

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

FIRE SAFETY COMMENTS

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

SUBDIVISION ENGINEERING COMMENTS

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

TREE MANAGEMENT COMMENTS

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

WASTE MANAGEMENT COMMENTS

No objection is 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, SEPP 32 – Urban Consolidation, Sydney Regional Planning Policy No. 20 – Hawkesbury Nepean River, Local Environmental Plan 2012 and Development Control Plans Part C Section 8 - Business and Part C Section 1 – Parking and is considered to be satisfactory.

There are a number of variations proposed to LEP 2012 and the DCP in regard to floor space ratio, height, setbacks, carparking, loading and bicycle parking however these variations are considered to be satisfactory and the proposal can be supported. The proposal includes a Clause 4.6 variation to the LEP standards for FSR and height. The proposed variations are considered to be supportable and Council has assumed concurrence from the Department of Planning and Environment. The proposal is considered to be consistent with the aims and objectives of LEP 2012 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.

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 a Deferred Commencement condition is now recommended.

IMPACTS:**Financial**

The proposed works are dependent on the lease of land currently owned by Council. This 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 is recommended for approval.

The Hills Future

The proposed development is consistent with the planning principles, vision and objectives outlined within The Hills 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 the document 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 including a Deferred Commencement Condition.

DEFERRED COMMENCEMENT**1. Deferred Commencement – Agreement with Transport for NSW**

A. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:

1. The owners of the site of the approved development must enter into an Agreement with Transport for NSW to address the potential impacts of the approved development on the Sydney Metro Northwest identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:
 - (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in Condition 40 below;
 - (ii) allowances for the design, construction, operation and maintenance of railway infrastructure in the vicinity of the approved development;
 - (iii) allowances in the design, construction and maintenance of the approved development for rail operations in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - (iv) consultation with Transport for NSW;

- (v) access by representatives of Transport for NSW to the site of the approved development and all structures on that site;
 - (vi) provision to Transport for NSW of drawings, reports and other information related to the design, construction and maintenance of the approved development;
 - (vii) such other matters which Transport for NSW considers are appropriate to give effect to (i) to (vi) above; and
 - (viii) such other matters as the owners and Transport for NSW may agree.
- B. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.
- C. Upon compliance with the requirements of Part A1, a full consent will be issued 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
DA003	Design Intent - Sheet 1	22/07/15 Rev. 03
DA004	Design Intent - Sheet 2	22/07/15 Rev. 03
DA005	Design Intent - Sheet 3	22/07/15 Rev. 03
DA006	Design Intent - Sheet 4	22/07/15 Rev. 02
DA007	Design Intent - Sheet 5	22/07/15 Rev. 03
DA008	Design Intent - Sheet 6	27/04/15 Rev. 02
DA009	Design Intent - Sheet 7	19/12/14 Rev. 01
DA010	Design Intent - Sheet 8	19/12/14 Rev. 01
DA011	Design Intent - Sheet 9	19/12/14 Rev. 01
DA030	Perspective - Sheet 1	22/07/2015 Rev. 03
DA031	Perspective - Sheet 2	19/12/2014 Rev. 01
DA032	Perspective - Sheet 3	19/12/2014 Rev. 01
DA033	Perspective - Sheet 4	27/04/2015 Rev. 01
DA050	Site Boundary and Title Plan	19/12/2014 Rev. 01
DA051	Site Plan & Location Plan	22/07/2015 Rev. 03
DA140	Existing Extents – Level B3	19/12/2014 Rev. 01
DA141	Existing Extents – Level B2	27/04/2015 Rev. 02
DA142	Existing Extents – Level B1	27/04/2015 Rev. 02

DA143	Existing Extents – Level 1	27/04/2015 Rev. 02
DA144	Existing Extents – Level 1A	27/04/2015 Rev. 02
DA145	Existing Extents – Level 2	19/12/2014 Rev. 01
DA146	Existing Extents – Level 2A	19/12/2014 Rev. 01
DA147	Existing Extents – Level 3	22/07/2015 Rev. 03
DA148	Existing Extents – Level 3A	22/07/2015 Rev. 03
DA149	Existing Extents – Level 4	22/07/2015 Rev. 03
DA150	Existing Extents – Level 4A	22/07/2015 Rev. 03
DA151	Existing Extents – Level 5	22/07/2015 Rev. 03
DA152	Existing Extents – Level 5A	22/07/2015 Rev. 03
DA153	Existing Extents – Roof Level	22/07/2015 Rev. 03
DA200	Overall Masterplan – Level B3	09/05/2016 Rev. 05
DA201	Overall Masterplan – Level B2	02/05/2016 Rev. 08
DA202	Overall Masterplan – Level B1	02/05/2016 Rev. 06
DA203	Overall Masterplan – Level 1 Option 01	04/04/2016 Rev. 06
DA204	Overall Masterplan – Level 1A	04/04/2016 Rev. 06
DA205	Overall Masterplan – Level 2	04/04/2016 Rev. 05
DA206	Overall Masterplan – Level 2A	04/04/2016 Rev. 05
DA207	Overall Masterplan – Level 3	09/11/2015 Rev. 06
DA208	Overall Masterplan – Level 3A	09/11/2015 Rev. 06
DA209	Overall Masterplan – Level 4	09/11/2015 Rev. 06
DA210	Overall Masterplan – Level 4A	09/11/2015 Rev. 06
DA211	Overall Masterplan – Level 5	09/11/2015 Rev. 06
DA212	Overall Masterplan – Level 5A	09/11/2015 Rev. 06
DA213	Overall Masterplan – Roof Plan	09/11/2015 Rev. 06
DA220	General Arrangement Plan – Level B3 – Part 1	19/12/2014 Rev. 01
DA222	General Arrangement Plan – Level B2 – Part 1	27/04/2015 Rev. 02
DA223	General Arrangement Plan – Level B2 – Part 2	19/12/2014 Rev. 01
DA224	General Arrangement Plan – Level B1 – Part 1	19/12/2014 Rev. 01
DA225	General Arrangement Plan – Level B1 – Part 2	27/04/2015 Rev. 02
DA226	General Arrangement Plan – Level 1 – Part 1	27/04/2015 Rev. 02
DA227	General Arrangement Plan – Level 1 – Part 2	19/12/2014 Rev. 01
DA228	General Arrangement Plan – Level 1A – Part 1	27/04/2015 Rev. 02
DA229	General Arrangement Plan – Level 1A – Part 1	19/12/2014 Rev. 01
DA230	General Arrangement Plan – Level 2 – Part 1	19/12/2014 Rev. 01
DA231	General Arrangement Plan – Level 2 – Part 2	19/12/2014 Rev. 01

DA232	General Arrangement Plan – Level 2A – Part 1	19/12/2014 Rev. 01
DA233	General Arrangement Plan – Level 2A – Part 2	19/12/2014 Rev. 01
DA234	General Arrangement Plan – Level 3 – Part 1	22/07/2015 Rev. 03
DA235	General Arrangement Plan – Level 3 – Part 2	19/12/2014 Rev. 01
DA236	General Arrangement Plan – Level 3A – Part 2	19/12/2014 Rev. 01
DA237	General Arrangement Plan – Level 4 – Part 1	22/07/2014 Rev. 03
DA238	General Arrangement Plan – Level 4 – Part 2	27/04/2015 Rev. 02
DA239	General Arrangement Plan – Level 4A – Part 1	22/07/2015 Rev. 03
DA240	General Arrangement Plan – Level 4A – Part 2	25/02/2015 Rev. 02
DA241	General Arrangement Plan – Level 5 – Part 1	22/07/2015 Rev. 03
DA242	General Arrangement Plan – Level 5 – Part 2	27/04/2015 Rev. 02
DA243	General Arrangement Plan – Level 5A – Part 1	22/07/2015 Rev. 03
DA244	General Arrangement Plan – Level Roof – Part 1	22/07/2015 Rev. 03
DA245	General Arrangement Plan – Level Roof – Part 2	25/02/2015 Rev. 02
DA160	Elevational Comparison	27/04/2015 Rev. 02
DA161	Building Height Envelope	27/04/2015 Rev. 02
DA264	Castle Street 24hr Access Detail Plan	19/12/2014 Rev. 01
DA301	Elevations – Sheet 1	27/04/2015 Rev. 02
DA302	Elevations – Sheet 2	10/11/2015 Rev. 03
DA400	Sections – Sheet 1	19/12/2014 Rev. 01
DA401	Sections – Sheet 2	27/04/2015 Rev. 02
DA402	Sections – Sheet 3	19/12/2014 Rev. 01
DA500	Carpark Detail Plan – Level B2 – Sheet 1	27/04/2015 Rev. 02
DA501	Carpark Detail Plan – Level B2 – Sheet 2	19/12/2014 Rev. 01
DA502	Carpark Detail Plan – Level B2 – Sheet 3	19/12/2014 Rev. 01
DA503	Carpark Detail Plan – Level B2 – Sheet 4	19/12/2014 Rev. 01
DA504	Carpark Detail Plan – Level B2 – Sheet 5	27/04/2015 Rev. 02
DA505	Carpark Detail Plan – Level B2 – Sheet 6	19/12/2014 Rev. 01
DA506	Carpark Detail Plan – Level B2 – Sheet 7	19/12/2014 Rev. 01
DA507	Carpark Detail Plan – Level B2 – Sheet 8	19/12/2014 Rev. 01
DA508	Carpark Detail Plan – Level B1 – Sheet 1	19/12/2014 Rev. 01
DA509	Carpark Detail Plan – Level B1 – Sheet 2	19/12/2014 Rev. 01
DA510	Carpark Detail Plan – Level B1 – Sheet 3	19/12/2014 Rev. 01
DA511	Carpark Detail Plan – Level B1 – Sheet 4	19/12/2014 Rev. 01
DA512	Carpark Detail Plan – Level B1 – Sheet 5	27/04/2015 Rev. 02
DA513	Carpark Detail Plan – Level B1 – Sheet 6	19/12/2014 Rev. 01

DA514	Carpark Detail Plan – Level B1 – Sheet 7	19/12/2014 Rev. 01
DA515	Carpark Detail Plan – Level B1 – Sheet 8	19/12/2014 Rev. 01
DA516	Carpark Detail Plan – Level 1 – Sheet 1	27/04/2015 Rev. 02
DA517	Carpark Detail Plan – Level 1 – Sheet 2	19/12/2014 Rev. 01
DA518	Carpark Detail Plan – Level 1A – Sheet 1	27/04/2015 Rev. 02
DA519	Carpark Detail Plan – Level 2 – Sheet 1	19/12/2014 Rev. 01
DA520	Carpark Detail Plan – Level 3A – Sheet 1	19/12/2014 Rev. 01
DA521	Carpark Detail Plan – Level 4 – Sheet 1	19/12/2014 Rev. 01
DA522	Carpark Detail Plan – Level 4 – Sheet 2	27/04/2015 Rev. 02
DA523	Carpark Detail Plan – Level 4 – Sheet 3	27/04/2015 Rev. 02
DA524	Carpark Detail Plan – Level 4 – Sheet 4	19/12/2014 Rev. 01
DA525	Carpark Detail Plan – Level 4 – Sheet 5	19/12/2014 Rev. 01
DA526	Carpark Detail Plan – Level 4 – Sheet 6	19/12/2014 Rev. 01
DA527	Carpark Detail Plan – Level 4 – Sheet 7	19/12/2014 Rev. 01
DA528	Carpark Detail Plan – Level 4 – Sheet 8	19/12/2014 Rev. 01
DA529	Carpark Detail Plan – Level 4 – Sheet 9	19/12/2014 Rev. 01
DA531	Carpark Detail Plan – Level 4A – Sheet 1	19/12/2014 Rev. 01
DA532	Carpark Detail Plan – Level 4A – Sheet 2	27/04/2015 Rev. 02
DA533	Carpark Detail Plan – Level 4A – Sheet 3	27/04/2015 Rev. 02
DA534	Carpark Detail Plan – Level 4A – Sheet 4	19/12/2014 Rev. 01
DA535	Carpark Detail Plan – Level 4A – Sheet 5	19/12/2014 Rev. 01
DA536	Carpark Detail Plan – Level 4A – Sheet 6	27/04/2015 Rev. 02
DA537	Carpark Detail Plan – Level 4A – Sheet 7	19/12/2014 Rev. 01
DA538	Carpark Detail Plan – Level 4A – Sheet 8	25/02/2015 Rev. 02
DA539	Carpark Detail Plan – Level 5 – Sheet 1	27/04/2015 Rev. 02
DA540	Carpark Ramp Details – Sheet 1	19/12/2014 Rev. 01
DA541	Carpark Ramp Details – Sheet 2	19/12/2014 Rev. 01
DA542	Carpark Ramp Details – Sheet 3	19/12/2014 Rev. 01
DA543	Carpark Ramp Details – Sheet 4	19/12/2014 Rev. 01
DA550	Loading Docks – Sheet 1	19/12/2014 Rev. 01
DA551	Loading Docks – Sheet 2	19/12/2014 Rev. 01
DA552	Loading Docks – Sheet 3	19/12/2014 Rev. 01
DA553	Loading Docks – Sheet 4	19/12/2014 Rev. 01
DA554	Loading Docks – Sheet 5	19/12/2014 Rev. 01
A1.00	Heritage Square Classrooms - Site Plan	18/09/2015 Rev. 2

A.200	Heritage Square Classrooms - Ground Floor Plan	21/02/2016 Rev. 4
A.201	Heritage Square Classrooms - Roof Plan	18/09/2015 Rev. 2
A.400	Heritage Square Classrooms - Elevations	21/01/2016 Rev. 5
A.401	Heritage Square Classrooms - Elevations	21/01/2016 Rev. 4
A.500	Heritage Square Classrooms - Sections	21/01/2016 Rev. 4
AP.01	Heritage Square Classrooms - Perspectives	21/01/2016 Rev. 4
A100	Heritage Square c1897 Police Station - Site Plan	18/09/2015 Rev. 2
A.200	Heritage Square c1897 Police Station - Ground Floor Plan	21/01/2016 Rev. 3
A.201	Heritage Square c1897 Police Station - Roof Plan	21/01/2016 Rev. 3
A.400	Heritage Square c1897 Police Station - Elevations	21/01/2016 Rev. 4
A.401	Heritage Square c1897 Police Station - Elevations	21/01/2016 Rev. 4
A.500	Heritage Square c1897 Police Station - Sections	21/01/2016 Rev. 4
AP.01	Heritage Square c1897 Police Station - Perspectives	21/01/2016 Rev. 3
A.100	Heritage Square 1880 School & Residence - Site Plan	18/09/2015 Rev. 2
A.200	Heritage Square 1880 School & Residence - Ground Floor Plan	21/01/2016 Rev. 3
A.201	Heritage Square 1880 School & Residence - Level 01 Plan	18/09/2015 Rev. 2
A202	Heritage Square 1880 School & Residence - Roof Plan	18/09/2015 Rev. 2
A.400	Heritage Square 1880 School & Residence - Elevations	21/01/2016 Rev. 4
A.401	Heritage Square 1880 School & Residence - Elevations	21/01/2016 Rev. 4
A.500	Heritage Square 1880 School & Residence - Sections	21/01/2016 Rev. 4
A.501	Heritage Square 1880 School & Residence - Sections	21/01/2016 Rev. 4
AP.01	Heritage Square 1880 School & Residence - Perspectives	18/09/2015 Rev. 2
A0.01	Heritage Square c1897 Police Station - Aerial Plan	21/01/16 Rev. 1
DA801	Shadow Diagrams - June 21 - 9am	18/07/2016 Rev. 04
DA801	Shadow Diagrams - June 21 - 12pm	18/07/2016 Rev. 04
DA801	Shadow Diagrams - June 21 - 2pm	18/07/2016 Rev. 04

DA808	Shadow Diagrams – June 21 – 3pm	18/07/2016 Rev. 01
DA.003	Landscape Concept Plan	November 2015
DA.004	Landscape Detailed Plan 1	---
DA.005	Landscape Detailed Plan 2	---
DA.006	Landscape Section	November 2015
DA.007	Site B Landscape Plan	April 2015
---	Heritage Square – Indicative Hard Materials Palette	---
---	Heritage Square – Indicative Furniture Palette	---
---	Planting Palette – Plant Schedule	---
---	Planting Palette – Trees Planting Plan	---
---	Planting Palette – Feature Trees	---
---	Planting Palette – Evergreen Trees	---
---	Planting Palette – Feature Trees	---
---	Planting Palette – Shrubs/Groundcover Planting Plan	---
---	Planting Palette – Indicative Ornamental Garden Bed Mix	---
---	Site B Planting Palette – Indicative Species Mix	---
B1592	Survey Plan Sheet 24 of 25	---
B1592	Survey Plan Sheet 24 of 25	---

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 2262 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 80,260m² of additional gross leaseable floor area (GLFA) the subject of this consent.

