right or title to that part of the work within the boundaries of the road; or
 - ◻ In any way restrict or limit the powers of the RTA and the Council in respect of the road.
- Should the Applicant fail to comply with any of these conditions or any requirement of the RTA or the Council as provided, then the Consent shall permanently lapse and any part of the work remaining within the road reservation at that time shall be deemed to be an obstruction or encroachment under Section 107 of the Roads Act, 1993 and any person thereafter using or capable of using the work shall be deemed to be a person for the purposes of Section 107 of that Act.
- Without limiting any power of the RTA or the Council under the Consent or under any Act, the Applicant shall, in the event that the Consent shall permanently lapse, and in such manner as the RTA or the Council may direct, remove and take away, as speedily as possible, the work insofar as the same may encroach upon or in any way affect the road and shall make good all damage done to the road by such removal.
- Except insofar as the context or subject matter otherwise indicates or requires, a reference in the Consent to the Applicant shall include a reference to the successors, assigns, agents and servants of the Applicant.

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Pennant St Tunnel and Bridge

4. The vertical alignment of Pennant Street between Showground Road and Castle Street will significantly alter due to the construction of a new bridge and a new tunnel between the car parks. This new alignment will need to be designed to conform to RTA design standards. The underside of the car park bridge across Pennant Street will need to ensure that there is a minimum of 5.5m clearance to the road pavement.
5. Prior to the issue of any construction certificate associated with the proposed Stage 3 extension of Castle Towers, the Applicant is to submit detailed design drawings and other supporting documents, including geotechnical reports to the RTA for assessment which covers all tunnel works plus site excavation works. The Applicant will be required to meet the full cost of the assessment by the RTA. The geotechnical report will need to provide details on how Showground Road and Pennant Street will be appropriately monitored for settlement during the tunnel construction period / excavation period and to clearly demonstrate to the RTA's satisfaction how settlement risks will be minimised. Permanent ground anchors are not permitted within the road reserve.
6. The Applicant is to be responsible for the operation and maintenance of the proposed tunnel. Appropriate Section 138 RTA agreements are to be in place to cover the tunnel including maintenance and operation. The agreement is to include lighting, ventilation, fire safety, traffic barriers, traffic management, drainage and other systems associated with the tunnel. The agreement is to include inspection, monitoring and reporting to RTA's requirements.
7. The Applicant is to submit a Contingency Traffic Management Plan (CTMP) for the management of traffic flows in the local area should there be a major problem / emergency occur to the tunnel works within Pennant Street. This CTMP must be submitted to both the RTA and Council's Local Traffic Committee for approval prior to the commencement of any roadworks.
8. Any damage to the RTA's assets during construction or operation of the access tunnels are to be rectified to the RTA's satisfaction at full cost to the Applicant.

Showground Road

9. The Showground Road corridor design shall to be in accordance with all RTA policies and requirements. Council and the RTA have developed a strategic concept design of Showground Road between Old Northern Road and Carrington Road. The Applicant will be required to finalise and receive signoff from the RTA on the proposed intersection layouts taking into account the issues in the following clauses below.
10. Current midblock flows along Showground Road between Carrington Road and Pennant Street are operating at Capacity during the weekday afternoon traffic peaks. Due to the significant increases in traffic flows (approx 40%) along Showground Road as a result of the Castle Towers Expansion the Applicant will be required to upgrade Showground Road from Carrington Road to Old Northern Road to ensure that a minimum of 4 lanes (2 lanes in each direction) are provided in accordance with the approved concept plans.

The abovementioned works are to include, but not be limited to the following.

- a) Modification to the Showground Road / Old Northern Road intersection to provide for a dual right turn and single left turn on the Showground Road

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- approach to Old Northern Road, as well as a dual left turn into Showground Road from Old Northern Road;
- b) Reconstruction of the Showground Road / Pennant Street intersection. The second lane of the proposed signalised dual left turn from Showground Road must have approx 50m of storage;
 - c) Provision of a signalised intersection at Showground Road / Kentwell Avenue / Cheriton Avenue (with provision for dual right turn movement from Showground Road into Kentwell Avenue;
 - d) Removal of the existing pedestrian signals at Cecil Avenue to provide full signalisation of the Showground Road / Rowallan Avenue intersection. This would also include an additional 50m long left turn only lane from Showground Road into Rowallan Avenue;
 - e) Left-in / left-out movements only at the Showground Road / Britannia Road intersection;
 - f) Intersection improvements at Showground Road / Carrington Road to accommodate bus priority measures, the provision of dual right turns from Showground Road to Carrington Road and a left turn slip lane from Carrington Road into Showground Road;
 - g) Provision of bus priority measures at key signalised intersection;
 - h) Provision of appropriate street lighting along Showground Road;
 - i) Provision of off-road shared pathway facilities for pedestrians and cyclists along Showground Road.
- The 4 lane upgrade will need to be constructed within the ultimate 6 lane carriageway (ie: outer 4 lanes with wide median) in accordance with the Strategic Concept Plan (see attachments) including the modifications detailed in points (a) to (i) above.
- 11. The Showground Road upgrade works above must be completed prior to the issue of any occupation certificate associated with the Castle Towers Stage 3 extension, or within 18 months of the executed Deed of Agreement in the following condition below (whichever is the earlier).
 - 12. Details relating to the funding, staging and timing of the Showground Road upgrade works are to be included within a Deed of Agreement between the RTA and the Applicant which is to be executed prior to the issue of any construction certificate associated with the proposed Stage 3 extension of Castle Towers.
 - 13. Appropriate traffic management measures are put in place in Showground Rd at the Barwell Avenue intersection to prevent vehicles exiting Barwell Avenue and weaving across the westbound through traffic lanes to turn right into Pennant Street.
 - 14. Proposed changes to any intersections along the length of Showground Road and Pennant Street (including key intersections of Showground Road / Pennant Street, Old Northern Road / Showground Road) will need to ensure that they satisfactorily accommodate the Austroads turn paths of b-doubles.
 - 15. Any realignment of the private property boundary to facilitate a footway resulting from the proposed deceleration lane along the northern side of Showground Road adjacent to the development must be dedicated as road at no cost to the RTA.
 - 16. To minimise driver confusion for vehicles turning left or right from Showground Road into Kentwell Avenue, the applicant will be required to prepare a plan for approval by the RTA, showing advance directional signage along Showground Road on approach to the Showground Road / Cheriton Avenue / Kentwell Avenue intersection indicating correct lane usage, and install these signs.

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17. RTA approved pedestrian fencing must be installed within the central median island along the entire length of the Showground Road frontage of the site to discourage uncontrolled pedestrian movements across Showground Road.
18. An Environmental Assessment of the road works will need to be prepared by the Applicant. The RTA will be the determining authority. The development of an REF will require community consultation which will be undertaken in conjunction with the RTA. The decision report for the REF may identify further roadwork requirements.

Pennant Street / Castle Street

19. The Applicant must provide additional separate right turn bays on both Castle Street approaches. The length of such bays shall be agreed upon by the RTA subject to the submission of a concept design prior to the issue of any construction certificate. This work will require further consultation with Council and with the NSW Police Department because of the impact on the adjacent properties.

The abovementioned concept design must ensure that the existing turn paths for the Pennant Street (diamond phase) are compliant with the RTA's design requirements.

Three approach lanes will be required (with a minimum 50m storage in each lane) on the car park exit (Castle Street east leg). This will require redesign of the proposed Fire stairs indicated on Drawing No: DA004-3.

McMullen Avenue / Old Castle Hill Road

20. A review of the future weekday PM peak traffic model has indicated that significant queues develop from the McMullen Avenue / Old Castle Hill Road intersection and extend back along McMullen Avenue to the intersection of Old Northern Road / McMullen Avenue.

To address the abovementioned queues along McMullen Avenue the Applicant shall provide an additional left turn lane from McMullen Avenue into Old Castle Hill Road (south bound). This additional lane will require private property acquisition along the northern side of McMullen Ave as shown on the plan. (See attached Concept Plan of Proposed Subdivision for Road Widening) – Plan No: SM1161, Issue: 1, Dated: 18/11/09.