This will result in a total of 7996 spaces being provided for the whole centre and a gross leaseable floor area of 193,457m².

3. Car Parking, Bicycle and Motorcycle Spaces

The provision and maintenance thereafter of:

7996 car parking spaces, which includes 209 accessible spaces and a total of 95 parents with prams spaces.

177 motorcycle parking spaces.

60 bicycle spaces.

4. Pay Parking

Pay parking is permitted within the parking areas. The pricing strategy must provide a three hour free period for patrons and either a free or reduced parking rate for staff and tenants.

5. External Finishes

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

6. Separate application for signs

A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

7. Seating for Restaurants

Any seating for the proposed restaurants within the heritage precinct area or adjoining restaurant precinct which is outside of the tenancy is subject to the further Development Consent of Council. Internal seating associated with food courts is permitted as shown on the approved plans.

8. Permanent Kiosks

Approval is granted for a total of 60 permanent kiosks within the whole centre. A mall co-ordination plan is required to be submitted to Council prior to the use/operation of the first kiosk which details the location and size of all permanent kiosks. The permanent kiosks are permitted to have an average size of 30m². The total area of the kiosks is to be included in the total approved gross leasable floor area.

The location of all kiosks are 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 or the increase in size of the approved kiosks require the further Development Consent of Council.

9. Parent Rooms

Parent rooms are to be provided in the Stage 3 works in accordance with the requirements of the Development Control Plan Part B Section 6 – Business.

10. No Approval for Staging

This consent does not grant any approval for the staging of the works. The sequencing of works is permitted to ensure the on-going operation of the centre.

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.

11. 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.

12. Site Cleanliness

The site is to be kept in a clean and tidy manner at all times.

13. Conservation Works and Future Adaptive Re-Use of Heritage Items

All works to the 1880s schoolhouse, 1930s classroom and former Police Station are limited to that detailed within the Drawings prepared by Paul Davies Pty Ltd (Ref: Project 3-027) dated November 2015 and December 2016.

A separate Development Application is required to be approved by Council for any further alterations to the heritage items and their adaptive re-use.

14. Structural Integrity

The process for supporting and raising the 1880s schoolhouse shall be in accordance with the Structural Report prepared by Mott MacDonald dated 17 April 2015 and must be overseen by an experienced and qualified Structural Engineer.

15. Landscaping around Heritage Buildings

All landscaping associated with the heritage square is to be undertaken in accordance with the Landscaping Plans prepared by Context and approved with this consent.

16. Tree Removal

Approval is granted for the removal of thirty one (31) trees located on Site A and forty (40) trees located on Site B, as described in Arborist Report prepared by Paul Shearer Consulting on 17 December 2014 version 01, Revision 00.

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

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.

18. Subdivision Approval

Once the extent of works in and around Showground Road, Kentwell Avenue, Pennant Street, Barwell Avenue, Old Northern Road, Castle Street, Old Castle Hill Road and McMullen Avenue has been finalised, in consultation with Council and the RMS, a subdivision plan relating to these works must be prepared, submitted and approved by Council.

19. Separate Application for Strata Subdivision

The strata title subdivision of the development is not included. A separate development application or complying development certificate application is required.

20. 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.

21. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

22. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

- Provision for overland flow and access for earthmoving equipment must be maintained.
- The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.
- No fill, stockpiles, building materials or sheds can be placed within the easement.
- Open style fencing must be used. New or replacement fencing must be approved by Council.

23. Vehicular Access and Parking

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

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- 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.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

24. 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.

25. 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. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

- 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 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.

26. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

27. Subdivision Certificate Preliminary Review

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

28. Street Trees

Where existing street trees are affected by the proposed works, or where there are no existing street trees, street trees must be provided for the roads within or fronting the development site spaced between 7m and 10m apart; except for as otherwise approved by Council as part of an approved verge formation (for example, the main street treatment). The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

29. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

30. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- a. The location and type of each WSUD element, including details of its operation and design;
- b. A brief description of the catchment characteristics, such as land uses, areas etc;
- c. Estimated pollutant types, loads and indicative sources;
- d. Intended maintenance responsibility, Council, landowner etc;
- e. Inspection method and estimated frequency;
- f. Adopted design cleaning/ maintenance frequency;
- g. Estimate life-cycle costs;
- h. Site access details, including confirmation of legal access, access limitations etc;
- i. Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j. Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- k. Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l. A work method statement;
- m. A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

31. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

32. 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.

33. 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.

34. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Arup Pty Ltd, referenced as R10 P8 Acoustic DA Report, dated 12 December 2014 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- The installation of a 1.8m noise barrier adjacent to the Kentwell Avenue Carpark exit;
- An Acoustic cover over the Pennant Street entry/exit constructed of a material with sufficient mass ($>15 \text{ Kg/m}^2$) to be efficient as a noise barrier.

35. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/or demolition phases of the development, as well as the ongoing management phase. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. 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. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

36. Construction of Waste Storage Areas

All work involving construction of the waste storage areas is required to comply with the requirements of Council's 'Commercial/Industrial Waste Storage Area Specifications'. A copy of the specifications is available at www.thehills.nsw.gov.au

37. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. 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. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

38. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

39. Fire Safety & BCA Upgrading

Under Clause 94 of the Environmental Planning & Assessment Regulation 2000, 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 11/12/14, report reference 14-203168_CTSC_Strategy Existing Centre Upgrade_P8_20141211.

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.

40. Sydney Trains/Transport for NSW Requirements

- i. All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the Sydney Metro Northwest must be designed, constructed and maintained in accordance with design criteria specified by Transport for NSW.
- ii. The design and construction of the basement levels, foundations and drainage for the approved development are to be completed to the satisfaction of Transport for NSW.
- iii. No modifications may be made to that approved design without the consent of Transport for NSW.
- iv. Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- v. A detailed regime is to be prepared for consultation with, and approval by, Transport for NSW for the excavation of the site and the construction of the building foundations which may include geotechnical, hydrological and structural certification in the form required by Transport for NSW.
- vi. All requirements contained in the Agreement between Transport for NSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- vii. Prior to the issue of an occupation certificate, the applicant is to receive written confirmation from Transport for NSW that all requirements in the Agreement related to construction have satisfied Transport for NSW's requirements.
- viii. Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be delivered to Council for its records.
- ix. Prior to the application for any 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, restricting any alterations or additions 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 operation of the Sydney Metro Northwest without the prior written consent of Transport for NSW.

41. Endeavour Energy Requirements

The applicant is required to liaise with Endeavour Energy regarding the provision of upgraded services to the site.

42. NSW Police Requirements

- a. 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.
- b. All landscape works are to be maintained to ensure adequate sight lines are available and reduce opportunity for concealment and entrapment.
- c. The site is to be maintained at all times, including repair of vandalism and graffiti, the replacement of lighting and general site cleanliness. All vandalism and graffiti is to be repaired within 48 hours of the incident being reported.
- d. CCTV is to be installed within the Heritage Square area. In addition, other security measures where appropriate are to be utilised.
- e. All furniture such as permanent tables, seating and similar used in the heritage square area are to be bolted down, or alternatively are to be locked away outside of operating hours.
- f. The areas within Heritage Square which are not associated with an approved 'licenced area' as part of a restaurant are to be maintained as a 'alcohol prohibited zone'.
- g. QIC/centre management is to put a procedure in place requiring all new businesses within the centre to liaise with a Police representative to discuss crime reduction opportunities.

43. Transport for NSW Requirements

- a. The developer is required to consult with the North West Rail Link team regarding any changes to the road network and pedestrian facilities located adjacent to the proposed Castle Hill Railway Station during construction and operation of the shopping centre.
- b. The developer is required to consult with TfNSW regarding the design of the access points to Old Northern Road.
- c. The existing bus stop located on Showground Road (adjacent to the proposed slip lane) is required to be relocated. The developer is required to liaise with Council's Manager Infrastructure and Transport Planning and local bus operators regarding the relocation of the bus stop.
- d. A Construction Traffic Management Plan (CTMP) is required to be prepared in consultation with TfNSW, Roads and Maritime, North West Rail Link and other agencies prior to the commencement of construction. The CTMP is to specify any potential impacts to traffic movements and bus operation within the vicinity of the development site from construction vehicles. Any potential impacts to pedestrian access or public transport infrastructure including bus stops must also be specified. Should any impacts be identified, the duration of the impacts and the measures proposed to mitigate these, including any temporary relocation of services, should be included in the CTMP.
- e. A coordinated approach to the provision of taxi stands is required, recognising that taxis serve both Castle Towers and NWRL and the total required taxi stand provision will need to reflect the cumulative demand and the need for accessible access from both. Consultation is required with TfNSW to resolve this issue.
- f. The bus zones located in the vicinity of the Kentwell Avenue and Showground Road intersection are required to accommodate two buses (one articulated bus and one 14.5 metre bus). Bus shelter facilities are required to be provided.

44. RMS Requirements

- i. The Voluntary Planning Agreement (VPA) is required to be revised to reflect the current application.
- ii. Excluding the road works along Showground Road that will be defined within the new VPA, the Applicant is required to enter into a Works Authorisation Deed (WAD) with the RMS for all roadworks/traffic control facilities on any classified roads in the area.
- iii. 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, will not be permitted without the written approval of the RMS.

North West Rail Link (NWRL)

- iv. The Applicant will be required to provide documentation from Sydney Metro Northwest and TfNSW showing approval for works in locations where the construction activity and ultimate foundations for the proposed development will extend into the zones that affect the rail corridor.

Pennant St Underpass

- v. The Applicant is to submit design drawings and documents relating to the excavation of the site and support structures to the RMS for assessment, in accordance with Technical Direction GTD2012/001, at least six (6) weeks prior to commencement of construction, and is to meet the full cost of the assessment by the RMS. Any excavation below the level of the base of the footings of the adjoining roadways will require the relevant contractor acting on the consent to ensure that the RMS and Council are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete structural details of the work.
- vi. The Applicant is to be responsible for the operation and maintenance of the proposed tunnel under Pennant Street in perpetuity. Section 138 (Roads Act) agreements are to be in place between RMS Sydney Asset Management to provide for the maintenance and operation of the tunnel / bridge link. The agreement is to include lighting, ventilation, fire safety, traffic barriers, traffic management, drainage and other systems associated with the tunnel / bridge link. The agreement is also to include inspection, monitoring and reporting to RMS requirements.
- vii. The Applicant is to submit an Incident Response Management Plan (IRMP) 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 IRMP must be submitted to the Traffic Management Centre and Council's Local Traffic Committee for approval prior to the commencement of any roadworks.
- vii. The Sydney Metro Northwest will be adjusting high voltage utilities along Pennant Street for plant and equipment associated with the Tunnel Boring Machine. Should the Pennant Street tunneling works require further adjustment of these utilities then the Applicant must liaise with Metro Northwest.

Showground Road

- viii. Unless otherwise agreed between parties, the widening and upgrading of Showground Road from two to four lanes between Carrington Road and Pennant Street shall be in accordance with details contained in the Agreed Concept Design, attached in Schedule 4 of the Voluntary Planning Agreement (VPA) between Roads and Maritime, Council and the Applicant which was executed by the parties dated 12 September 2013 or as subsequently updated and executed by all parties.
- ix. Subject to the conditions precedent in the VPA being satisfied, the Applicant is required to dedicate the identified land to Council as a public road at no cost to RMS for the purpose of the Showground Road upgrade works between Pennant Street and Kentwell Avenue.
- x. Where roadworks fronting the proposed development site adjacent to Showground Road differ between the Agreed Concept Design (SK36) attached in Schedule 4 of the Voluntary Planning Agreement (VPA), and the Architectural Plans submitted with the Development Application, the Applicant must fully fund and construct these additional works. SK36 has been amended to reflect the revised road dedication boundaries, and additional easements for road support.
- xi. Subject to RMS receiving the agreed second monetary contribution from QIC under the VPA, RMS will construct Showground Rd between Kentwell Avenue and Pennant Street in accordance with the Agreed Concept Design (SK36), attached in Schedule 4 of the Voluntary Planning Agreement (VPA). The applicant must ensure that all works associated with development of their land fronting Showground Rd between Kentwell Ave and Pennant St are amended to ensure consistency with the agreed concept design SK36.
- xii. The design of the proposed vehicle entry to the basement level car park off Showground Rd between Kentwell Ave and Pennant St is to incorporate an accredited safety audit resolving the conflict with pedestrians walking along Showground Rd to the satisfaction of Council's Manager – Infrastructure Planning.

Pennant Street/Castle Street

- xiii. Both approaches of Castle St to Pennant Street are to be widened to accommodate approach three lanes, with a single departure lane of minimum width 5.5m. The lane configurations will be designed in accordance with the relevant Austroads guide for signalized intersections, and in accordance with directions from the RMS. The traffic signal design will include removal of the southern at-grade signalised pedestrian crossing across Pennant Street. The existing signalised pedestrian crossings will be retained on the remaining 3 legs of the intersection. This design must also demonstrate that dual left turns, and dual right turns can be made from adjacent lanes when vehicles are exiting the shopping centre car park access (Castle St eastern leg).

McMullen Avenue/Old Castle Hill Road

- xiv. The proposed Council design for the intersection of McMullen Avenue and Old Castle Hill Rd on Plan No: SK-902012 is supported by the RMS. However, the design relies on acquisition from three separate private property owners, including QIC. Should Council not be able to arrange the necessary acquisition, the previous design for the intersection (required by the previously approved application) will be implemented. (Plan No: SM1161, Issue: 1, Dated: 18/11/09).

General Traffic Signals Requirements

- xv. Revised Traffic Signal plans must be submitted to RMS for all modified intersections by a suitably qualified practitioner.

The design shall be in accordance with Austroads Guide to Traffic Signal Design in association with the relevant RMS supplements (available at www.rms.nsw.gov.au). The certified copies of the civil design plans shall be submitted to the RMS for approval prior to the release of a construction certificate by the Principal Certifying Authority and commencement of road works.

RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the Applicant prior to the commencement of works. The Applicant will be required to enter into a Works Authorisation Deed (WAD) with the RMS for all main road works. The WAD must be executed prior to the RMS assessment of the detailed civil design plans.

Conditions Relating to Internal Construction

- xvi. Prior to the issue of any Occupation Certificate for the expanded Stage 3 Shopping Centre, a Dock Management Plan must be prepared to the satisfaction of Council to promote safe and efficient operation of the proposed loading docks and to avoid approaching trucks having to wait on public roads. The plan must address the following:

- Allocation of loading spaces.
- Delivery times.
- Controls on duration of stays.
- Controls on placement of skips, pallets, etc.
- Procedures for tradesman access and parking.
- Operating times.
- Truck access routes.

- xvii. The proposed Dynamic Parking Assist System and external signage indicating real-time parking availability is to be fully installed within 90 days from the issue of any Occupation Certificate for parking.

- xviii. The layout of the proposed car parking areas shall be in accordance with the relevant sections of the Council DCP (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) The car parking design shall also acknowledge the requirements of AS 2890.1- 2004, AS2890.6-2009 for general traffic, and AS 2890.2-2002 for heavy vehicle.

- xix. Post development storm water discharge from the subject site into all drainage systems must not exceed the pre-development discharge. All changes to RMS and Council drainage systems will require detailed designs and hydraulic calculations to be submitted to the RMS and to Council for approval, prior to commencement of works. A plan checking fee will be payable and a performance bond will be required before RMS approval is issued.

Conditions relating to External construction

- xx. A Construction Management Plan (CMP) for the entire development site is to be submitted to the RMS and to Council for approval prior to the commencement of any works at the site. The CMP will include referral and consideration to other known construction activities in the Castle Hill CBD, including residential development sites at Crane Rd and at Gay St, the Showground Rd upgrade, and the Sydney Metro station site.
- xxi. A separate Traffic Management Plan (TMP) is to be prepared and submitted to the RMS and Council for approval of any permanent or temporary road closures.
- xxii. Altered traffic arrangements, including temporary line marking for construction purposes, will require resurfacing of the pavement and reinstatement of new line marking on completion of the works.
- xxiii. Castle Towers construction traffic will not be permitted to access the development via local streets under Council's control. All construction access must be via the main road network using the Castle Hill ring road. However there may be access requirements for individual sections of construction work where heavy vehicles have no other main road options. The Construction Management Plan must detail these situations and a Council permit will be required for construction access along local roads such as the Mainstreet area.
- xxiv. The Applicant will be required to install RMS standard CCTV at the Terminus Street/Crane Road signals (TCS#3075) to allow control of the intersection through the Rosebery Traffic Management Centre during peak demand periods and street events.

PRIOR TO THE ISSUE OF THE FIRST CONSTRUCTION CERTIFICATE**45. 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.

46. Castle Street Road Closure/ Acquisition

The applicant/ developer will be responsible for all costs required under the Lease Agreement 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.

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:

- (a) The RMS 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 RMS/ Council).
- (b) 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.

47. 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 driveway access from Kentwell Avenue) within the public road reserve.

NOTE: Any structures/ buildings on or over classified roads may require separate concurrence from the RMS also.

48. 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 final 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.

In addition, pedestrian access is to be maintained during the construction period. If a temporary closure is required, an alternate access arrangement is required to be provided. It is acknowledged that at times temporary access will be required through Eric Felton Street or the shopping centre.

49. 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 m ² of GFA	Total Retail GFA 6,769.65m ²
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

	Rate per additional m ² of GFA	Total Retail GFA 73,490.35m ²
Development Category	Retail	
Capital	\$151.56	\$11,138,197.45
Land	\$24.32	\$1,787,285.31
Administration	\$6.01	\$441,677.00
Total	\$181.89	\$13,367,159.76

Following the execution of a Voluntary Planning Agreement (VPA) between QIC Limited, Roads and Maritime Services (RMS) and The Hills Shire Council in relation to Showground Road upgrade works required pursuant to this Development Consent, the Section 94 contribution can be reduced by \$2,340,000.00, being the value of these 'Excluded Works' funded under Contributions Plan No. 9 (52%).

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.

50. Planning Agreement

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act, 1979, the Planning Agreement between QIC Limited, Roads and Maritime Services (RMS) and The Hills Shire Council in relation to Showground Road upgrade works and in connection with this Development Application (Planning Agreement) must be executed by all parties prior to the issue of a Construction Certificate. QIC Limited is required to meet the obligations to RMS and Council under the Planning Agreement in accordance with the terms of the Planning Agreement including payment of monetary contributions, provision of works, dedication of land and provision of a bank guarantee, bond or other means of enforcement.

51. Surrender of Previous Consents

Development Consents 297/2008/HB (as amended) and 1287/2013/JP are to be surrendered prior to the issue of a Construction Certificate.

52. 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 Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

53. Construction Management Plan

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.

54. Demolition and Construction Noise Management Plan

Prior to the issue of the Construction Certificate a Demolition and Construction Noise Management Plan is to be submitted to and approved by Council's Manager Health and Environment. The Demolition and Construction Noise Management Plan must include at a minimum the following details;

- Project Specific Construction and Demolition Noise Levels;
- Details of the exact location of all Acoustic Walls to be installed around the construction site;
- A noise monitoring program to confirm compliance with the project specific noise levels; and
- Details of all actions to be taken to manage noise offensive noise to the residences of Castle Grand and all other surrounding residential properties.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILT FORM**55. Public Domain Works**

The public domain works to be provided along the frontage of Old Northern Road and Old Castle Hill Road shall be in accordance with the vision established for the public realm within the Castle Hill Town Centre. A schedule of materials, colours, finishes and location of public domain improvements including (but not limited to) paving, irrigation for watering of street trees, bins, seating and banner poles shall be submitted to the Manager Infrastructure Operations for endorsement prior to the issue of a Construction Certificate. This includes the following specific requirements:

- Removal of the Plane trees located along the Old Castle Hill frontage (adjacent to David Jones) and replacement with Queensland Brush Box.
- Street tree planting along Old Northern Road/Main Street is required to be Tuckeroos. The existing trees are to remain where possible, or if they require replacement due to works, be replaced at a similar size to what is existing at the time of the removal.
- The pavers used are match the existing pavers used in Old Northern Road/Main Street.
- Smart poles and ground lighting are to be installed along the full length of the frontage of Old Northern Road and Old Castle Hill Road (to the former Eric Felton Street). This includes connection to three phase power. The smart pole street lighting columns are to replace the existing Endeavour Energy street lights in Old Castle Hill Road. They are to match the style of smart poles used in the Old Northern Road Main Street precinct and are to be separately metered with Council being responsible for the ongoing maintenance and operation of the smart poles.
- CCTV is to be installed along the full length of the frontage of Old Castle Hill Road. The system must be compatible with the existing CCTV system in the Old Northern Road Main Street precinct and once installed, managed by Council.

56. Public Art

The design and installation of two 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.

57. Shopping Trolley Management

A geospatial fenced trolley containment system is required to be installed within the proposed and existing centre. All new trolleys are to be fitted with a wheel lock that is enabled before leaving a geospatial area (no access to public land). Details are to be submitted to the PCA prior to issue of the Construction Certificate.

58. Onsite Stormwater Detention – Hawkesbury River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters for the site storage requirement and permissible site discharge.

The stormwater concept plan prepared by BGE is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

59. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

60. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

61. Engineering Works and Design

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

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) An electronic copy of the design plans and accompanying documentation.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance

certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. Full Width Road Construction – Showground Road

The widening and upgrading of Showground Road from two to four lanes between Carrington Road and Pennant Street must occur as per the agreed concept design included in the voluntary planning agreement.

The intersection between Showground Road/ Pennant Street will necessitate additional adjustments in Showground Road between Pennant Street and Old Northern Road also.

ii. McMullen Avenue/ Old Castle Hill Road Intersection

The additional carriageway width/ lane formation on the northbound approach to this intersection must occur generally in accordance with the concept detail provided with the development application and in accordance with the requirements of Council.

iii. Pennant Street/ Castle Street Intersection

The additional carriageway width/ lane formation on the southbound approach to this intersection must occur generally in accordance with the concept detail provided with the development application and in accordance with the requirements of Council.

iv. Kentwell Avenue Roundabout/ Road Formation

The intersection at Kentwell Avenue/ Showground Road must be adjusted such that Kentwell Avenue no longer extends to Showground Road. A one-way road carriageway leading from the intersection to a new roundabout/ cul-de-sac turning head with a minimum diameter of 19m measured from the face of kerb on either side must be provided, along with the exit from the Pennant Street tunnel, generally in accordance with the concept detail provided with the development application and in accordance with the requirements of Council.

v. Pennant Street Underpass

The two tunnels under Pennant Street must occur in accordance with the requirements of Council.

vi. Stormwater Adjustments – Street Drainage

Where new or existing street drainage is required, all pits and pipes must align with the kerb and gutter, as per the above documents. This will necessitate the relocation of existing pits and pipes where road carriageways are being widened.

vii. Pennant Street Driveway – Site B

The new driveway on Site B leading to the tunnels under Pennant Street must occur generally in accordance with the concept detail provided with the development application (as amended) and in accordance with the requirements of Council.

Replacement kerb inlet or butterfly grate pits must be provided to ensure the existing inlet capacity is not reduced, otherwise exposing this driveway to a flooding risk, noting the existing sag in Pennant Street here.

viii. Stormwater Drainage – Castle Street/ Old Northern Road Catchment

The existing stormwater pipelines that convey runoff from this catchment must be removed and relocated to Castle Street and under the proposed building on Site A generally in accordance with the concept detail prepared by BGE and provided with the development application (as amended) and in accordance with the requirements of Council. The following additional requirements apply:

- a) The pits and pipes must be designed to convey the total flow volume associated with the 100 year ARI design storm.
- b) Emergency flood storage must be provided at the end of Castle Street above these pits and pipes, with an appropriate freeboard to both the retail units adjacent and also the existing driveway servicing the Telstra site adjacent. Calculations relating to this requirement must accompany the detailed design.
- c) The piped drainage under the building must be constructed using stack work attached to the underside of either basement level, reducing the depth of the drop in the first pit upstream of the proposed building.
- d) Downstream of the proposed building, the piped drainage must tie into the existing street drainage in Pennant Street/ Castle Street.
- e) The design and construction must consider access and maintenance, specifically for the stack work in the basement, along with the energy generated in the first (very deep) pit upstream of the building.
- f) The design must be accompanied by a maintenance/ management schedule relating to this non-typical drainage element, the terms of which must be agreed to by Council.

ix. Street Names Signs

Street name signs and posts are required in accordance with the above documents and Council's Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

x. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided unless otherwise agreed by Council at the detailed design/ Construction Certificate stage. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

xi. Concrete Footpath/ Cycleway

New or replacement concrete footpath and cycleway must be provided as part of the external works, in accordance with the requirements of Council. This extends to any specific verge treatment in key locations, such as Old Castle Hill Road and Old Northern Road.

xii. Service Conduits

Service conduits must be laid in strict accordance with the relevant service authority's requirements. Services must be shown on the engineering drawings.

xiii. Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of Humegard gross pollutant traps and Humes JellyFish filter cartridge devices, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

xiv. Old Castle Hill Road Interface with Rail

Reconstruction of full width paved footpath, kerb and gutter and half width road pavement adjoining the development site in Old Castle Hill Rd between Castle Street and the former Eric Felton Street in accordance with the civil design for the Castle Hill Station precinct prepared by Northwest Rapid Transit.

xv. Drainage Works on Site B

The works on Site B must include a sub-soil drain (or drains) along the eastern and northern property boundary with SP 73533, No. 12 Pennant Street/Lot 1 DP 1073392 No. 14 Pennant Street (Castle Grand, library and community centre) to collect and direct around that adjoining property subsurface water from the development site to a legal point of discharge, most likely Castle Street. The design for this sub-soil drain (or drains) must be prepared by a suitably qualified engineer.

62. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

63. 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.

64. Dilapidation Survey

A dilapidation survey shall be completed by an experienced and qualified Structural Engineer for the 1880s schoolhouse and the former Police Station 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 these heritage items. A copy of the survey is to be submitted both to Council and the property owner.

65. Photographic Archive

A photographic record is to be made of the 1880s schoolhouse, the 1930s classroom block and the former Police Station and is to be submitted to the satisfaction of Council's Manager Forward Planning prior to the commencement of works in accordance with:

- "Photographic Recording of Heritage Items Using Film or Digital Capture" (Heritage Office, 2006); and
- "How to prepare archival records of heritage items" (Department of Planning and Heritage Council of NSW, 1998).

The record is to include as a minimum:

- i. A location plan (including place and date of photographic record);
- ii. Site plan to scale;
- iii. Floor plan to scale;
- iv. Colour, and black and white digital photographs, clearly labelled and cross referenced to base plans.

Images are to show views of all elevations, internal spaces and the surrounding setting, including the relationship of the school buildings to the police station and their siting on Old Northern Road.

66. Existing Colours and Materials

An existing schedule of colours and materials for the 1880s schoolhouse, the 1930s classroom block and the former Police Station including photographs to illustrate the current colour scheme and ceiling finishes of the buildings are to be submitted to the satisfaction of Council's Manager Forward Planning prior to the issue of a Construction Certificate.

67. Final Colours & Materials

The final schedule of colours and materials are to be submitted to the satisfaction of Council's Manager Forward Planning prior to the issue of a Construction Certificate. Colours must be neutral and sympathetic to the heritage item.

PRIOR TO WORK COMMENCING ON THE SITE**68. Principal Certifying Authority**

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

69. 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.

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.

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. 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.

72. 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.

73. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ
- Placement of fill within TPZ
- Parking of vehicles within the TPZ
- Compaction of soil within the TPZ
- Cement washout and other chemical or fuel contaminants within TPZ
- Damage to tree crown

74. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

75. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

76. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours' notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

77. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier.

78. 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:

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

79. 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.

80. Erection of Signage – Supervision of Work

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- The name, address and telephone number of the Principal Certifying Authority;
- The name and telephone number (including after hours) of the person responsible for carrying out the works;
- That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

81. Contractors Details

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

82. Adjoining Property Dilapidation Report

A dilapidation report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on Lot 12 SP 73533 and Lot 1 DP

1073392, 'Castle Grand' and 'Horizons' within the likely zone of influence from any excavation, dewatering or construction induced vibration.

83. Notification of Asbestos Removal

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of the works.

84. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

85. 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. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

86. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction" (Blue Book)* produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

87. 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 available to Council on request.

88. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should 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 hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

DURING CONSTRUCTION**89. Management of Construction Activities**

- a. Activities are to be managed during the construction period to ensure that impacts on adjoining roads and properties are minimised. This includes management of workers and construction vehicles.
- b. Parking of workers vehicles associated with the construction works can occur within the existing parking area at Lot 51 Les Shore Place and on the development site. When the proposed parking areas have been constructed and an Occupation Certificate issued, where safe, these parking areas are required to be utilised for parking of workers and construction vehicles.
- c. The use of the site as a 'depot' for construction vehicles and storage of materials is permitted on the development site. These activities are to be undertaken in a manner to ensure that the amenity of residential properties is protected.

90. 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.

Any variation sought to the hours of work above, for exceptional circumstances, will require the approval of Council's Manager Regulatory Services. Should approval for works beyond the hours specified above be granted, written notification must be provided to neighbouring properties at least 48 hours in advance of work commencing.

91. Roof Water Drainage

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

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

Section 109E(3)(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.

93. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

94. Critical Stage Inspections – Subdivision Works

The subdivision works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hours' notice is required for inspections. No works are to commence until the first inspection has been carried out.

95. Stockpiles

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

96. Asbestos Removal

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

97. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, 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 construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

98. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Private Certifying Authority within 14 days of completion of the works.

99. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 5pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.

100. 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)*.

101. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

102. National Parks and Wildlife Act 1974

Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular section 90 regarding permits to destroy.

103. 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 Office of Environment and Heritage must be notified immediately.

104. 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 Office of Environment and Heritage be contacted immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.

105. Protection of Heritage Items during Construction

The 1880s schoolhouse and the former Police Station building shall be protected during construction on the site. The buildings are to be fenced during the construction process by a 1.8m high chain wire mesh fence. The heritage items and their immediate surroundings are not to be used for storage of building materials or waste.

106. Final Dilapidation Survey

On completion of the excavation, the structural engineer shall carry out a further dilapidation survey of the 1880s schoolhouse and the former Police Station building and submit a copy of the survey both to Council and the property owner.

107. Conservation Architect

The demolition, cataloguing and storing of fabric from the heritage buildings is to be carried out by a qualified conservation architect, in addition to other suitably qualified professionals. The conservation architect is to:

- ensure any demolition or stripping out works minimise damage to original fabric,
- provide a photographic record progressively during demolition, and
- record the various construction methods and additions that took place since the original buildings were built.

Copies of the record made during demolition is to be submitted to Council.

108. Storage of Historic Building Materials

Following the dismantling of the 1930s classroom block and the temporary removal of the 1880s schoolhouse verandahs, all building materials are to be stored in a safe, secure and weather-tight location. These materials are to be carefully handled, stored and catalogued in such a manner as to allow their re-use when the building is reconstructed.

109. Replacement of Damaged Building Materials

Any timbers / materials that are required to be replaced due to deterioration are to match the existing fabric of the building.

110. 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 AN OCCUPATION CERTIFICATE**111. Dynamic Parking Assist System**

The developer/owner is required to install a dynamic parking assist system within the proposed parking areas. This is to include any upgrade or extension of the system within the existing parking where the proposed works necessitate any changes. The system is to include:

- Installation of bay sensors over parking spaces 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 and Transport Planning prior to installation. The system is to be installed within 90 days from the issue of any Occupation Certificate for parking.

112. 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.

113. 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 11, 33, 35, 47, 53, 90, 97, 142, 144, 145, 147 – 150, 152 - 156 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 Interim 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.

114. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

115. 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.

116. 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.

117. Completion of Engineering Works

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

118. Public Infrastructure Inventory Report - Post Construction

Before a Final 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.

119. Adjoining Property Dilapidation Report Post Construction

Prior to the issue of final Occupation Certificate, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

120. Consolidation of Site A Allotments

All allotments which are part of 'Site A' must be consolidated into a single allotment before a Final Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

121. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer prior to issue of any Interim Occupation Certificate.

122. Legal Agreement – Drainage Easement Encroachment

The completion and registration of a deed of agreement acceptable to, and in favour of, Council preserving Council's right of access to pipelines along the existing drainage easement prior to issue of the Final Occupation Certificate. This deed of agreement must be registered on the title of the property via a positive covenant. Council has standard wording that is available upon request.

The deed of agreement must be submitted to Council for checking along with payment of the applicable fee from Council's Schedule of Fees and Charges. As this process includes the preparation of a report and the execution of the documents by Council, sufficient time should be allowed.