General Traffic Signals Requirements

21. Revised Traffic Signal plans will be required to be submitted to the RTA for the following intersections.
 - a) Old Northern Road / Castle Street / Crane Road
 - b) McMullen Avenue / Old Castle Hill Road
 - c) Pennant Street / Castle Street
 - d) Old Northern Road / Showground Road
 - e) Showground Road / Pennant Street
 - f) Showground Road / Carrington Road

New traffic signal plans will be required to be submitted to the RTA for the following intersections:

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- g) Showground Road / Kentwell Avenue / Cheriton Avenue
- h) Showground Road / Rowallen Avenue

22. The proposed road works / signalised intersections along Showground Road, Old Northern Road, Pennant Street and any other potential modifications to signals on local intersections shall be designed to meet RTA's requirements, and endorsed by a suitably qualified / Chartered Engineer (i.e. who is registered with the Institution of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and the relevant Australian Codes of Practice. The certified copies of the civil / traffic signal design plans shall be submitted to the RTA for approval prior to the release of a construction certificate by Council and commencement of road works.

The RTA fees for administration, plan checking, civil / signal works inspections and project management shall be paid by the Applicant prior to the commencement of works.

Pennant St Roadworks

23. During construction the Pennant Street works could result in a loss of traffic storage capacity in the following intersections approaches for the duration of the construction period. The RTA has specified that there must be no overall loss of traffic capacity during this work.

- a) Southbound Pennant Street approach at the Showground Road / Pennant Street intersection.
- b) Northbound right turn movement from Pennant Street into Castle Street.

The applicant has provided a Traffic Management Plan (TMP) showing temporary diversions onto the adjacent property. To ensure that traffic queues / delays are minimised at location (a) above, the storage capacity for the southbound Pennant Street approach at the Showground Road / pennant Street intersection must be extended during the Stage 2 and Stage 3 works. This will require additional temporary pavement works to be provided on the private property.

To ensure that the northbound capacity along Pennant Street is not reduced to a single lane due to vehicles queuing out of the right turn bay for the movement from Pennant Street into Castle Street, the existing storage capacity for this movement must be retained during the Stage 2 and Stage 3 works for the lowering of Pennant Street. This will require additional temporary pavement works to be provided on the private property.

Conditions Relating To Internal Construction

24. To promote safe and efficient operation of the proposed loading docks and to avoid approaching trucks having to wait on public roads, a dock management plan must be developed which will cover the following:

- Allocation of loading spaces
- Delivery times
- Controls on duration of stays
- Controls on placement of skips, pallets, etc.
- Procedures for tradesmen access and parking
- Operating times
- Truck access routes

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The abovementioned Dock Management Plan must be submitted to both Council and the RTA for approval prior to the issue of any occupation certificate for the expanded Stage 3 Shopping Centre. The Dock Management Plan must alleviate concerns that the turning path for semi trailers exiting the loading area from Site B (turning left) onto Pennant Street may not be possible if there is significant queuing during peak hours within the right turn bay opposite this proposed new access.

25. To improve the parking utilisation on the site and to minimise the potential for traffic congestion at key access points, the Applicant must implement a dynamic signage system which indicates the location and availability of underutilised and vacant parking areas / spaces.
26. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
27. The applicant must ensure that the car park entries / exits are designed in such a manner as to ensure that the future queuing areas and capacity requirements comply with Appendix D of AS 2890.1-2004.
28. Secure bicycle parking is to be provided on site together with change facilities in accordance with the relevant DCP.
29. Drainage design for the Stage 3 extension must ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge. Should there be changes to the RTA drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval, prior to commencement of any works. A plan checking fee will be payable and a performance bond will be required before the RTA's approval is issued.

Conditions Relating to External Construction

30. The Applicant shall be responsible for all public utility adjustment / relocation works, necessitated by the works and as required by the various public utility authorities and/or their agents.
31. Any changed traffic arrangements including temporary linemarking for construction purposes will require resurfacing of the pavement and reinstatement of new linemarking on completion of the works.
32. All works / regulatory signposting associated with the proposed development shall be at no cost to Council or to the RTA.
33. A plan showing all the existing and proposed speed limit signage associated with the redevelopment of the Castle Towers Stage 3 extension is to be submitted to the RTA for approval. All changes to speed limit signage require the written authorisation of the RTA's Speed Management Unit prior to installation.
34. A Parking Management Plan indicating that the construction staging provides adequate on-site parking to meet the current shopper demand or how any parking shortfalls will be appropriately managed, shall be prepared and submitted to the RTA and Council for approval prior to the issue of any construction certificate. This Plan must provide strategies for traffic and parking management during Peak Trading Periods

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35. A Construction Management Plan is to be submitted to Council for approval prior to the construction certificate. In addition providing details on appropriate haulage routes for demolition / construction vehicles and how such vehicles will be appropriately managed.

Additional Reports

36. The Applicant will be required to prepare and submit an updated traffic model (Paramics) to the RTA and Council prior to the issue of any construction certificate. The updated Paramics model must be set up in consultation with the RTA and the Council.
37. A Traffic Management Plan (TMP) is to be prepared and submitted to the RTA and Council's Local Traffic Committee for approval of any permanent full / partial road closures.
38. The Applicant must prepare a report examining pedestrian safety and pedestrian accessibility in the local area resulting from the proposed expansion to Castle Towers. This report must recommend suitable measures to address any deficiencies to pedestrian safety and accessibility and be submitted to Council and the RTA for review and comment prior to the issue of a construction certificate.

36. Outdoor Lighting

All lighting shall comply with the Australian Standard AS 4282:1997 The control of Obtrusive Effects of Outdoor Lighting.

37. Stormwater Treatment-Car parks

The car parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

38. Garbage Collection – Commercial

Waste and recycling material, generated by the premises, must not be collected between the hours of 10pm and 7am on any day.

39. Loading Dock Hours of Operation Sign

A sign must be provided at the entrance of the loading dock clearly outlining the approved hours of operation of the loading dock.

40. Marked Pedestrian Crossings

Marked pedestrian crossings cannot be installed until such time as a report recommending their implementation has been prepared for consideration by the Local Traffic Committee.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE41. Land Acquisition and Leasing

All land acquisition and leasing arrangements with The Hills Shire Council are to be finalised to the satisfaction of the General Manager prior to the issue of the Construction Certificate.

42. Castle Street Road Closure/ Acquisition

The applicant/ developer will be responsible for all application and legal costs associated with the closure of the portion of Castle Street between Pennant Street and Old Northern Road which is to be amalgamated into the development site.

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NOTE: The extent of the closure and the resultant location of the road reserve/ private property boundary at both ends of Castle Street must consider the following:

- (1) The RTA requirements relating to the extent of dedication at signalised intersections (the road reserve must extend 15m past the intersection into the site or as otherwise directed by the RTA/ Council).
- (2) The provision of a legal point of access to the public road network for the adjoining properties currently reliant on Castle Street for the same.

43. Commercial/ Private Lease Agreement – Structures and/ or Buildings in the Public Road Reserve

A commercial and/ or private lease agreement between Council and the applicant/ owner must be entered into for the buildings and structures (such as the ramps leading up to the car parking area from Kentwell Avenue) within the public road reserve.

NOTE: Any structures/ buildings on or over classified roads may require separate concurrence from the RTA also.

44. Pedestrian Access to Castle Street

Twenty-four (24) hour seven (7) day per week pedestrian access is to be provided through the centre to provide access to/from the eastern section of Castle Street to/from the western section of Castle Street. The access is to be in accordance with AS 1428.1. Details are to be submitted to Council's Group Manager – Planning and Environment for endorsement prior to issue of the Construction Certificate.

45. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

DISCOUNTED RATE - AS PER DEED OF AGREEMENT

	Rate per additional m2 of GFA	Total Retail GFA 6769.65m2
Development Category	Retail	
Civic Improvements	\$ 15.15	\$ 102,560.20
Commercial Studies	\$ 1.15	\$ 7,785.10
Total	\$ 16.30	\$ 110,345.30

FULL RATE - AS PER CPB (adopted 13/1/09)

	Rate per additional m2 of GFA	Total Retail GFA 53717.35m2
Development Category	Retail	
Capital	\$ 134.24	\$ 7,211,017.06
Land	\$ 21.77	\$ 1,169,426.71
Administration	\$ 5.62	\$ 301,891.51
Total	\$ 161.63	\$ 8,682,335.28

TOTAL \$ 8,792,680.58

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 9.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

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46. Driveway Access to 2 Kentwell Avenue

The existing driveway servicing 2 Kentwell Avenue must be reconstructed to provide for a new driveway and gutter crossing at the north-eastern end of the proposed roundabout in Kentwell Avenue. The design and layout of this crossing must be approved by Council. In this respect, the applicant must comply with all reasonable requests from the owner of 2 Kentwell Avenue with respect to these works, to minimise disruption.