123. 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 Interim Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;

- A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

124. Water Sensitive Urban Design Certification

A Final Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

125. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

126. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

127. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided with the WAE plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

128. Building Adjacent to Proposed Boundary

Where any part of an existing/ partially constructed building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on the final plan.

129. Building Services

A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing/ partially constructed buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

130. Final Plan and 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

i. Dedication – Road Widening

The dedication of the proposed road widening must be included on the final plan in accordance with the undertaking submitted relating to dedication.

ii. Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

iii. Easement – Private Stormwater Drainage

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

iv. Restriction/ Positive Covenant – Onsite Stormwater Detention

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

v. Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

vi. Positive Covenant – Stormwater Pump

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

131. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

132. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

133. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

134. Maximum Capacity Signage to be Displayed in the Premises

With effect from 26 January 2010, it is a Prescribed Condition under Clause 98D of the Environmental Planning and Assessment Regulation 2000 that Entertainment Venues, Function Centres, Pubs, Registered Clubs and Restaurant shall have a Maximum Capacity Signage on display.

The capacity has been based on information submitted with the Development Application and is subject to confirmation at Construction certificate stage with the Principal Certifying Authority (PCA) that the provisions of aggregate egress widths and paths of travel are sufficient under part D and H1 of the BCA.

The following signage is ready for use and shall be displayed in a prominent position in the building:

Maximum Capacity of Venue

Pursuant to Development Consent No. 864/15/JP , the maximum number of patrons and staff that are permitted in the cinemas are :

Facility	Floor level	Proposed maximum population
Standard/Premium Cinema	Level 5	2500
Gold Class	Level 5A	300
Total seats		2800

In peak times where there may be a congregation of patrons in foyers queuing to seek entry to cinemas, the following capacity in the whole entertainment venue permitted is:

Facility	Floor level	Proposed maximum population
Standard/Premium Cinema	Level 5	4250
Gold Class	Level 5A	510
Total population of venue		4760

Note:

1. The approved method to calculate that the authorised capacity is not exceeded is by the issue of numbered tickets to patrons upon admission, together with regular head counts at intervals during the hours of operation; or
2. The approved method to calculate that the authorized capacity is not exceeded is by a counting device accurately indicating numbers of patrons "IN" and "OUT" of the premises during high peak periods. These details are to be kept in a logbook and updated at the end of trading on each day. The logbook is to be available for inspection upon request by the Consent Authority or other licensing authorities.

The name, address and telephone number of the council area in which the building is located:

**The Hills Shire Council
3 Columbia Ct
Baulkham Hills NSW 2153
Tel: 9843 0555**

The name and business telephone number of an owner or manager of the building (to be completed by owner or manager):

Owner/Manager's Name:

Tel:

Mob:

135. Entertainment Venue – Compliance with Prescribed Conditions

The Entertainment Venue shall comply with the Prescribed Conditions in Clause 98D (Maximum Capacity Signage) and Schedule 3A of the Environmental Planning and Assessment Regulation 2000 below:

1. Nitrate film

An entertainment venue must not screen a nitrate film.

2. Stage management

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

3. Proscenium safety curtains

If a proscenium safety curtain is installed at an entertainment venue:

- a. there must be no obstruction to the opening or closing of the safety curtain, and
- b. the safety curtain must be operable at all times.

4. Projection suites

- 2) When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the "projection room") must be in attendance at the entertainment venue.
- 3) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- 4) No member of the public is to be present in the projection suite during the screening of a film.

5. Emergency evacuation plans

- 1) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.
- 2) An "emergency evacuation plan" is a plan that specifies the following:
 - a. the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,
 - b. the number of any fire safety officers that are to be present during performances,
 - c. how the audience are to be evacuated from the building in the event of a fire or other emergency.
- 3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

136. 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) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings
- b) Australian Standard AS 1668.2:2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control
- c) Australian/New Zealand Standard AS/NZS 3666.1:2011 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning
- d) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings – Microbial Control – Operation and maintenance
- e) Australian/New Zealand Standard AS/NZS 3666.3:2011 – Air handling and water systems of buildings – Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health Regulation 2012

The regulated system is to be registered with Council by completing and submitting an *Application for Registration of Regulated Water Cooling/Warm Water Systems*, available on Council's website www.thehills.nsw.gov.au prior to commissioning.

137. Occupational Hygienist Report for Asbestos Removal

On completion of the asbestos removal works an Occupational Hygienist shall provide documentation in the form of an asbestos clearance certificate to the Principal Certifying Authority.

138. Conservation Works

Conservation works are to be completed in accordance with the approved Conservation Management Plan submitted as part of this development consent. All conservation works are to be complete prior to the occupation of the heritage items.

139. Reconstruction/Reinstatement of the 1930s Classroom and 1880s Schoolhouse

All works associated with the reconstruction of the 1930s classroom and reinstatement of removed elements of the 1880s schoolhouse are required to be completed prior to the issue of the occupation certificate. The timeframe for completion of these works is to be no more than 21 months from the date of commencement of construction.

140. Interpretive Signage

A permanent interpretive sign shall be affixed to the front boundary wall (*or other suitable location*) (visible from the public footpath reservation) along Old Northern Road. As a minimum the sign shall consist of a 400 x 600 permanently affixed metal panel and shall provide a brief history of the school buildings and property, its ownership, and include a historical photograph. The content of the signage is to be prepared with assistance from a conservation architect, and the local historical society. The draft signage and location is to be submitted for the endorsement of Council's Heritage Staff prior to the issue of an occupation certificate. All interpretive signage is to be put in place prior to the issue of an occupation certificate.

141. Landscaping

Landscaping of the building podiums is required to be completed prior to the issue of the occupation certificate.

142. Compliance with BCA 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 BCA upgrade

strategy by Philip Chun & Associates, dated 11/12/14, report reference 14-203168_CTSC_Strategy Existing Centre Upgrade_P8_20141211.

143. Acoustic Compliance Report

The Acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in the report titled P8 Acoustic DA Report prepared by ARUP Acoustics dated 12 December 2014.

Certification is to be provided to Council as to the correct installation of components and that the required criteria have been met.

144. Loading Dock Stormwater and Wastewater Compliance Report

A detailed report confirming the location of all stormwater drains, wastewater drains and all associated pipework within the loading docks at Castle Towers Shopping Centre is to be submitted to Council's Manager - Environment and Health prior to the issue of an Occupation Certificate. This report shall include a clear site plan of each loading dock showing all drains that discharge to stormwater and all drains that discharge to the reticulated sewerage system of Sydney Water. The report shall also include confirmation by an appropriately qualified person that all drains within the loading docks are connected to the appropriate water disposal mechanism.

THE USE OF THE SITE

145. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

146. 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 Control of Obtrusive Effects of Outdoor Lighting*.

147. Operation of Regulated Water Cooling/Warm Water Systems

Regulated system must be operated in accordance with AS/NZS 3666.2:2011 Air-handling and water systems of buildings - Microbial Control - Operation and Maintenance.

A process designed to control microbial growth that can be certified by a competent person annually is to be undertaken and a copy of the certificate must be submitted to Council's Manager - Environment & Health within a month of the certificate being issued.

148. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's - Industrial Noise Policy and submitted to Council's Manager - Environment and Health for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the activities does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

149. Hours of operation of the loading dock

Delivery of goods shall be restricted to the following times;

Monday to Sunday - 7.00am to 10.00pm

150. Waste and Recycling 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, which includes provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage.

151. Waste and Recycling Collection

All waste generated onsite must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

152. Future Use of the Heritage Buildings

Development Approval is required for the future occupation and fit-out of the heritage buildings.

153. Restrict Access to all loading docks after hours

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.

154. 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 P8 Acoustic DA Report prepared by ARUP Acoustics dated 12 December 2014.

155. Garbage Storage Area – Odour Control

Cleaning of the garbage storage areas and loading docks is to be undertaken on a regular basis to ensure that odour emission from these areas does not cause offensive odour. A Garbage Storage area and Loading Dock Cleaning procedure is to be implemented and a copy of this procedure is to be kept on site and made available to Council officers on request.

156. 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 and Major Tenancies

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

157. Shopping Trolley Management Plan

A Shopping Trolley Management Plan shall be implemented to ensure the effective management of shopping trolley collection. The supermarket retailer shall:-

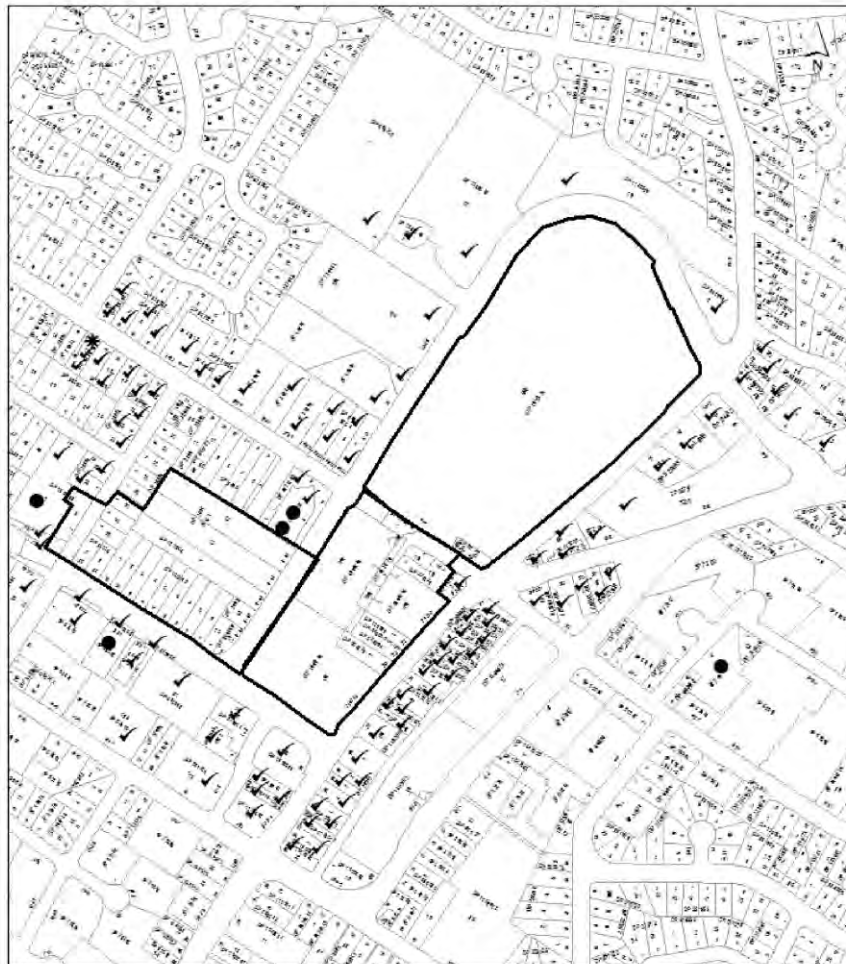
- Install a geospatial fenced trolley containment plan. All new trolleys are to be fitted with a wheel lock that is enabled before leaving a geospatial area (no access to public land).

-
- Provide to The Hills Shire Council a list of contacts for the store;
 - Ensure that all trolleys are easily identifiable by Council staff;
 - 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.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Extent of Works
4. Site Plan
5. LEP 2012 Zoning Plan
6. LEP 2012 Height Plan
7. Elevation to Showground Road
8. Elevation to Pennant Street
9. Elevation to Old Northern Road
10. Site Development Zones
11. Level B3
12. Level B2
13. Level B1
14. Level 1
15. Level 1A
16. Level 2
17. Level 2A
18. Level 3
19. Level 3A
20. Level 4
21. Level 4A
22. Level 5
23. Level 6
24. Roof
25. Castle Street Closure Plan
26. Heritage Precinct Plan
27. LEP Height Limit and Pennant Street Elevation
28. LEP Height Limit and Showground Road Elevation
29. Pennant Street Height Comparison Plan
30. Showground Road Height Comparison Plan
31. Perspective - Corner of Showground Road and Pennant Street
32. Perspective - Pennant Street
33. Perspective - Heritage Precinct
34. Peer Review