47. Roundabout Designs

The roundabouts shown at the entry/exit to the carpark on Castle Street and on Kentwell Avenue are required to have engineering designs approved by Council's Manager Traffic prior to issue of the Construction Certificate.

48. Public Art

The design and installation of two (2) public artworks is required. The final location and design of the public artworks is to be endorsed by Council's Group Manager – Planning and Environment prior to issue of the Construction Certificate.

49. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

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

50. Submission of Shopping Trolley Management Plan

A Shopping Trolley Management Plan is required to be submitted prior to issue of the Construction Certificate. The Plan is to include, but not be limited to, the following:

- Measures for trolleys identifications;
- Details to ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Collection details for trolleys to ensure they are collected immediately on notification and within an agreed timeframe;
- Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex;
- Provide suitable, well signed trolley bays at exit points; and
- Details of trolley collection routes and schedules.

51. Landscape Bond

A landscape bond in the amount of \$50,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

52. Stormwater Pump-out System – Basement Car Park(s)

Where the basement car park(s) are unable to drain towards the OSD system/ legal point of discharge under gravity a stormwater pump-out system is required to be provided.

Any such stormwater pump-out system must provide for the following:

- a) A holding tank sized to store the run-off from a 1:100 year ARI (12 hour) storm event;

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- b) A two pump (alternating) system capable of emptying the holding tank at the lowest of either the Permissible Site Discharge (PSD) rate or the rate of inflow for a 1:5 year ARI (5 hour) storm event;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention (OSD) system before being discharged to the street/ legal point of discharge (under gravity).

NOTE: All relevant plans/ calculations/ hydraulic details/ manufacturer specifications for the pump(s) must be submitted to the PCA along with certification from the designer to ensure the design complies with the above requirements.

NOTE: A pump-out system can only be relied upon for basement car parks that are unable to drain under gravity.

53. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(5)(a) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$40000.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site plus an additional 50 metres on either side and the road width from the back of kerb on both sides, or \$10,000.00 (whichever is the greater).

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

54. Security Bond – External Works

In accordance with Section 80A(5)(b) of the Environmental Planning and Assessment Act 1979, a security bond to the value of \$50000.00 is required to be submitted to Council to guarantee the construction, completion and subsequent performance of all works external to the site. The above amount is 150% of the total value of providing all such works, or \$10,000.00 (whichever is the greater).

The bond shall be lodged with Council prior to the issue of a Construction Certificate.

NOTE: The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

55. Bank Guarantee(s)

Should a bank guarantee be the proposed method of submitting a security bond the guarantee is to:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a suitable cover letter that refers to Development Consent No. 297/2008/HB;
- c) Specifically reference the item(s) and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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Should it become necessary for Council to uplift the bank guarantee notice in writing will be forwarded to the applicant fourteen (14) days prior to such action being taken.

NOTE: No bank guarantee(s) issued directly by the applicant will be accepted.

56. Draft Plan of Easement/ Deed of Agreement

Draft copies of the plan of easement and deed of agreement for the encroachments over the two (2) existing drainage pipelines traversing Site A as required later in this consent must be submitted to Council for checking prior to the issue of a Construction Certificate.

NOTE: A Construction Certificate cannot be issued for the development until such time as Council has confirmed its acceptance of the above draft documents in writing.

57. Engineering Works and Design

The design and construction of all the engineering works outlined below must be provided for in accordance with the following (unless otherwise authorised by this consent):

- a) THSC Design Guidelines Subdivisions/ Developments (June 1997)
- b) THSC Works Specifications Subdivisions/ Developments (November 2001)

Any variation from these documents require separate approval from Council.

Such works require an Engineering Construction Certificate (ECC) and/ or a Design Compliance Certificate (DCC) to be obtained (as explained earlier in this consent) and are to include:

i. Showground Road Upgrade

The reconstruction of Showground Road in accordance with the requirements of Council and the RTA as outlined in this consent.

NOTE: The stamped approved plans must be amended as required to reflect the final approval design for these works.

ii. McMullen Avenue Upgrade

The provision of an additional northbound lane in McMullen Avenue (being a dedicated left hand turn into Old Castle Hill Road) and all associated road widening works in accordance with the requirements of Council and the RTA as outlined in this consent.

iii. Castle Street/ Pennant Street Intersection Upgrade

The provision of an additional southbound left turn lane from Castle Street to Pennant Street adjacent to the existing police station using the existing road reserve in this location in accordance with the requirements of Council and the RTA as outlined in this consent.

iv. Old Castle Hill Road Upgrade

The reintroduction of two-way movements in Old Castle Hill Road along with the upgrade of the signalised intersection between Old Castle Hill Road/ Old Northern Road/ Castle Street. A new roundabout must also be provided on Old Castle Hill Road fronting the existing car park and loading area along with a pedestrian crossing facility in accordance with the requirements of Council and the RTA as outlined in this consent.

v. Castle Street Roundabout

The construction of a roundabout on Castle Street fronting Site B as shown on the approved plans and in accordance with the requirements of Council. Any necessary road widening require to accommodate the roundabout must be provided from the development site.

vi. Kentwell Avenue Roundabout/ Turning Area

The construction of a roundabout/ turning area on Kentwell Avenue fronting Site B as shown on the approved plans and in accordance with the requirements of Council. Any necessary road widening require to accommodate the roundabout must be provided from the development site.

vii. Charcoal Concrete Cycleway – 3m wide

A 3m wide charcoal coloured cycleway along the sites full Showground Road frontage in accordance with the requirements of the RTA as outlined in this consent.

viii. Concrete Footpath and Access Ramp(s) – 1.5m wide

Concrete footpath paving 1.5m wide (or as otherwise directed by Council) must be provided for all public (but not classified) roads fronting the development site along with the provision of pedestrian access ramp(s) at the intersection between roads where necessary.

ix. Footpath Verge Provision/ Formation

Unless where otherwise approved by Council and/ or the RTA a 3.5m wide footpath verge is required to be provided for all public roads.

The grading/ trimming/ topsoiling/ turfing of the footpath verge for all public roads fronting the development site to ensure a gradient between 2% and 4% (falling from the boundary to the top of kerb) is provided. This work must include:

- The construction of any retaining walls and footings (contained wholly within the subject site) necessary to ensure complying grades within the footpath verge area.
- Any necessary adjustment or relocation of services to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

x. Council Pipelines/ Easements on Private Property (Site A)

There are two (2) existing Council drainage pipelines that traverse Site A between Old Northern Road and Pennant Street that are affected by the proposal as follows:

- a) The drainage pipeline within the current Castle Street road carriageway which is to be closed and built over.
- b) The drainage pipeline that generally follows the existing Piazza before passing through the existing loading area and car parking area via Castle Place (constructed as part of the preceding Stage 2B works).

NOTE: The two (2) separate existing OSD tanks are connected to this pipeline.

NOTE: The detailed design must address the matters listed below in accordance with the requirements of Council and the above documents. In this regard the applicant shall submit to Council for written approval detailed hydrological and hydraulic calculations prior to the issuing of a Construction Certificate.

- i. All Council stormwater infrastructure (including any associated overland flow paths) must be contained within a suitable easement.
- ii. Sufficient access for the maintenance/ replacement of the pipeline must be made available along the length of each easement.

Where access cannot be provided the pipeline must be constructed (or reconstructed for existing pipes) to a "maintenance free" standard so long as the adequacy of this arrangement can be demonstrated to Council.

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A maintenance strategy document that details all aspects of carrying out both major and minor maintenance on the proposed drainage infrastructure within the easements must be submitted.

- iii. The design must safely convey any overland flow associated with each of these pipelines through the development site towards Pennant Street via an uninterrupted overland flow path.

NOTE: Where the design includes piping all of the runoff associated with the design storm (being the 1:100 year ARI storm event) an emergency overland flow path must still be provided so as to limit any damage which may be caused in the event of a blockage or storm event greater than the design storm.

- iv. Demonstrate how the stormwater will be captured and directed into the proposed pits/ pipelines within the site.
- v. Demonstrate that there are no hydraulic impacts on the adjoining downstream (and upstream) properties.
- vi. Detail how any adverse effects (such as change to the existing flood levels/ flow velocities, pedestrian hazards etc;) resulting from the modification of the existing stormwater drainage system are to be minimised.
- vii. Address safety in the areas affected that will be accessible by the public.

NOTE: Bends approaching ninety degrees in pipelines to be dedicated to Council are to be avoided wherever possible.

xi. Pennant Street Drainage

The proposed lowering of Pennant Street must give consideration to the existing public drainage system/ network which partially traverses both Site A and Site B.