ATTACHMENT 1 – LOCALITY PLAN



- SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

NOTE: FIVE SUBMISSIONS RECEIVED
OFF THE SCOPE OF THE MAP
THE HILLS DISTRICT HISTORICAL
SOCIETY ALSO NOTIFIED

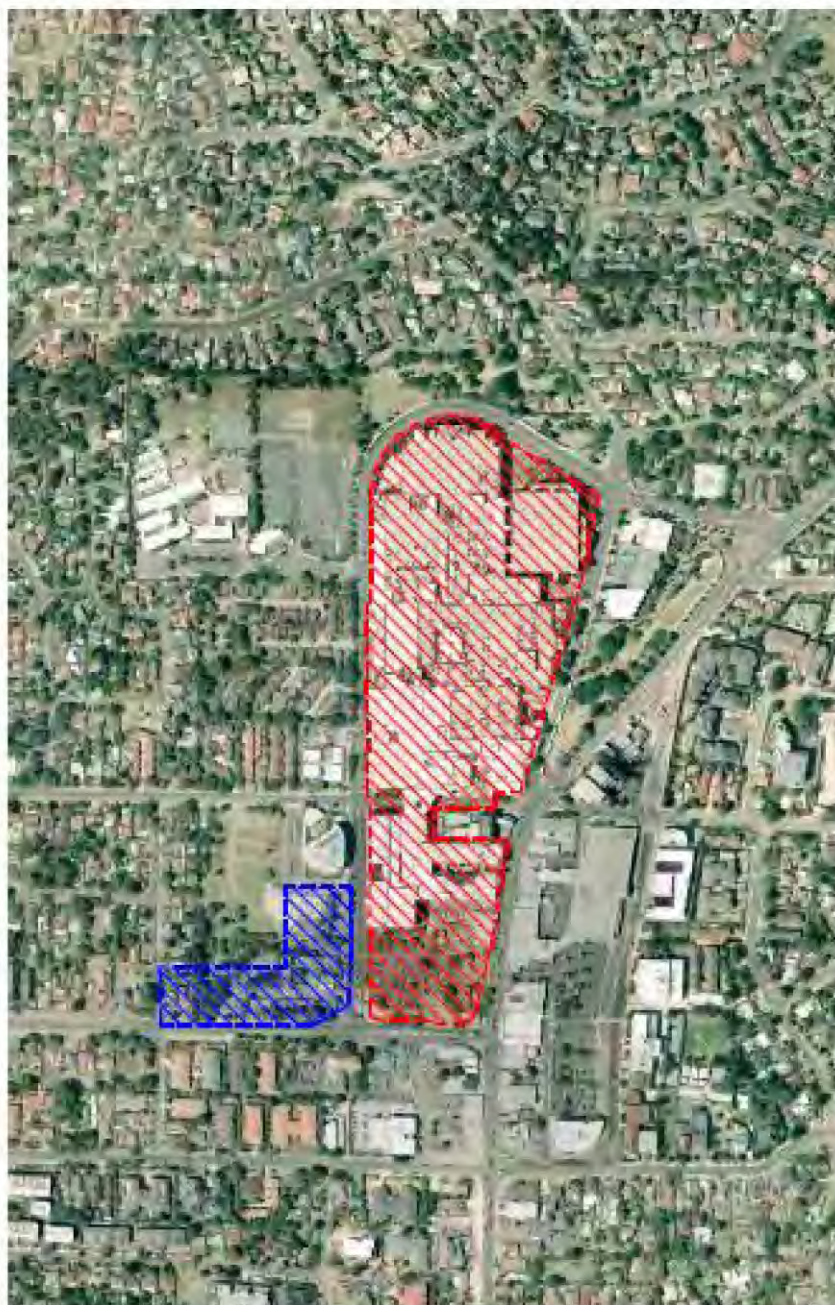
- * SUBMISSION IN SUPPORT

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

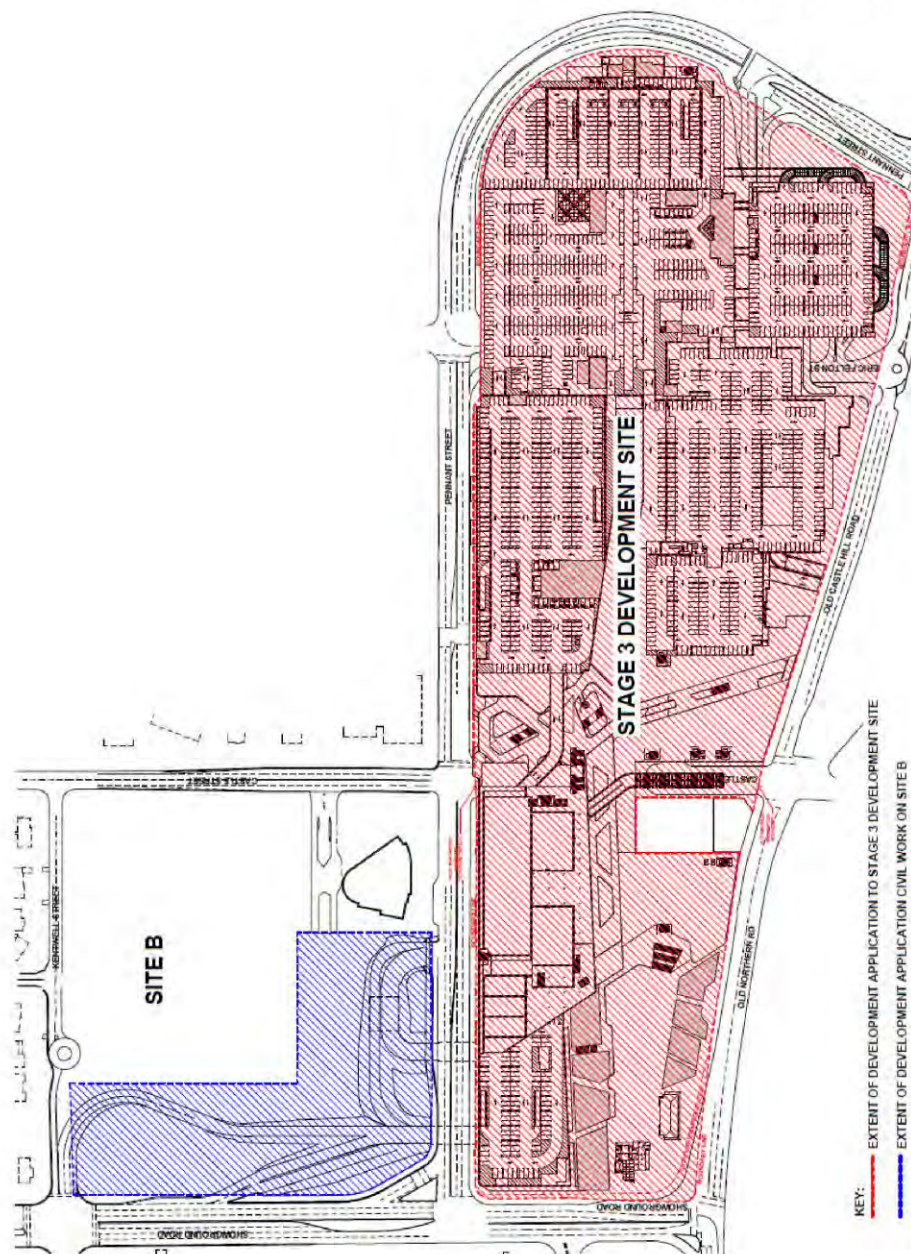
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE.
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPIS), CADASTRE UPDATE (INCLUDING COUNCIL GENERATED DATA) IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



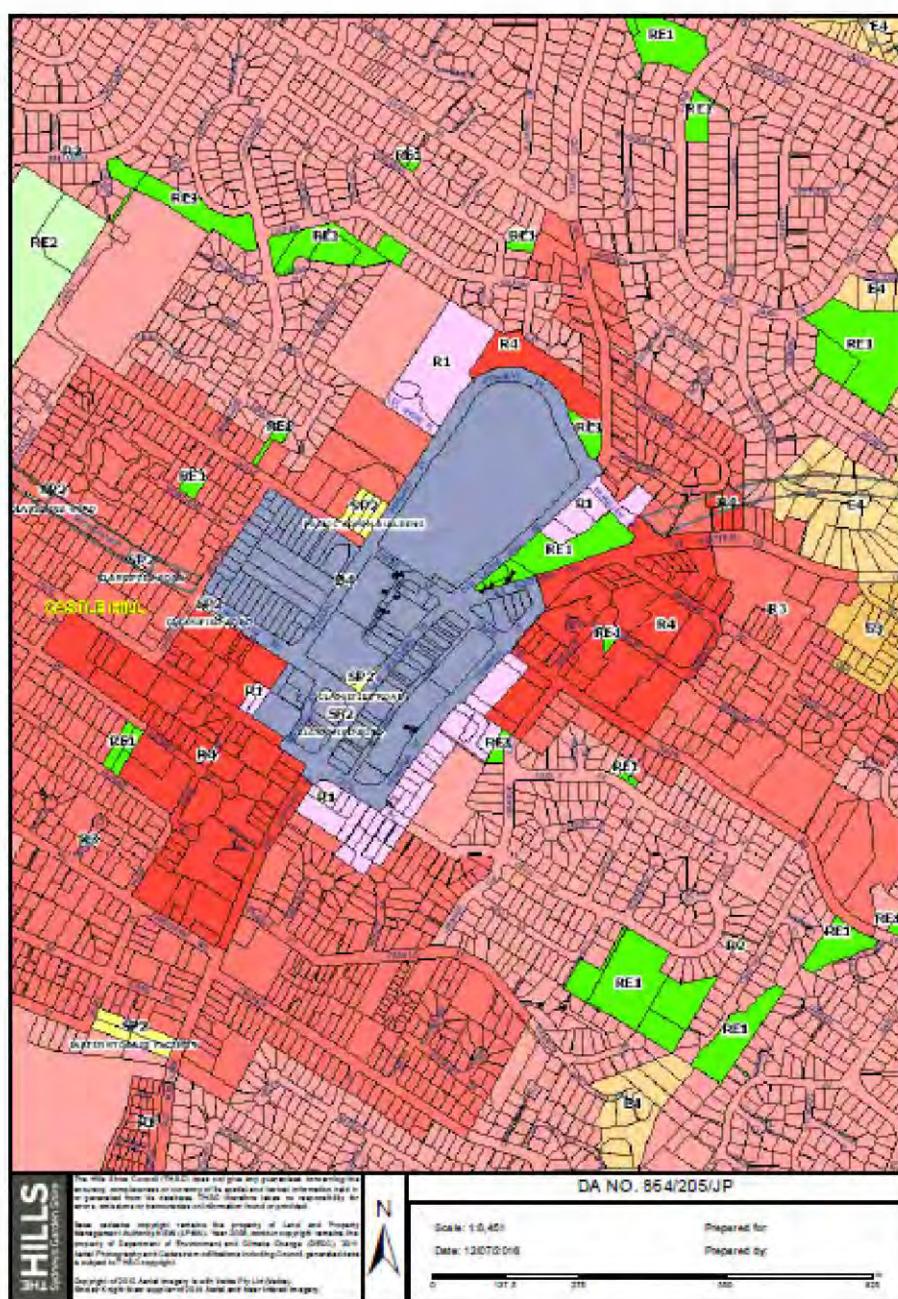
LOCATION PLAN

ATTACHMENT 3 – EXTENT OF WORKS

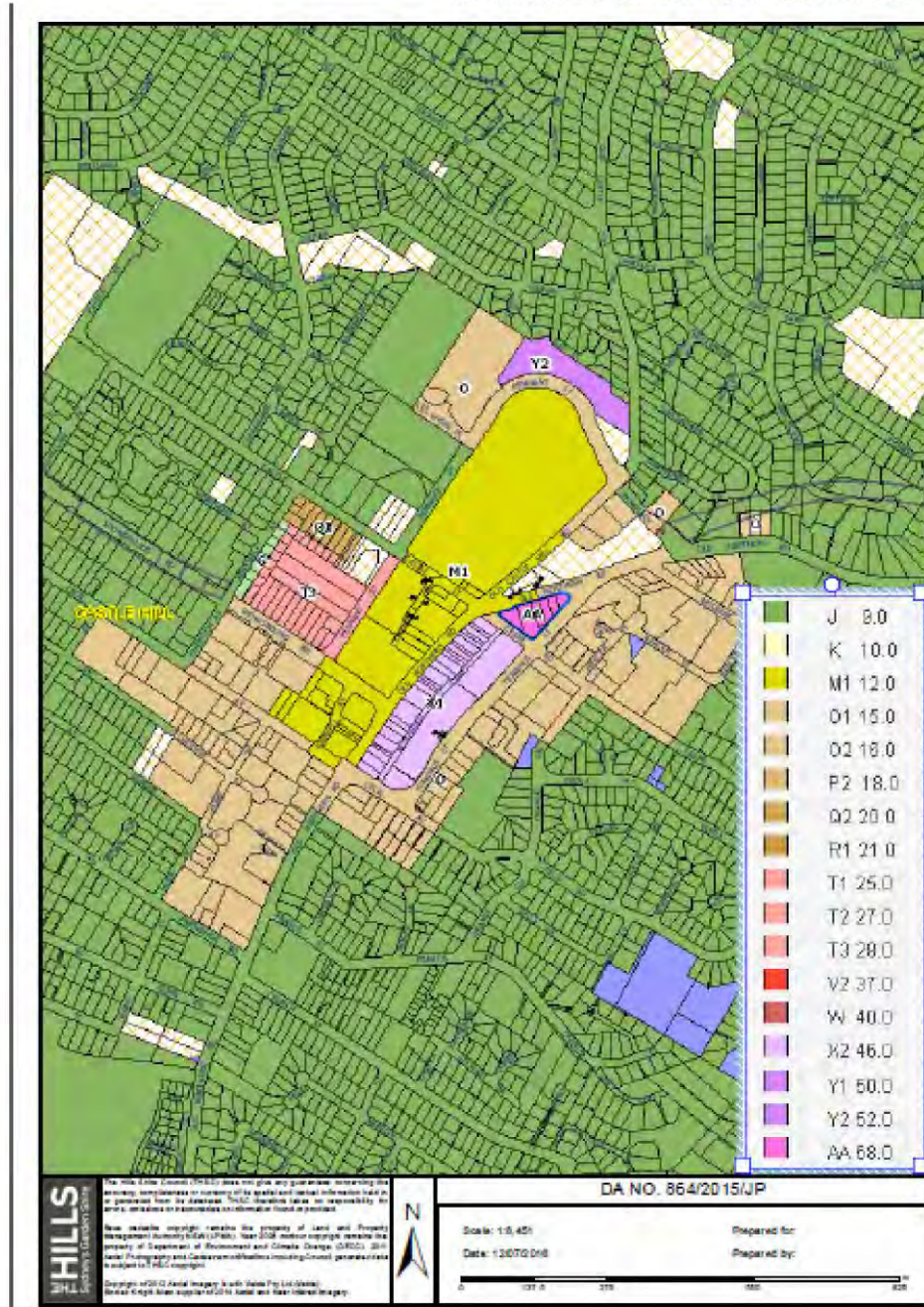


ATTACHMENT 4 – SITE PLAN

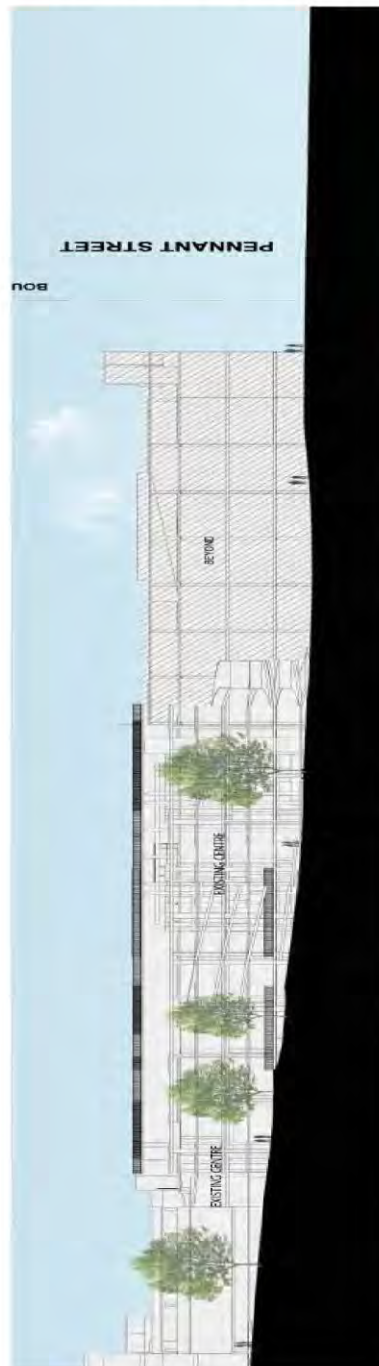


ATTACHMENT 5 – LEP 2012 ZONING PLAN

ATTACHMENT 6 – LEP 2012 HEIGHT PLAN



ATTACHMENT 7 - ELEVATION TO SHOWGROUND ROAD



PENNANT STREET NORTH ELEVATION

OLD CASTLE HILLS ROAD

BOUNDARY

OLD NORTHERN ROAD ELEVATION

SHOWGROUND ROAD

BOUNDARY

Materials:

- 1. BRICK
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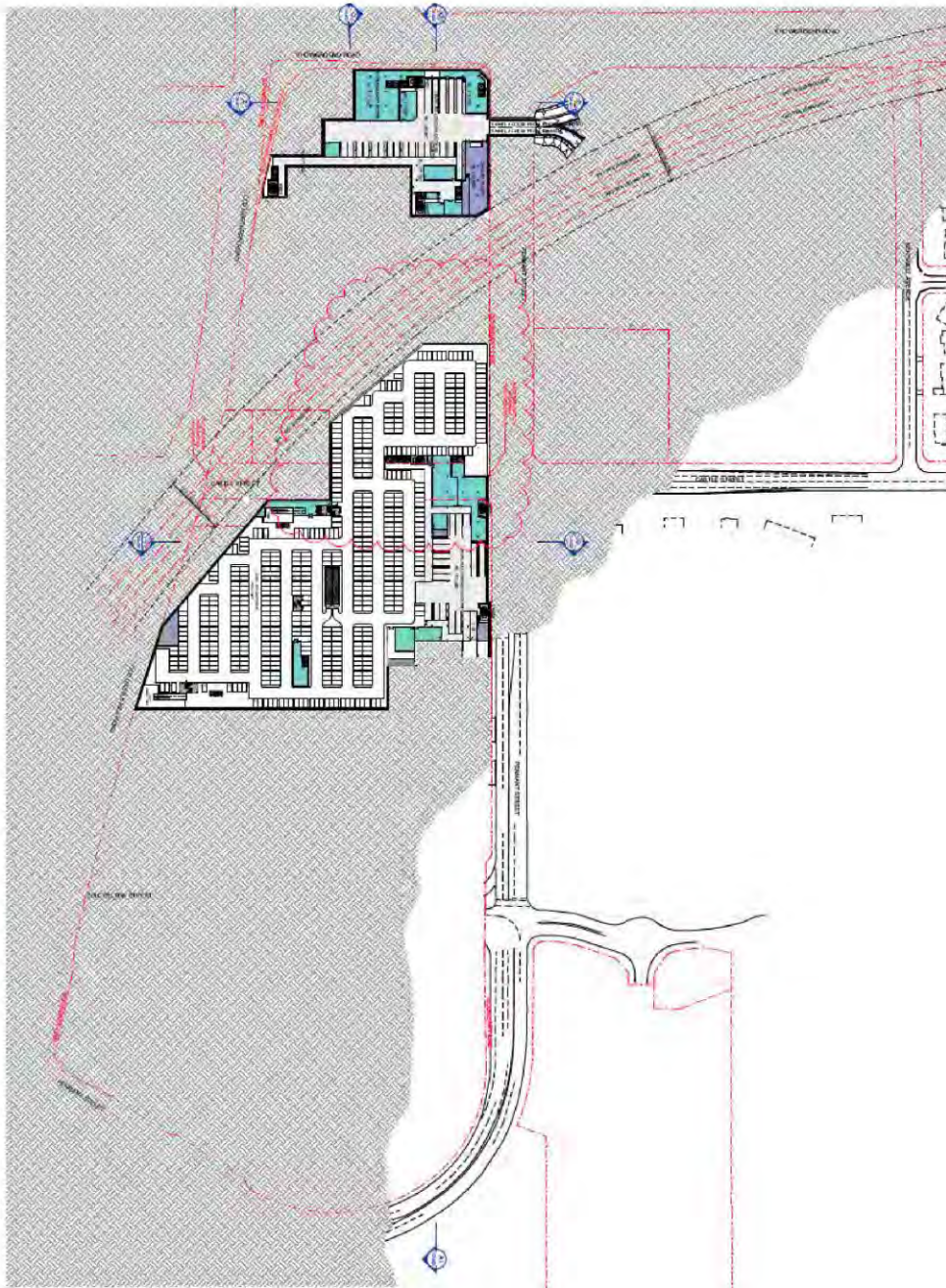
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ATTACHMENT 10 - SITE DEVELOPMENT ZONES