The works must not result in an additional flooding impact on either the development site nor adjacent properties. The detailed design drawings must clearly demonstrate compliance with the above.

NOTE: The works must be designed and carried out in accordance with the requirements of both Council and the RTA.

xii. Relocation of Services

The relocation of all existing services affected by the proposed works must be carried out at the developers expense and in accordance with the relevant service authorities requirements. Unless otherwise approved all roadside services must be located in the footpath verge.

NOTE: Services must be shown on the engineering drawings.

xiii. Street Names Signs

Where impacted by the proposed works new and/ or replacement street name signs and posts as approved by Council must be provided.

xiv. OSD Hawkesbury River Catchment

Onsite Stormwater Detention (OSD) is required to achieve the required site storage requirement (SSR) and permissible site discharge (PSD) in accordance with Council's requirements for the Hawkesbury River Catchment area.

NOTE: A Design Compliance Certificate (DCC) must be issued by either Council or a suitably accredited (C3) private certifier (as outlined earlier in this consent) for the detailed design of the OSD system. The DCC must include:

- Comprehensive design plans showing full construction details.
- A completed OSD Drainage Design Summary (Calculation) Sheet.

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- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, including catchment plans and areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule (prepared by the designer of the OSD system).

58. Mechanical Services Noise Level

Mechanical plant to be installed to service Castle Towers shall not cause offensive noise as defined in the Protection of the Environment Operations, Act 1997. An acoustic report prepared by a suitably qualified person shall be submitted to Council for review and concurrence. The acoustic assessment shall be in accordance with the Department of Environment & Conservation's NSW Industrial Noise Policy.

59. Mechanical Plant Design Requirements

Mechanical plant shall be sited as far away from noise sensitive locations as possible. The following design requirements as specified in the submitted Noise & Vibration Impact Assessment prepared by Marshall Day Acoustics dated 22 June 2007 Report No: 2007179001R01 must be met or exceeded:

- duct mounted attenuators on the atmosphere side of all air moving plant;
- splitter attenuators or acoustic louvres providing free ventilation to internal plant areas;
- solid barriers screening any external plant;
- anti-vibration mounts on all reciprocating plant.

60. Contamination Report

A detailed site investigation shall be undertaken by an appropriate qualified person, submitted to Council for review and concurrence. The site investigation shall be undertaken to determine the extent of hydrocarbon contamination on the site Stage A east of Pennant Street and asbestos contamination on the site Stage B west of Pennant Street (northern portion) as determined in the preliminary contamination assessment prepared by Douglas Partners Project 43863A June 2006. All contaminated material shall be removed by a licensed contractor and disposed of appropriately to a licensed waste facility. The report is required to conclude that the subject land is free from contamination and is suitable for the proposed development.

61. Hazardous Building Materials Report

A hazardous building material assessment shall be undertaken by an appropriate qualified person, submitted to Council for review and concurrence. The assessment shall be undertaken prior to the demolition of any building to identify any hazardous material. If hazardous material are identified the report shall make recommendations on their safe removal and disposal.

62. Waterways Requirements – Water Quality/ Stormwater Management

The following matters must be certified as being complied with by an appropriately accredited certifier (as outlined earlier in this consent) and reflected on the detailed design drawings prior to the issuing of a Construction Certificate:

- i. Water quality targets prescribed by the Department of Environment and Climate Change are to be achieved for the entire redevelopment site.

NOTE: DECC Targets are as follows:

(a) Gross Pollutants	95%
(b) Total Suspended Solids	85%
(c) Total Phosphorus	65%
(d) Total Nitrogen	45%

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- ii. Achievement of the above water quality targets for the entire proposed redevelopment is to be demonstrated through appropriate modelling methodologies.
- iii. The type, dimensions and location of water quality treatment and Water Sensitive Urban Design measures will need to be provided and indicated within appropriate drainage plans and in accordance with Council's Development Control Plan and Ecological Sustainable Development objectives.
- iv. The proposed system(s) of stormwater/ rainwater collection and reuse is to be designed using locally relevant rainfall data, calculated on the demand of the intended end uses and is to be supported with the submission of a long term time series water balance and drainage plans.
- vi. The size of water tank(s) for the collection of stormwater/ rainwater from Site A of the proposed redevelopment are to be calculated based on a long term time series water balance. However the proposed water tank(s) is to provide a minimum capacity of 5000 litres as agreed.
- vi. Water tank(s) for the collection of stormwater/ rainwater from Site B of the proposed redevelopment are to be calculated based on a long term time series water balance and provide as a minimum a capacity equal to that of 1/3 of the average annual rainfall.
- vii. Water tank(s) for the collection of stormwater/ rainwater for reuse within Site B are to be used as a minimum for the flushing of toilets and irrigation of landscaped areas within Site B.
- viii. Dependant on the source of water and intended reuse, water tanks installed for the collection of stormwater/ rainwater for reuse are to be preceded by appropriate water quality treatment measures and incorporate a first flush diverter to ensure public health and water quality standards are met.
- ix. The supply of potable water needs to be made available to the intended end uses of collected stormwater/ rainwater for times of low to nil rainfall. Information regarding how potable water may be made available will need to be provided.

NOTE: Compliance with the above will need to be reviewed when final detailed designs are available for the stormwater and recycle/reuse systems.

PRIOR TO WORK COMMENCING ON THE SITE

63. Dilapidation Survey

Prior to work commencing a practicing professional structural engineer shall carry out a dilapidation survey of the adjoining buildings at 282-284 Old Northern Road and 1A Castle Street and submit a copy of the survey both to Council and the property owners.

64. Protection of Existing Trees

The trees that are to be retained are to be protected during all works with 1.8m high chainwire fencing which is to be erected at least three (3) metres from the base of each tree or group of trees and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

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All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

65. Traffic Control Plan

A Traffic Control Plan (TCP) is required to be prepared and submitted in strict compliance with the requirements of the current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and the current RTA Traffic Control and Work Sites Manual. The persons preparing the TCP must have the relevant RTA accreditation to do so.

NOTE: Where subsequent amendments to the approved TCP are required a new plan shall be prepared and submitted to Council for endorsement prior to implementation.

NOTE: Separate RTA approval must be obtained for any works on classified roads.

66. RTA Design Approval

The design and construction of all works on Showground Road/ Pennant Street/ McMullen Avenue must be approved by the RTA in accordance with the requirements outlined in their correspondence attached to this consent.

Once issued by the RTA the following must be submitted to Council:

- a) Four (4) copies of the RTA stamped approved construction plans.
- b) A covering letter from the RTA advising that suitable arrangements have been made to enable the commencement of works.

67. Pre-Construction Public Infrastructure Dilapidation Report

Prior to work commencing you are required to submit to Council a public infrastructure inventory report recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

Designated construction access and delivery routes; and

Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

68. Separate OSD Detailed Design Approval

No work is to commence on the site until a Design Compliance Certificate (DCC) for the OSD system has been issued by either Council or an accredited certifier (C3 or equivalent).

69. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan - Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

70. Management of Building Sites - Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

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The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

71. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

72. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

73. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater – Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

74. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

75. Construction Noise Management Plan

Prior to any work commencing on site a Construction Noise Management Plan shall be undertaken by an appropriate qualified person, submitted to Council for review and concurrence. The plan is required to identify how noise and vibration emissions during demolition, excavation and construction will be controlled through equipment selection and other practicable noise control techniques.

DURING CONSTRUCTION**76. Construction Traffic**

Construction traffic is required to enter/exit the site from Showground Road, Pennant Street and to/from the existing driveway on Castle Street only. No construction traffic is permitted to enter or exit the site from Kentwell Avenue. No trucks are to use Castle Street during excavation works.

77. Protection of Heritage Precinct

- (a) The heritage buildings located in the heritage precinct are to be protected during the construction works to ensure that no damage occurs to the heritage buildings.
- (b) Support for Heritage Structures
- (i) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings and encroaches on the zones of influence of the footings of a building or retaining structure the person causing the excavation to be made:
 - (a) must seek advice from a professional structural engineer, and
 - (b) must preserve and protect the building or retaining structure from damage, and
 - (c) if necessary, must underpin and support the building or retaining structure in an approved manner.

78. Final Dilapidation Survey

On completion of the excavation, the structural engineer shall carry out a further dilapidation survey at the properties referred to in condition 63 above and submit a copy of the survey both to Council and the property owner.

79. Builder/Contractor Parking

All builders, contractors and other workers at the site are to park on the site or within land owned by QIC at all times.

80. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the Department of Environment and Climate Change and Water and the Department of Planning (Heritage Branch) must be notified immediately.

81. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the NSW Heritage Branch contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Heritage Branch.

82. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

83. Standard of Engineering Works

All engineering works in the public domain (or involving Council infrastructure) must be carried out in accordance with the development consent and THSC Works Specification for Subdivisions/ Developments and must include any necessary works required to make the construction effective.

NOTE: All required works and public utility relocation shall incur no cost to Council.

84. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;

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- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

85. Hours of Work

Work on the project to be limited to the following hours:-

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

86. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

87. Construction Noise Level

During construction noise from the site shall not exceed the following levels as recommended in the submitted Noise & Vibration Impact Assessment prepared by Marshall Day Acoustics dated 10 August 2006 Report No: 2006268SY

Location	Time period	Noise Limit dBA L _{A50}
Pennant Street	Monday to Friday, 7am to 5pm	56
	Saturday, 7am to 5pm	57
Showground Road	Monday to Friday, 7am to 5pm	55
	Saturday, 7am to 5pm	56
Castle Street	Monday to Friday, 7am to 6pm	53
	Saturday, 7am to 5pm	54

Noise readings are to be taken at the property boundaries of the nearest and most affected residential location during critical periods of demolition, excavation and construction works.

The activity must comply with the noise limit levels stated above. Copies of the results are to be kept on site and shown to Council Officers on request. If the levels fail to meet the levels stated works are to cease until noise attenuation measures are applied. Once the attenuation measures are applied, further noise readings are to be undertaken. If the readings comply, works may continue, however, if the readings do not comply,

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further noise attenuation measures are to be applied and further readings undertaken. This process must be repeated until the use of the equipment complies with the noise limits provided.

88. Loading Dock and Waste Storage Area Drainage

All drains from waste storage areas and covered loading docks shall be discharged to the sewer in accordance with approval and all requirements of Sydney Water.

PRIOR TO ISSUE OF A OCCUPATION CERTIFICATE**89. Completion of all Roadworks**

The completion of all roadworks the subject of this consent prior to issue of any Occupation Certificate, including any Interim Occupation Certificate.

90. Operational Plan of Management

- (a) A Plan of Management must be prepared to address all operational and management procedures to be employed by the managers of the centre, to ensure that the complex operates without unnecessary disturbance to the surrounding locality and provides a basis for the ongoing management of issues that may arise between the centre, Council and the community. The plan must reflect the whole of the operation of the Castle Towers Shopping Centre operations.
- (b) The plan must include but is not restricted to compliance with the requirements of conditions 28, 29, 38, 39, 50, 111, 112, 113, 115, 116, 117 and 118 of this consent and any other relevant operational matters such as noise; security management; and complaints handling procedures.
- (c) The plan is to be submitted to Council's Group Manager - Planning and Environment for endorsement prior to an Occupation Certificate being issued.
- (d) The existence and implementation of the Plan of Management is to be made known through any of the Centre Management's community liaison initiatives, website or similar means of communication with the community and the centres neighbours.

91. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

92. Provision of Electricity Services

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

93. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

94. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site being carried out prior to issue of the Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 - Landscaping.

95. RTA Construction Approval

Written evidence from the RTA confirming that all RTA approved works have been completed to their satisfaction and that no objection is raised to the issuing of an Occupation Certificate.

96. Post-Construction Public Infrastructure Dilapidation Report

Prior to the issue of an Occupation Certificate you are required to submit to Council an updated public infrastructure inventory report identifying any damage to such and means of rectification.

97. Dedication of Road Widening

The dedication of the proposed road widening as public road at no cost to Council. A minimum footpath verge width of 3.5m (measured from the back of kerb) must be provided in addition to the road carriageway widening.

NOTE: This will require the submission of a separate development application for subdivision.

98. Stormwater Pump-out System Certification

The construction of the stormwater pump-out system shall be certified as complying with the approved design by a suitably qualified hydraulic engineer.

99. Works As Executed (WAE) Plans

Works As Executed (WAE) plans prepared by a suitably accredited engineer or registered surveyor must be submitted to Council when the engineering works are complete. All WAE plans must be prepared in accordance with THSC Design Guidelines for Subdivisions/ Developments (June 1997) on a copy of the approved engineering plans.

An electronic copy of the WAE plans (in AutoCAD ".DWG" format) must also be submitted along with pavement density results, pavement certification, concrete core test results and site fill results (where applicable).

100. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate.

The following documentation is required to be prepared and submitted upon completion of the OSD system and prior to a final inspection:

- a) Works As Executed (WAE) plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer or surveyor verifying that the OSD system (as constructed) will function hydraulically;
- c) A certificate from a suitably accredited engineer verifying that the structures associated with the OSD system (as constructed) are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime (a certificate of structural adequacy).

NOTE: Where Council is not the PCA for the development a copy of the above documentation must be submitted to Council.

101. Performance/ Maintenance Security Bond

The submission of a performance/ maintenance bond of 5% of the total cost of the subdivision/ engineering works (minimum \$5,000.00). The bond shall be held for a defect liability period of no less than one (1) year to guarantee the performance of the works. This period may be extended to allow for the completion of necessary maintenance or in the case of outstanding works.

NOTE: The release of the maintenance bond shall be subject to a written application and a satisfactory final inspection.

102. Consolidation of Allotments

All allotments included/ covered by this consent must be consolidated into a single property title prior to the issuing of an Occupation Certificate.

This can be facilitated by one (1) of either of the following:

- (1) Including the consolidation of allotments as part of the separate development application for subdivision required to be submitted as outlined elsewhere in this consent.
- (2) The registration of a separate plan of consolidation directly with the NSW Department of Lands. A copy of the registered plan must be submitted to Council as evidence of consolidation upon registration.

103. Confirmation that Pipes are Located within Easements

Submission of a letter from a Registered Surveyor certifying that all pipes and drainage structures are located within the proposed/ existing easements to drain water.

104. Prior Release of Subdivision Certificate

An Occupation Certificate cannot be issued prior to the issuing of a Subdivision Certificate for the preceding boundary adjustment (pursuant to Development Consent DA 1159/2007/ZA).

105. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report on such prepared. A hard copy printout of the report must be submitted along with a copy the CCTV inspection on either VHS or DVD (in a WMA format).

106. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) The Building Code of Australia,
- b) AS 1668 Part 1 & 2 - 1991,
- c) The Public Health Act - 1991
- d) Public Health (Microbial Control) Regulation 2000,
- e) Work Cover Authority,
- f) AS 3666 -1989 Air Handling and water system of building microbial control
Part 1 - Design installation and commissioning
Part 2 - Operation and maintenance
Part 3 - Performance based maintenance of cooling water systems.

An application to register any regulated system installed must be made to Council prior to commissioning.

107. Validation Report (Occupational Hygienist)

A validation report shall be undertaken and submitted to Council from a suitably qualified occupational hygienist. The report shall validate that the area is free from any hazardous materials.

108. Validation Report (Land Contamination)

A validation report shall be undertaken and submitted to Council from a suitably qualified person. The report shall validate that the hydrocarbon impacted fill and asbestos contaminated fill as identified in the preliminary contamination assessment prepared by Douglas Partners Project 43863A June 2006 has been removed and disposed of adequately.

109. Construction and Fire Safety Measure Certificates

All construction and fire safety measure certificates are to be submitted.

110. Creation/ Registration of Drainage Easements

Prior to the issuing of an Occupation Certificate the drainage easements required to be created and/ or amended over the two (2) existing Council drainage pipelines that traverse Site A between Old Northern Road and Pennant Street that are affected by the proposal (as discussed earlier in this consent) must be endorsed by Council and registered at the NSW LPM.

Drainage easements in favour of Council must comply with requirements covered in the document entitled THSC Design Guidelines Subdivision/ Developments.

NOTE: An Occupation Certificate must not be issued until written proof of the above has been submitted to Council.

A deed of agreement between the owner/ developer and Council must be entered into for any encroachments within proposed and/ or existing easements in favour of Council. This legal agreement shall be registered on the certificate of title of the property under Section 88E of the Conveyancing Act 1919 (or recorded as a Positive Covenant).

The terms/ conditions of the deed must deal with the management/ maintenance and legal matters considered in the design of the drainage network as a consequence of the proposed encroachment (as required elsewhere in this consent). The wording of the deed of agreement must be to the satisfaction of Council's Corporate Lawyer.

At a minimum the deed must ensure that Council is not disadvantaged with respect to the rights/ responsibilities it would otherwise be burdened by if the encroachment was to not exist.