Sites Development Zones



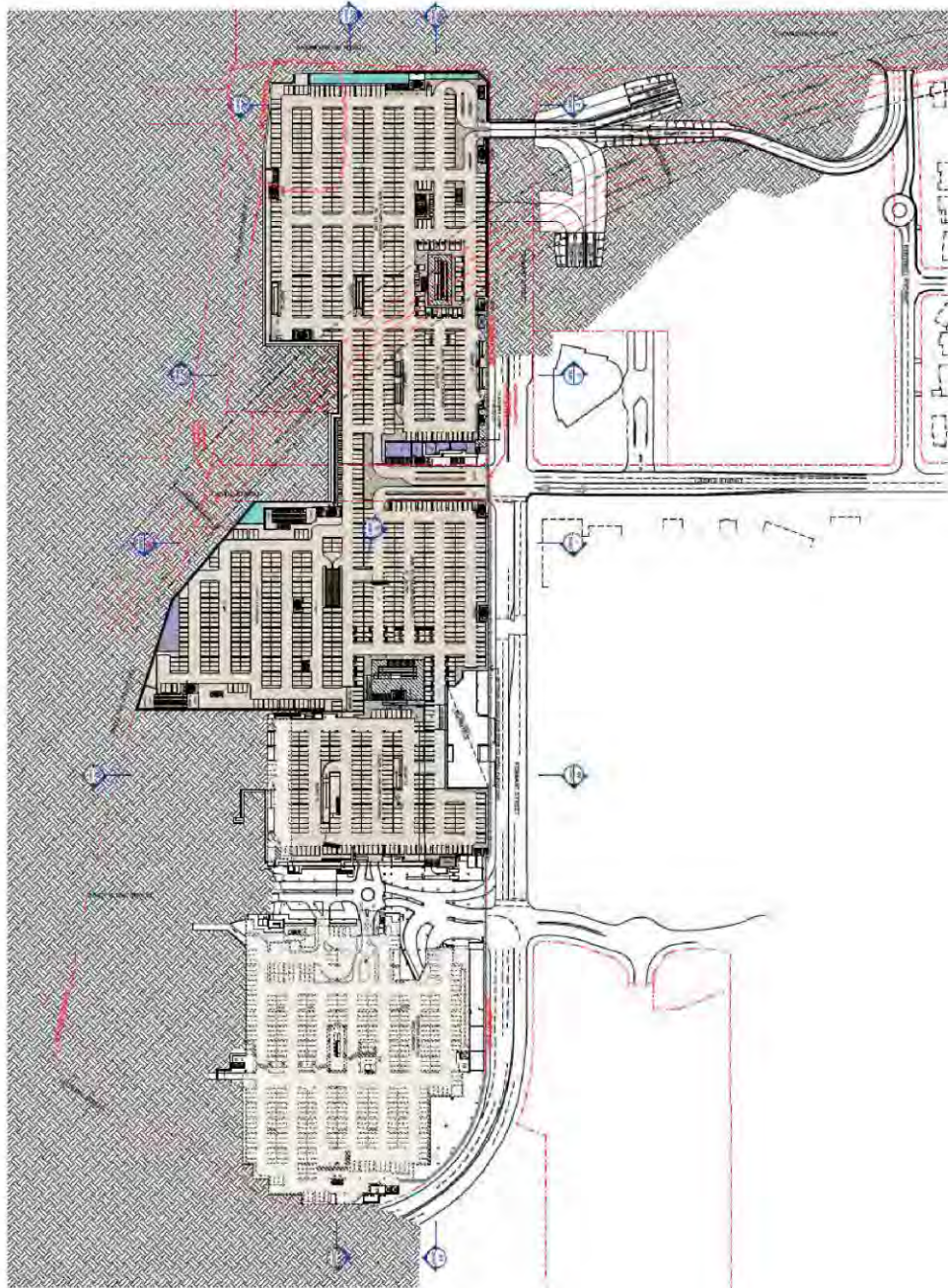
ATTACHMENT 11 - LEVEL B3



ATTACHMENT 12 - LEVEL B2



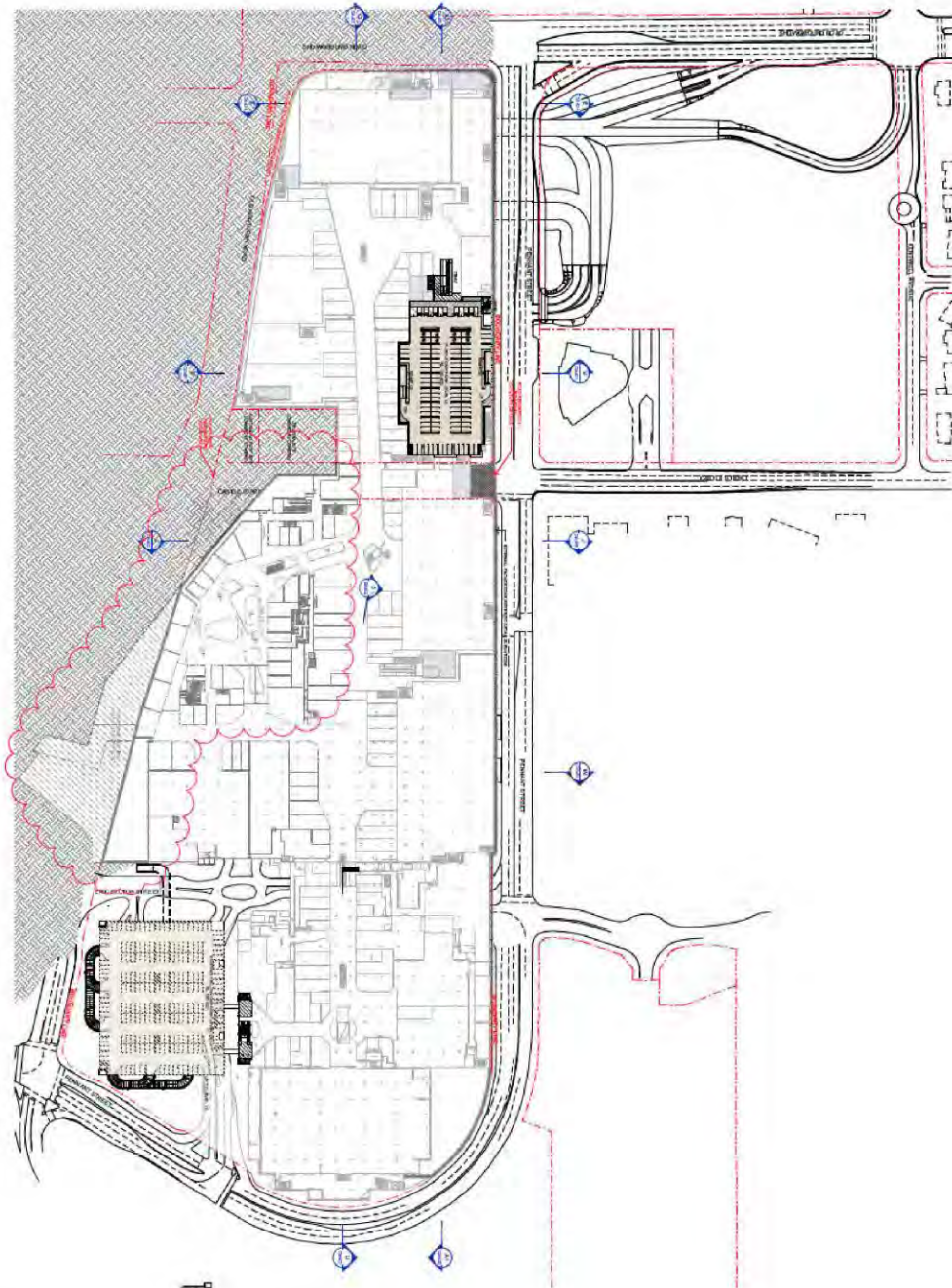
ATTACHMENT 13 – LEVEL B1



ATTACHMENT 14 – LEVEL 1



ATTACHMENT 15 – LEVEL 1A



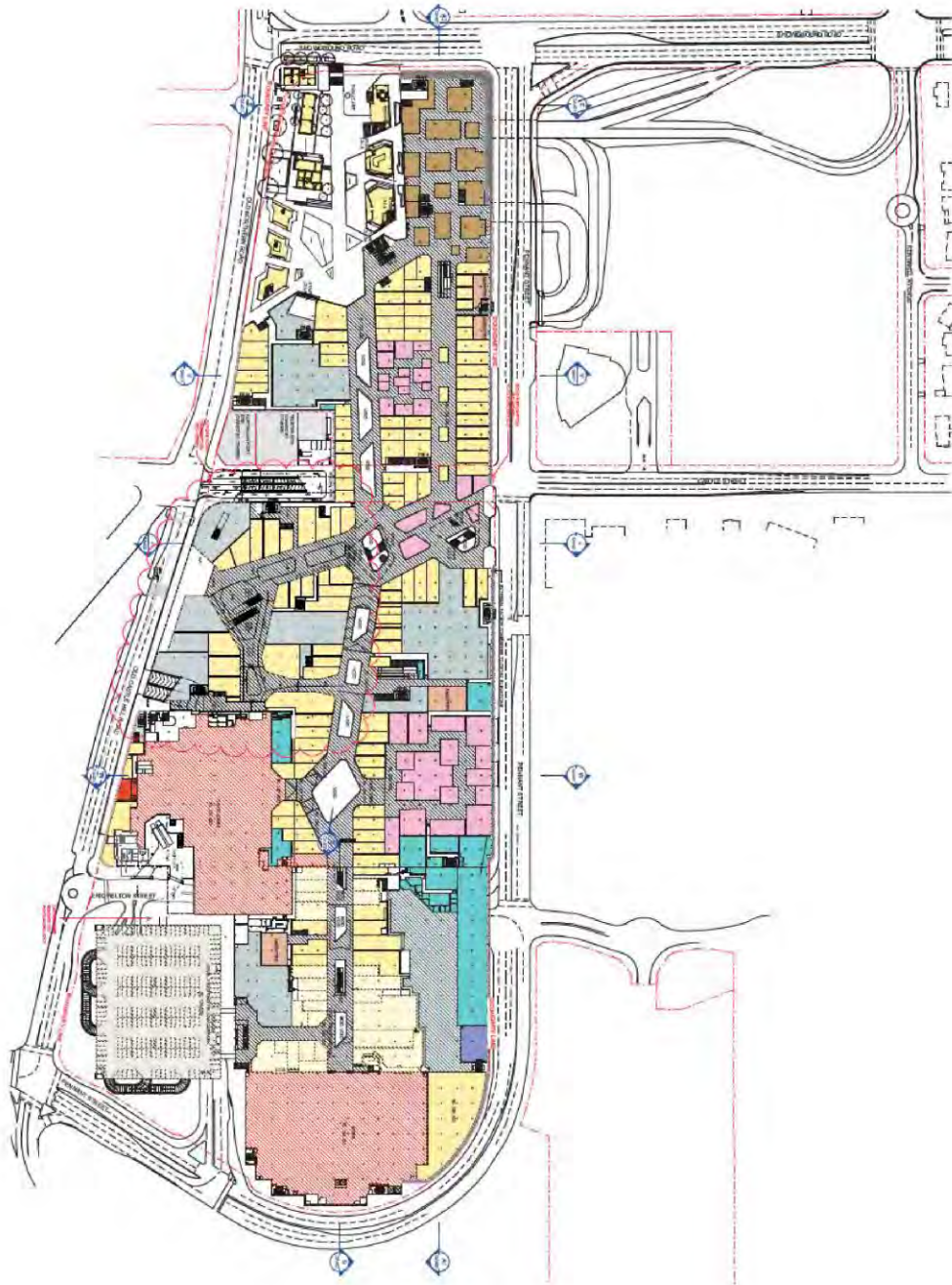
ATTACHMENT 16 – LEVEL 2



ATTACHMENT 17 – LEVEL 2A

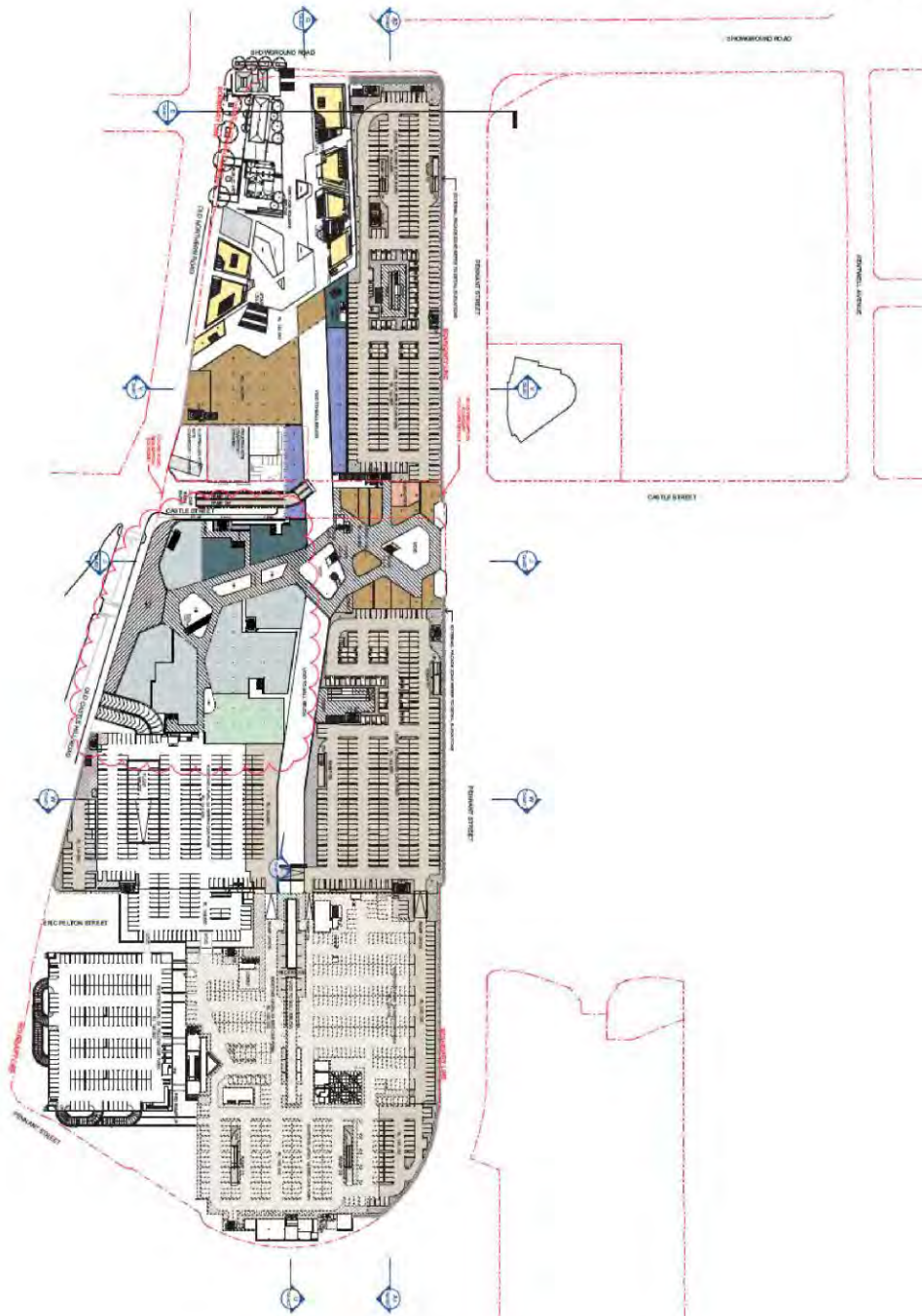


ATTACHMENT 18 – LEVEL 3

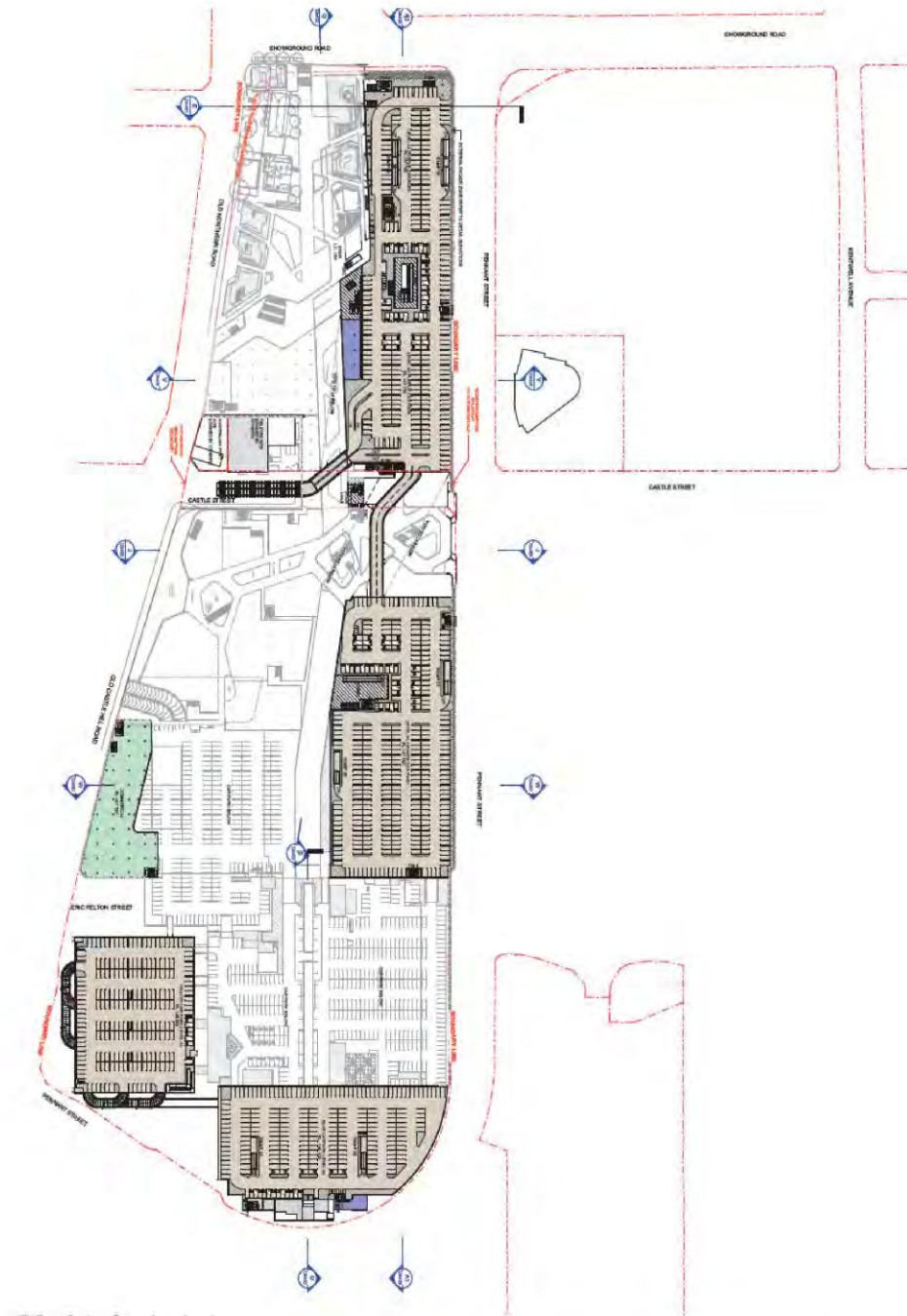