NOTE: The deed shall be submitted to Council for checking/ endorsement along with payment of the applicable fee from Council's Schedule of Fees and Charges. Sufficient time must be allowed for the preparation of a report to Council and execution of the deed prior to the issuing of an Occupation Certificate.

NOTE: All legal costs associated with the above must be borne by the applicant/ developer.

111. Litter Bins

Adequate litter bins and specialised bins for cigarette butts are to be provided to any open area where people may congregate and at exits including exits to the car park areas. The bins are to be adequately serviced to minimise the likelihood of the bins overflowing with rubbish. The area around the bins is to be maintained free of litter and any overflow of rubbish including cigarette butts is to be removed as soon as possible.

THE USE OF THE SITE**112. Operational Noise Level**

The operational noise limits for Castle Towers Shopping Centre shall be in accordance with the noise limits as specified in the submitted Noise & Vibration Impact Assessment prepared by Marshall Day Acoustics dated 22 June 2007 Report No: 2007179001R01.

Location	Intrusiveness db(A) $L_{Aeq, 15mins}$		Criteria	Amenity Criteria db(A) L_{Aeq}		
	Day	Evening	Night	Day	Evening	Night
Pennant St	56dB(A)	52dB(A)	43dB(A)	56dB(A)	45dB(A)	41dB(A)
Showground Rd	55dB(A)	52dB(A)	41dB(A)	54dB(A)	44dB(A)	40dB(A)
Castle St	53dB(A)	49dB(A)	40dB(A)	58dB(A)	45dB(A)	40dB(A)

113. Loading Dock Operation Hours

The proposed loading dock and existing loading docks that will service the proposed development are only to operate between the hours of 7am-10pm 7 days a week, with the exception of the loading dock accessed from Old Northern Road. The loading dock accessed from Old Northern Road is restricted to use between the hours of 7am and 5pm 7 days per week. Access to the loading docks outside the operation hours is required to be restricted by suitable means. Within the operation hours the proposed new loading dock shall comply with the noise limits listed. The hours may be extended if after the occupation certificate has been issued, it can be demonstrated to Council that the loading dock will operate in accordance with the *Department of Environment & Conservation's NSW Industrial Noise Policy*.

Location	Noise Limit Day(7am-6pm)	Noise Limit Evening(6pm-10pm)
Kentwell Ave residences loading bay truck access	54 dB(A) L_{Aeq}	42 dB(A) $L_{Aeq, 15mins}$
Castle Grand loading bay truck entry and exit	56 dB(A) L_{Aeq}	45 dB(A) L_{Aeq}
Showground Rd apartments loading bay truck entry and exit	54 dB(A) L_{Aeq}	44 dB(A) L_{Aeq}
Castle Grand Apartments loading bay truck entry and exit Levels 1 and 3 (Site B)	56 dB(A) L_{Aeq}	45 dB(A) L_{Aeq}

114. Acoustic Compliance Report

An acoustic assessment is to be carried out by an appropriately qualified person within three months and twelve months from the issue of the occupation certificate and submitted to Council for review and concurrence. The report shall verify that the loading docks, mechanical plant, car parking areas, outdoor dining areas and the general operation of the shopping centre is in accordance with the *Department of Environment & Conservation's NSW Industrial Noise Policy*. The report shall also specify any further

ORDINARY MEETING OF COUNCIL

08 FEBRUARY, 2011

noise attenuation measures that may be required in the case that the noise criteria is not being complied with. These measures will be required to be implemented within a timeframe stipulated by Council at that stage.

115. Restrict Access to all loading docks

Access to the all of the loading docks shall be restricted to the loading dock operation times by the installation of lockable bollards/ boom gates or other similar means to the satisfaction of Council and the NSW Fire Brigade. The lockable bollards/ boom gates shall be under the control of centre management.

116. Graffiti Free Building

The building is to be maintained graffiti free at all times.

117. Shopping Trolley Management

Shopping Trolley Management shall occur in accordance with the adopted Shopping Trolley Management Plan. In this regard the supermarket retailer shall:-

- Provide to Baulkham Hills Shire Council a list of contacts for the store;
- Ensure that all trolleys are easily identifiable by Council Officers;
- Ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Ensure that trolleys reported as posing risk or nuisance are collected immediately on notification;
- Ensure that all trolleys reported are collected within the time frame agreed by Council;
- Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex;
- Provide suitable, well signed trolley bays at exit points; and
- Provide to Council, on request, an up to date map showing usual trolley collection routes and schedules.

118. Hours of Operation

The hours of operation being restricted to the following: -

General Shopping Centre

Monday to Wednesday and Friday	9.00am to 5.30pm
Thursday	9.00am to 9.00pm
Saturday	9.00am to 5.00pm
Sunday	10.00am to 4.00pm

New Piazza and Heritage Restaurant Precinct

Sunday to Wednesday	9.00am to 10.00pm
Thursday to Saturday	9.00am to 12 midnight

Cinemas

Open to 12.30am seven (7) days per week

Supermarkets

6.00am to 12 midnight seven (7) days per week

Hypermarket

8.00am to 10.00pm seven (7) days per week

ORDINARY MEETING OF COUNCIL**08 FEBRUARY, 2011**

Any alteration to the above hours of operation will require the further approval of Council.

ATTACHMENTS

1. Locality Plan - First Notification
2. Locality Plan - Second Notification
3. Locality Plan - Third Notification
4. Locality Plan - Fourth Notification
5. Site Plan
6. Site A Site Plan
7. Site B Site Plan
8. LEP 2005 Height Plan
9. Elevation to Showground Road
10. Elevation to Castle Street
11. Elevation to Kentwell Avenue
12. Elevation to Pennant Street
13. Elevation to Old Northern Road
14. Heritage Precinct Plan
15. Cross Section between Site B and Castle Grand
16. Height on Site A to Showground Road
17. Roof Plan showing Height on Site A
18. Height on Site B to Kentwell Avenue
19. Roof Plan showing Height on Site B
20. Peer Review

ATTACHMENT 1 – LOCALITY PLAN – FIRST NOTIFICATION



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

NOTE: 4 SUBMISSIONS RECEIVED
OUTSIDE THE SCOPE OF THIS MAP

ATTACHMENT 2 – LOCALITY PLAN – SECOND NOTIFICATION



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

NOTE: 2 SUBMISSIONS RECEIVED
OUTSIDE THE SCOPE OF THIS MAP

THE HILLS
Sydney's Garden Shire

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ATTACHMENT 3 – LOCALITY PLAN – THIRD NOTIFICATION



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

NOTE: 1 SUBMISSION RECEIVED
OUTSIDE THE SCOPE OF THIS MAP

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Sydney's Garden Shire

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ATTACHMENT 4 – LOCALITY PLAN – FOURTH NOTIFICATION



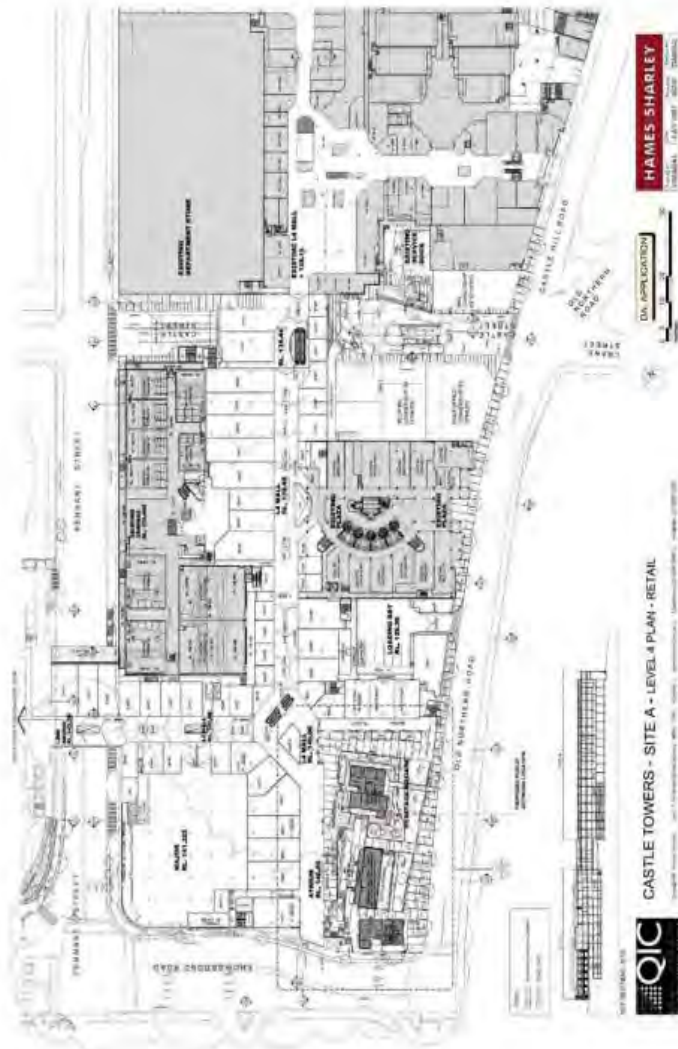
- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