PAGE 171

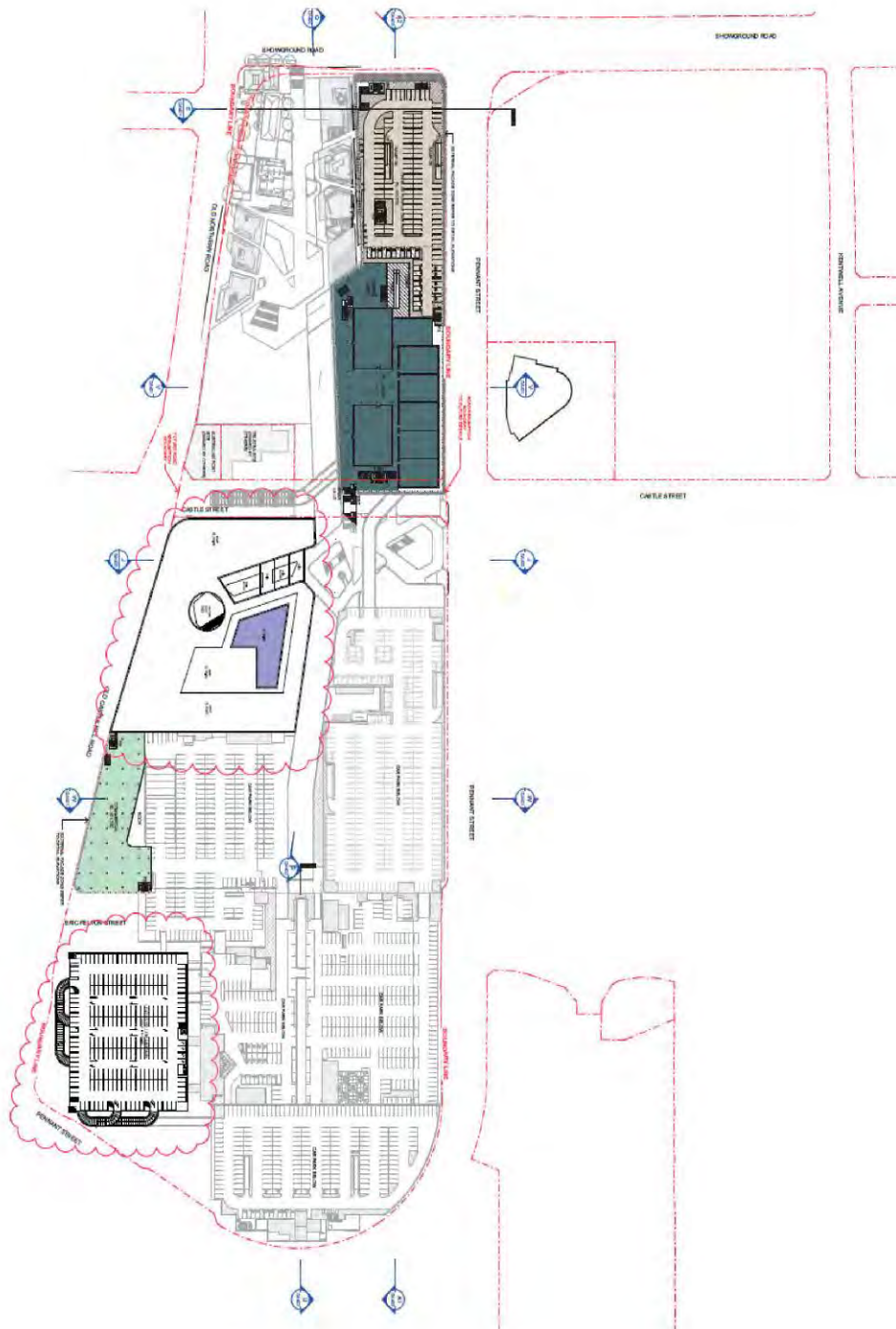
ATTACHMENT 20 – LEVEL 4



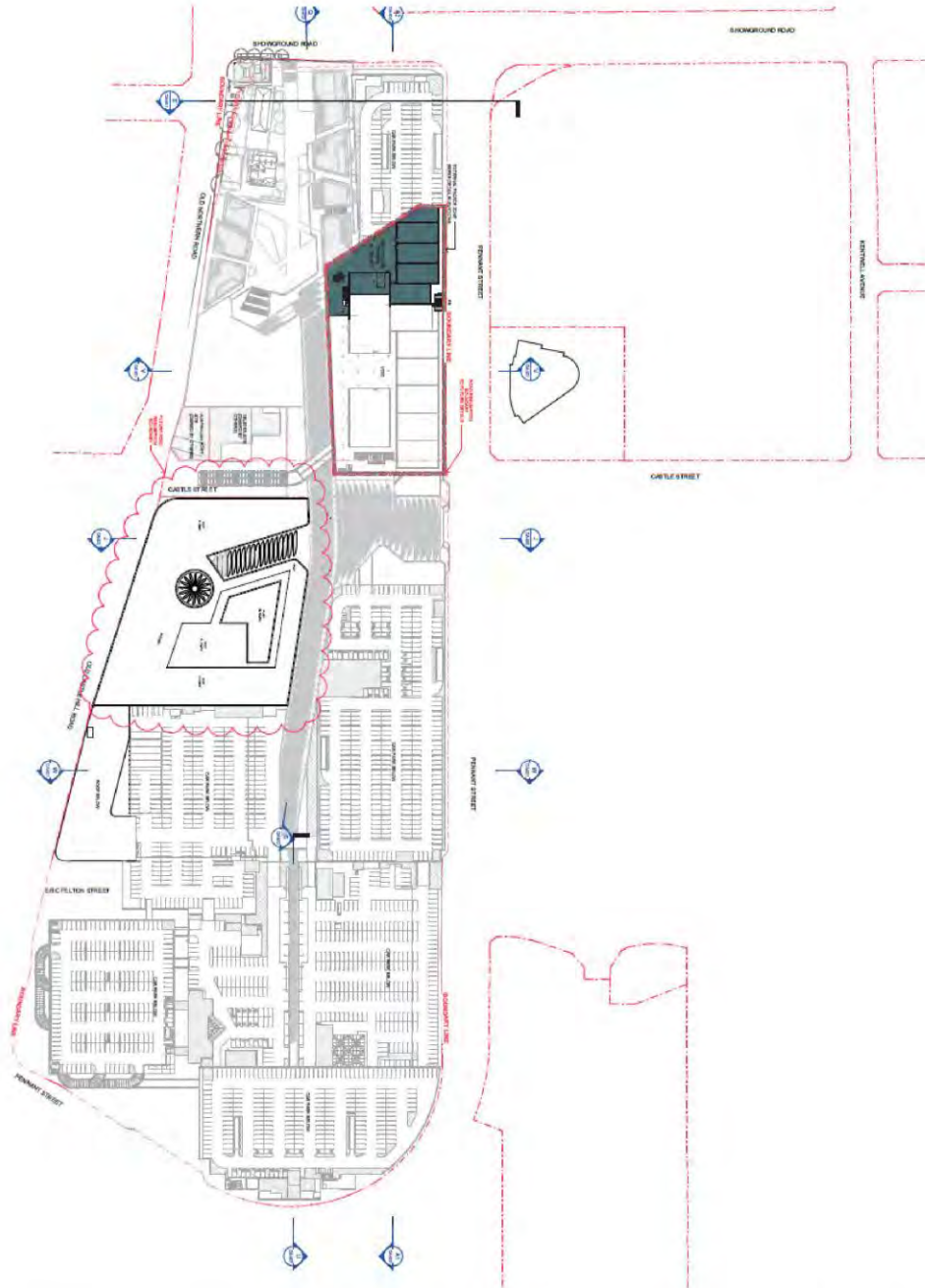
ATTACHMENT 21 – LEVEL 4A



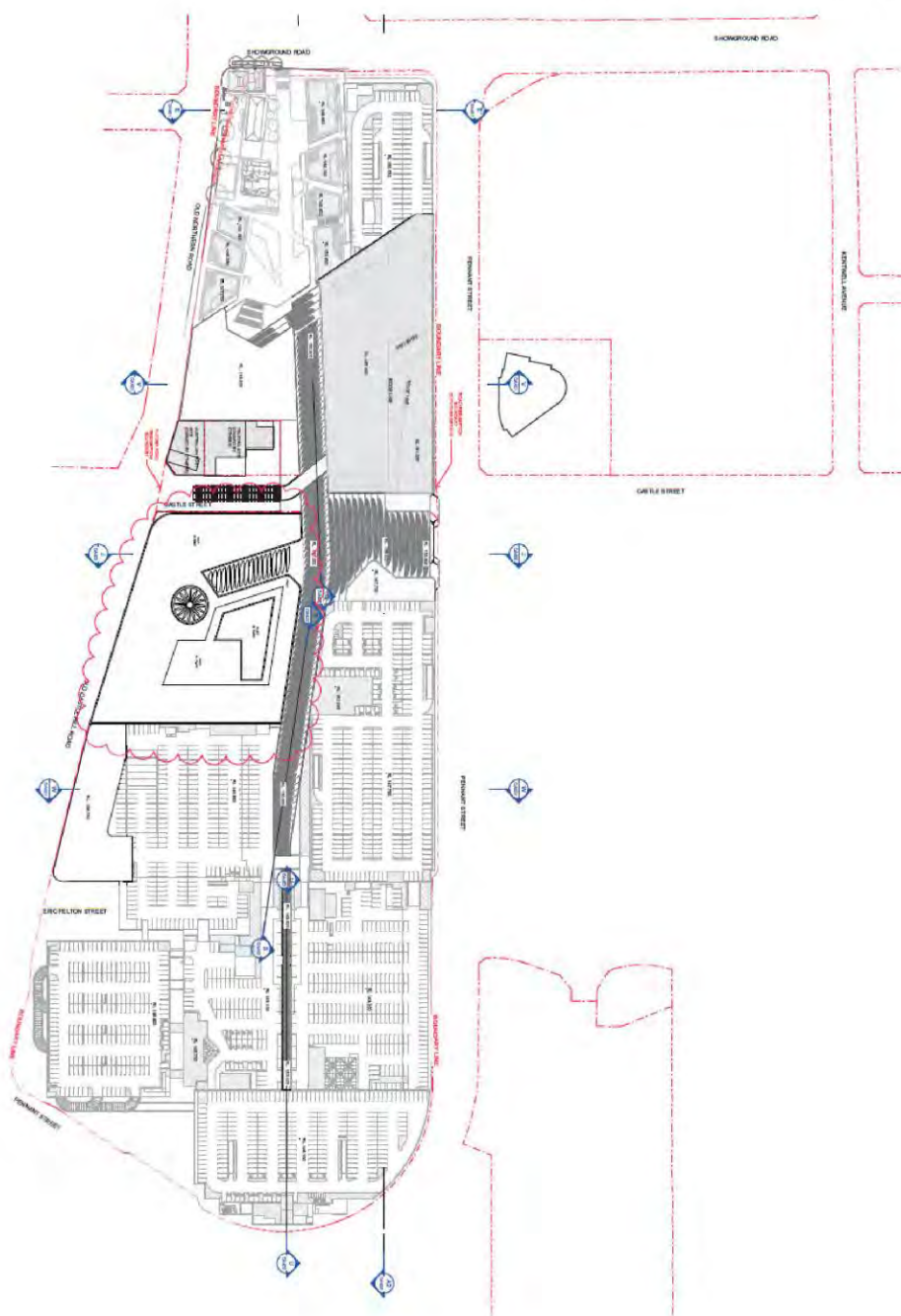
ATTACHMENT 22 – LEVEL 5



ATTACHMENT 23 – LEVEL 6



ATTACHMENT 24 – ROOF LEVEL

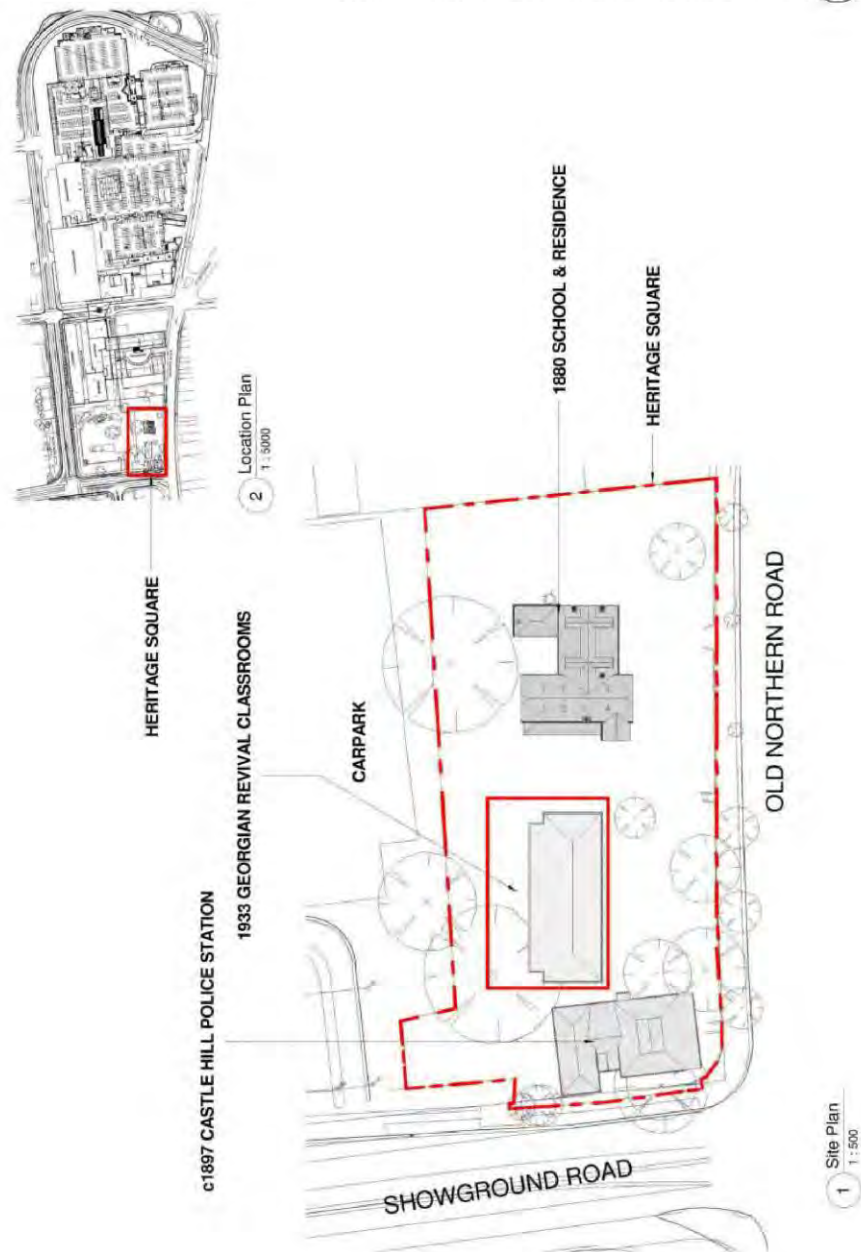


The image displays two architectural drawings for the Telstra site development, specifically focusing on pedestrian access routes.