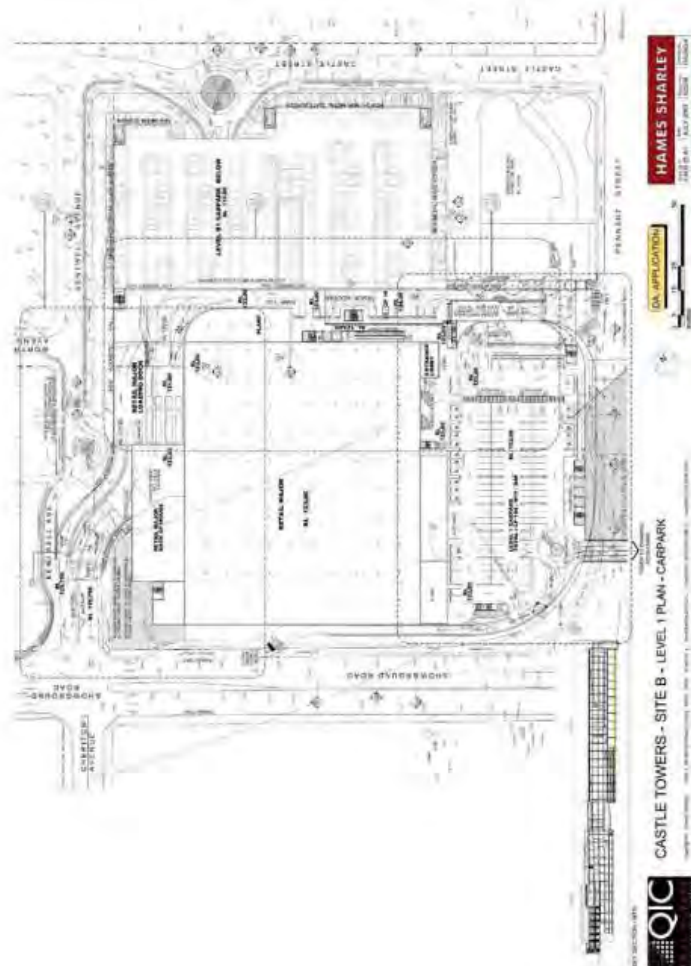
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ATTACHMENT 6 - SITE A SITE PLAN



ATTACHMENT 7 – SITE B SITE PLAN



Legend

- 7 Metres
- 10 Metres
- 20 Metres
- Subject Site

Scale 1:3,000

CASTLE HILL BUILDING HEIGHT MAP

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
BAULKHAM HILLS
LOCAL ENVIRONMENTAL PLAN 2005
 (AMENDMENT No. 16)

DRAWN BY B. CLISOLD	DATE 10/09/2006	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS BULKHAM HILLS LOCAL ENVIRONMENTAL PLAN 2005
SUPERVISING PLANNING OFFICER F. RAYNER	DATE 10/09/2006	
FILE No. COL FP 168		PUBLISHED IN GOVERNMENT GAZETTE OF 13 February 2008
CERTIFICATE ISSUED UNDER SECS 9 & 10A ACT 1979	DATE 12/09/2008	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS 17/9/08
CERTIFICATE PLAN NUMBER 68/03		GENERAL MANAGER DATE

ATTACHMENT 9 – ELEVATION TO SHOWGROUND ROAD



ATTACHMENT 10 – ELEVATION TO CASTLE STREET



ATTACHMENT 11 – ELEVATION TO KENTWELL AVENUE



ATTACHMENT 12 – ELEVATION TO PENNANT STREET



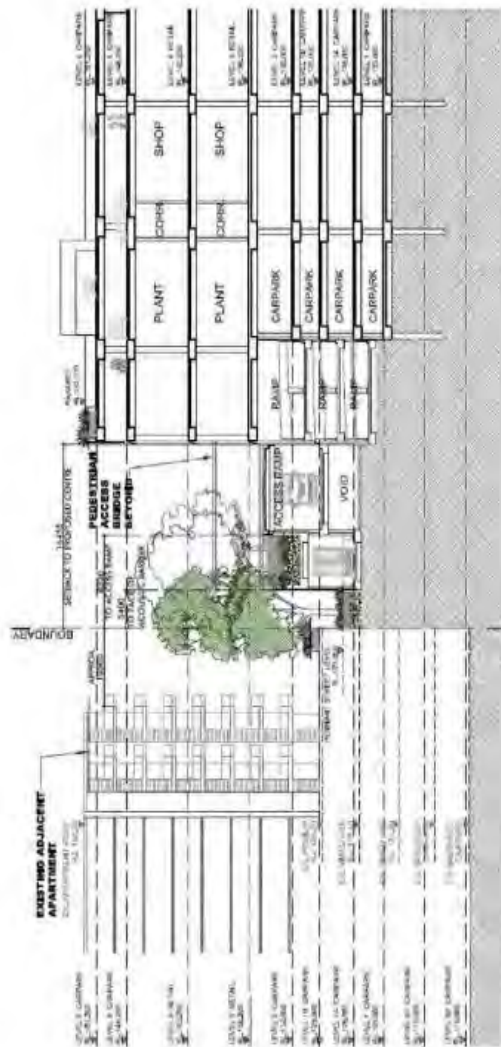
ATTACHMENT 13 – ELEVATION TO OLD NORTHERN ROAD



ATTACHMENT 14 – HERITAGE PRECINCT PLAN



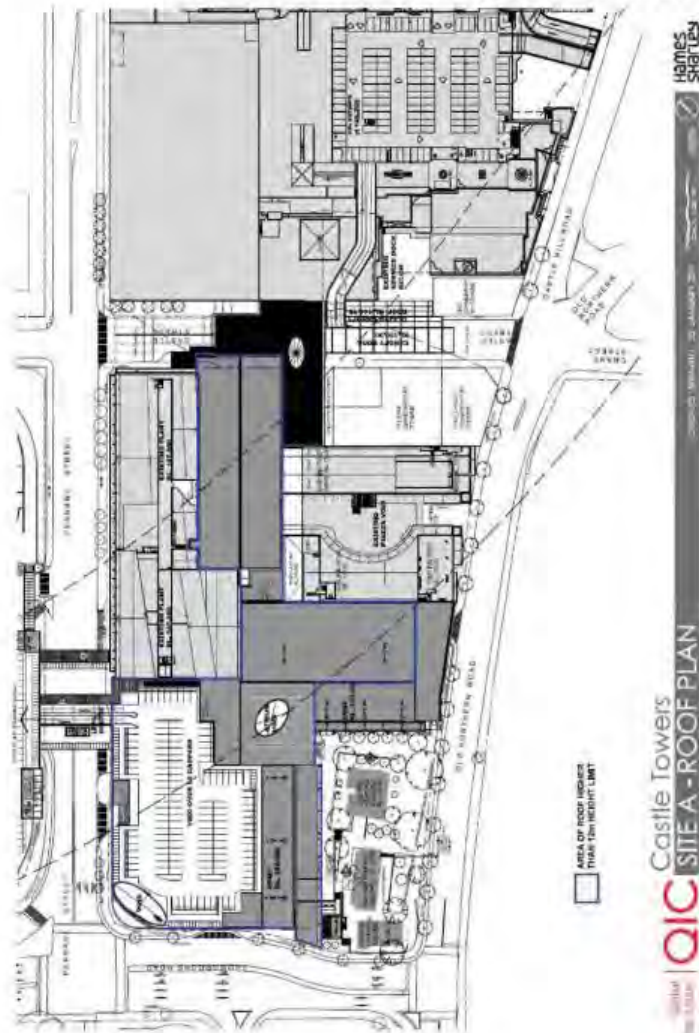
ATTACHMENT 15 - CROSS SECTION BETWEEN SITE B AND CASTLE GRAND



ATTACHMENT 16 – HEIGHT ON SITE A TO SHOWGROUND ROAD



ATTACHMENT 17 – ROOF PLAN SHOWING HEIGHT ON SITE A



ATTACHMENT 18 – HEIGHT ON SITE B TO KENTWELL AVENUE



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QIC Castle Towers
SITE B – NORTH WEST ELEVATION

HAMES
SHARLEY

EXISTING ROOF
 NEW ROOF
 NEW ROOF - ADDITION

CASTLE STREET
 PHARMACY STREET
 PHARMACY ROAD

NORTH ARROW

CASTLE TOWERS
 SITE B - ROOF PLAN

ATTACHMENT 20 – PEER REVIEW

SJB Planning



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The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Attention: Cameron McKenzie

2 February 2011

Re: Peer Review of Development Assessment DA B – Castle Towers Shopping Centre

Dear Cameron,

I refer to the Council's instructions regarding an independent peer review of the development application and staff assessment report of Development Application 297(2009/16) for the proposed Stage 3 expansion of Castle Towers Shopping Centre. The Peer review was requested to ensure that there has been a rigorous and robust consideration of the merits of the proposal. The desirability of the review was identified by Council on the basis that the scope of works to fill a substantial increase in the size of the existing shopping centre and that Council owned land is involved in regards to the proposed closure of roads and the construction of overbridge over roads.

Please find attached my review of the matter.

If there is any further assistance we can provide Council in this matter please do not hesitate to contact me.

Yours sincerely,

Yours sincerely,

Scott Burwick
Associate

SJB Planning



1. Background

This peer review has been requested to ensure that there has been a rigorous and robust consideration of the merits of the proposal undertaken by Council. The need for this review was identified by Council on the basis that the scope of works is for a substantial increase in the size of the existing shopping centre and that Council owned land is involved in regards to the proposed closure of roads and the construction of overbridges over roads.

In undertaking the review, we have been provided with the following documentation provided by Council:

- Architectural design package prepared by Huxley Sharkey dated May 2010 with project reference S0205
- Statement of Environmental Effects prepared Mike George Planning Pty Ltd
- Acoustic Report prepared by Marshall Day Acoustics
- Statutory authority responses to development application referral
- Baulkham Hills LEP 2000
- Baulkham Hills DCP – Business – Part C Section 1, dated October 2009
- Baulkham Hills DCP – Parking – Part D Section 1, dated September 2007 and
- Draft Assessment report and proposed modified conditions of Consent prepared by the Hills Shire Council

The review was undertaken with the benefit of a briefing from Council staff on the history and background to the development application and a site inspection of the site and surrounding areas.

Given the extent and scope of the application and the assessment process the review has been undertaken in a two stage process. This has involved the undertaking of a review of the preliminary assessment report and preliminary draft conditions of consent. This process was undertaken in order to highlight and identify as early as possible any potential concerns or matters that should be addressed by Council in the finalisation of the assessment. This preliminary review did not seek to guide or influence Council's assessment conclusions other to ensure that all relevant matters had been addressed and that any additional consideration required could be undertaken within the reporting timeframe Council had set.

2. Preliminary review comments

The preliminary assessment and proposed conditions of report were reviewed and feedback provided to Council.

The consideration of the preliminary report suggested that the report be made clearer in a number of areas to explain and clearly identify the scope of works that were now being reported to Council for determination and to clarify the statutory framework given the site specific reasoning that had occurred since the original lodgement of the development application. This was suggested to ensure that it was clear to Council the scope and nature of the application being determined.

The preliminary review also identified that the Section 79C assessment of the application needed to be more robust and needed to specifically acknowledge State Environmental Planning Policy (SEPP) 55 – Remediation of land and that the consideration of the applicants required to vary a development standard under SEPP 1 – Development Standards required a greater level of consideration.

In addition to these statutory assessment issues, it was suggested that the consideration and conclusion relating to a number of merit issues should be clarified. These matters related to satisfaction to the valuations and assessment relating to the height and setback controls.

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particularly in regard to the relationship between the proposed development and the Castle Ground, the interface between the proposed development and the residential zoned properties opposite the site in Kantwell Avenue and Castle Street and the treatment of the interface with the public domain particularly along Castle Street.

3. Comments on community consultation

The application has been notified on four occasions, with the outcome of the notification process recorded and acknowledged in the assessment report. The consideration of the matters raised is addressed as well as the outcomes of the consultation conferences and focus group meetings held.

4. Consultation with relevant authorities

The relevant agencies required both an integrated development, and also for relevant comments are documented in the assessment report, as are the responses. The required draft conditions are included in the recommended conditions of development consent.

5. Comments on the assessment report

Based upon the extent of information provided with the application, as well as the input and comments from Council officers, Government Agencies, and the public submissions, the various issues and matters for consideration appear to have been adequately identified. The final draft assessment report has had regard to the preliminary feedback provided and has clarified the assessment report to clearly identify:

- The scope of works for which consent is now sought;
- The statutory framework against which the application is being assessed;
- The nature and extent of proposed variations to height and setback controls;
- The basis upon which the variation to height under SIEPP 1 has been considered is now clear and the relevant guidelines for assessment have been referenced.

In commenting on the merit assessment of the proposed development, we are not providing our own analysis, rather providing commentary on the veracity of the arguments provided to reach the conclusions detailed in the assessment report.

The assessment report and proposed conditions address the matters raised during the consultation processes and have detailed where revisions have occurred, where conditions of consent are proposed to address a matter raised or why a matter raised has not been pursued.

Overall, based upon the information provided on which to undertake the review, the assessment report provides an appropriate basis upon which a determination can be made and that the reasons for the conclusions reached are provided.

Conditions of consent

The draft assessment report is supported by a recommended set of draft conditions of consent.

As previously noted these conditions include the conditions required by the agencies that were consulted and from which responses were received. The draft conditions also address the internal comments received from Council officers and address the matters raised in the assessment report.

The conditions proposed include a number of matters that require ongoing actions from the proponent in relation to management of matters such as shopping trolley management, noise management and limitations on the use of loading docks.

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As an on-going management tool for the management of the centre and to assist with Council's on-going dealings with the centre should management matters arise, it has been suggested that consideration be given to the imposition of an additional condition of consent requiring the preparation of an ongoing Plan of Management.

The intent of the Plan of Management would be to compile into a single management document all of the ongoing management commitments arising from conditions of development consent. This has the advantage of ensuring centre management is able to refer to and review matters that are conditions of development consent as staff changes occur and provides a single reference document for Council compliance staff to consult if a need arises to address any complaint. Ideally the document would be made publicly available and become a means by which the centre could self manage issues that may arise and address them before action is required by Council enforcement staff.

The suggested wording for such a condition could be:

115 Operational Plan of Management to be submitted and approved

- (a) *A Plan of Management must be prepared to address all operational and management procedures to be employed by the managers of the centre, to ensure that the Centre operates without unnecessary disturbance to the surrounding locality and provide a basis for the ongoing management of issues that may arise between the centre, Council and the community. The plan must reflect the whole of the operation of the Castle Towers Shopping Centre operations.*
- (b) *The plan must include but is not restricted to compliance with the requirements of conditions 20, 25, 37, 38, 40, 100, 109, 111, 112, 113 and 114 of the consent and any other relevant operational matters such as noise, security management, and complaints handling procedures.*
- (c) *The plan is to be submitted to and approved by Council prior to an Occupation Certificate being issued.*
- (d) *The existence and implementation of the Plan of Management is to be made known through any of the Centre Management's community liaison initiatives, website or similar means of communication with the community and the centre's neighbours.*

Conclusion

This peer review does not constitute a full independent merit assessment of the development application. It examines the process that has been followed, the adequacy of the documentation, and the rigour of the Council's merit assessment and the reasonableness of the conclusions drawn.

The DA is large and complex and has been subject to a long running assessment process and various revisions to the application have been made in response to matters raised by Council staff and the community.

The draft assessment report provides a thorough assessment of the matters raised and the matters that must be addressed under section 79C assessment.

In our opinion, and based on the information made available and reviewed by us, the application has been the subject of an open and transparent process, consistent with the Council's practices and the relevant issues associated with the impact of the development, the statutory and policy controls and the submissions received have been addressed in the assessment report.

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The weight given to these various issues is a matter for the assessment officer and ultimately the Council. It is conceivable that, with a complex matter such as this, individuals will allocate weight and judgement differently; nonetheless it is our opinion that the judgements and conclusions reached in the assessment report are reasonably made.

In determining the application we recommend that the Council, should consent be granted, give consideration to the suggested additional condition dealing with the preparation of an on-going Plan of Management.

SJB Planning Pty Ltd
Access to the SJB A33

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