Top Drawing: 24 HOUR PEDESTRIAN ACCESS ROUTE, SECTION 'A-A'
 This is a cross-section drawing showing the vertical profile of the pedestrian route. The route is marked with a red line and arrows indicating the direction of travel. The drawing includes various levels and elevations, such as "LEVEL 1", "LEVEL 2", and "LEVEL 3". It also shows the "TELSTRA SITE (OWNED BY OTHERS)" and the "AUSTRALIA POST SITE (OWNED BY OTHERS)". The drawing is labeled "SECTION 'A-A'" and "Scale: 1:50".

Bottom Drawing: 24 HOUR PEDESTRIAN ACCESS ROUTE, PLAN
 This is a plan view drawing showing the horizontal layout of the pedestrian route. The route is marked with a red line and arrows indicating the direction of travel. The drawing includes various features such as "SHOP", "MALL", "VOID", "KIOSK", "MAIL", "RISK", "BOUNDARY", "TELSTRA SITE (OWNED BY OTHERS)", "AUSTRALIA POST SITE (OWNED BY OTHERS)", "CASTLE STREET", "OLD NORTHERN ROAD", "PUMP UP", "RAMP UP", "VOID under Ramp", "CROSSING", "ROADWAY", "FOOTPATH", "BICYCLEWAY", "WALKWAY", "WHEELCHAIR ACCESS", "WHEELCHAIR RAMP", "WHEELCHAIR PLATFORM", "WHEELCHAIR LIFT", "WHEELCHAIR STAIRS", "WHEELCHAIR ELEVATOR", "WHEELCHAIR ESCAPE ROUTE", "WHEELCHAIR SHELTER", "WHEELCHAIR SEAT", "WHEELCHAIR BENCH", "WHEELCHAIR BASKET", "WHEELCHAIR BAG", "WHEELCHAIR BRUSH", "WHEELCHAIR CLEANING KIT", "WHEELCHAIR FIRST AID KIT", "WHEELCHAIR FIRE EXTINGUISHER", "WHEELCHAIR SMOKER", "WHEELCHAIR DRINKER", "WHEELCHAIR TOILET", "WHEELCHAIR SHOWER", "WHEELCHAIR CHANGING ROOM", "WHEELCHAIR LOCKER", "WHEELCHAIR STORAGE", "WHEELCHAIR REPAIR", "WHEELCHAIR MAINTENANCE", "WHEELCHAIR STORAGE", "WHEELCHAIR REPAIR", "WHEELCHAIR MAINTENANCE". The drawing is labeled "24 HOUR PEDESTRIAN ACCESS ROUTE, PLAN" and "Scale: 1:50".

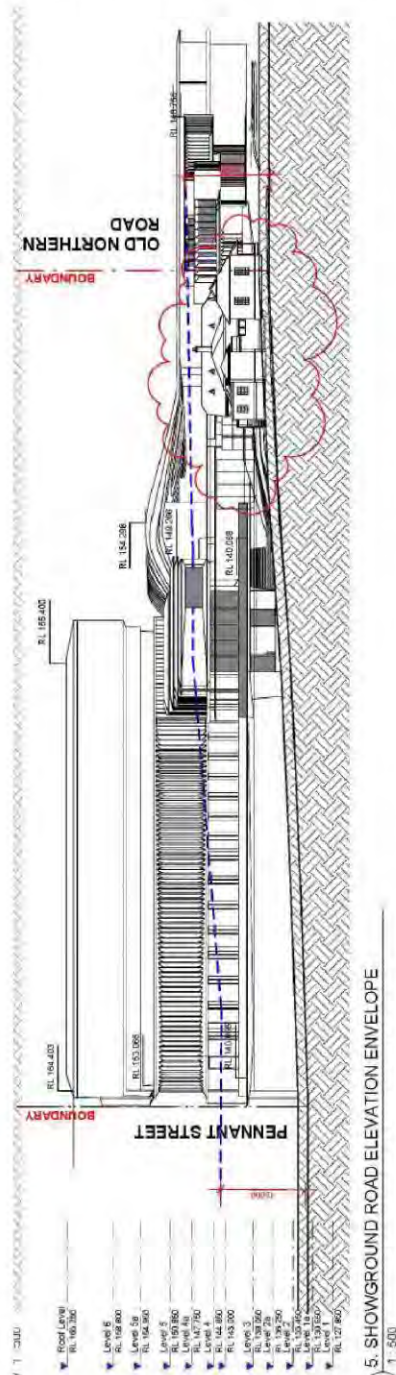
ATTACHMENT 26 – HERITAGE PRECINCT PLAN



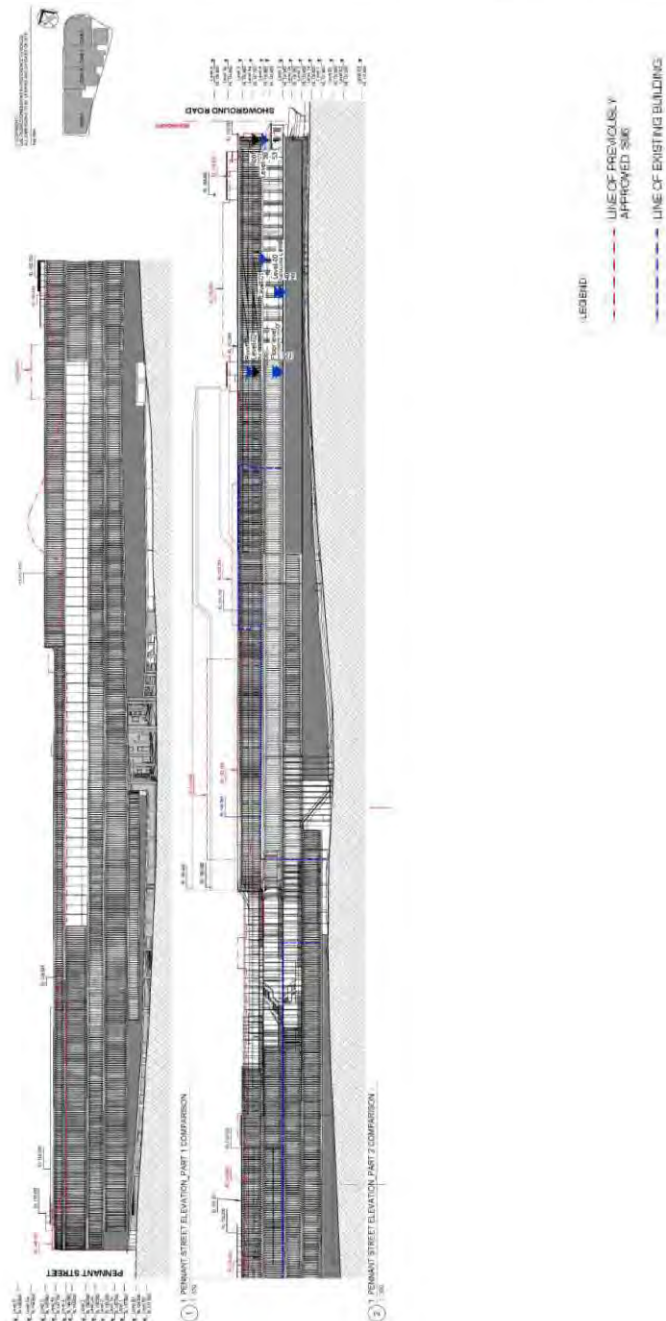
Architectural drawing of the 'FERRY STREET ELEVATION PART 1 ENVELOPE'. The drawing shows a long, multi-story building facade with a series of vertical elements, possibly windows or structural columns. A small inset shows a cross-section of the building. To the right, a table lists various materials and their corresponding colors. The table has two columns: 'MATERIAL' and 'COLOR'. The materials listed are: BRICK, CONCRETE, GLASS, METAL, WOOD, and STONE. The colors listed are: RED, GREY, CLEAR, SILVER, BROWN, and WHITE. The drawing is labeled 'FERRY STREET ELEVATION PART 1 ENVELOPE' and 'SHOWGROUND ROAD'.

MATERIAL	COLOR
BRICK	RED
CONCRETE	GREY
GLASS	CLEAR
METAL	SILVER
WOOD	BROWN
STONE	WHITE

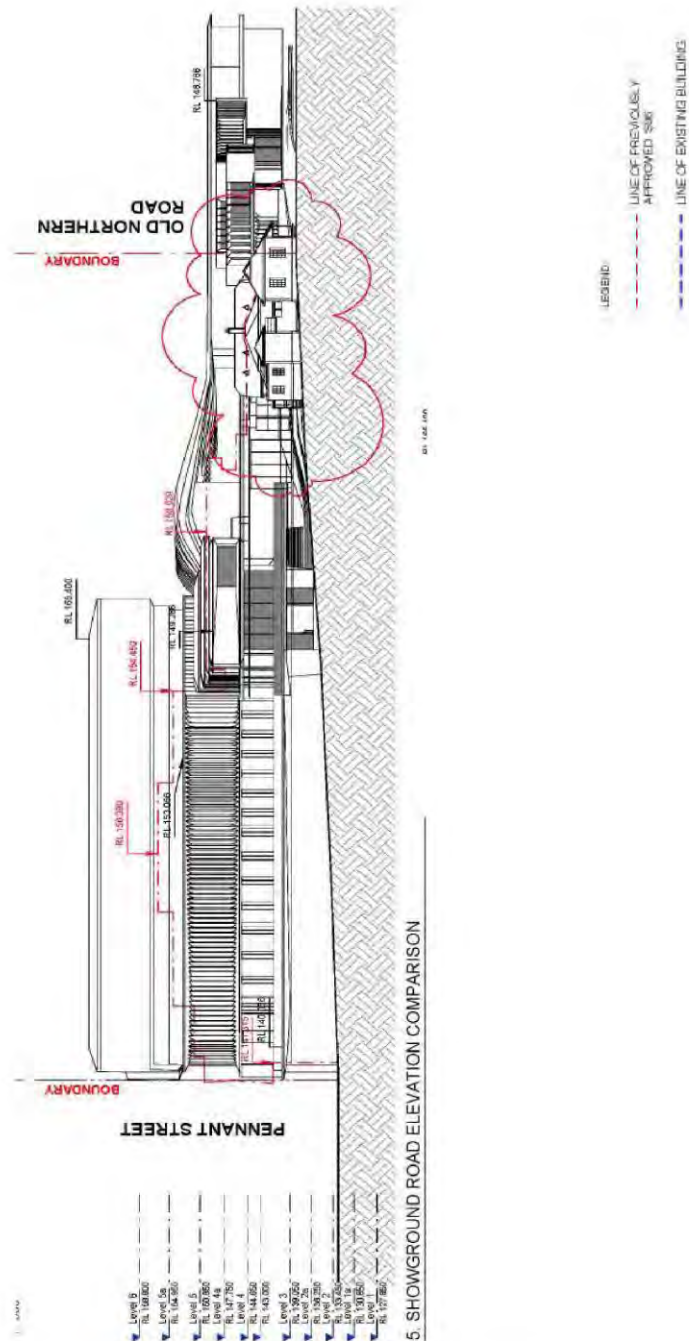
ATTACHMENT 28 – LEP HEIGHT LIMIT AND SHOWGROUND ROAD ELEVATION



ATTACHMENT 29 – PENNANT STREET HEIGHT COMPARISON PLAN



ATTACHMENT 30 – SHOWGROUND ROAD HEIGHT COMPARISON PLAN



**ATTACHMENT 31 - PERSPECTIVE - CORNER OF SHOWGROUND
ROAD AND PENNANT STREET**



ATTACHMENT 32 - PERSPECTIVE - PENNANT STREET



ATTACHMENT 33 - PERSPECTIVE - HERITAGE PRECINCT



ATTACHMENT 34 - PEER REVIEW

SJB Planning



The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

Attn: Kristine McKenzie

1 August 2016

Re: Peer Review of DA 864/2015/JP for the Castle Towers Shopping Centre – 273-275 Old Northern Road, Castle Hill

Dear Kristine,

I refer to the Council's request for an independent peer review of the development application and staff assessment report of Development Application 864/2015/JP 297/2008/HB for the proposed Stage 3 expansion of Castle Towers Shopping Centre. The application supersedes previous consents granted for the expansion of the centre and Council proposes to impose a condition requiring the surrender of the previous consents granted.

The Peer review was requested to ensure that there has been a rigorous and robust consideration of the merits of the proposal due to the reliance upon clause 4.6 variations to the Height of Buildings and Floor Space ratio development standards contained within The Hills LEP 2012 and that Council owned land is involved in regards to the proposed closure of roads (Castle Street) and the construction of access tunnels under roads (Pennant Street) 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 on PH 9380 9911 or by email sbarwick@sjb.com.au.

Yours sincerely,

Scott Barwick
Associate Director

2016_11_23_Peer_Review_2016.08.01.01.0001

L2/480 Crown St, Surry Hills planning@sjb.com.au T: 61 2 9380 9911
Sydney NSW 2010 sjb.com.au F: 61 2 9380 9922

SJB Planning (66W176) Ltd ACN 112 509 301

31/01

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 the review was identified by Council on the basis that that Council owned land is involved in regards to the proposed closure of roads and the construction of tunnels under roads and the requested variations under clause 4.6 of The Hills LEP 2012 (the LEP).

In undertaking the review we have been provided with the following documentation provided by Council:

- Architectural design package prepared by One Studio
- Statement of Environmental Effects prepared JBA Planning
- Clause 4.6 Variation requests to Height of Buildings and FSR development standards
- The Hills LEP 2012
- The Hills DCP Part B Section 6 – Business, Part C Section 1 Parking and Part C Section 4 – Heritage 2005; and
- Draft Assessment report and proposed 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.

The purpose of the review has not been to guide or influence the assessment rather to ensure the conclusions drawn are reasonable and that the assessment rationale is consistent, logical and relevant considerations have been addressed.

The review undertaken concludes that the assessment has been thorough and the recommendations and proposed conditions of consent are appropriate.

Report review and feedback

An initial review of the assessment report was undertaken and preliminary feedback provided to inform the finalisation of the assessment report by Council staff

The initial review and feedback suggested:

- Consideration be given to the sequencing of the development or acknowledge the SEE submission where it is likely that staged construction and occupation certificates may be sought via future S96 modification requests
- Clarification that subdivision works are included relating to road closure and widening
- Providing clarification diagrams in the discussion on the height of building and FSR development standard variations
- Broadening the discussion around the consideration of the clause 4.6 variation
- Strengthening the discussion on the existing and past approvals for the site that are also well beyond the development standards
- Strengthening the discussion on the proposed variation to the building height plane
- Broadening the consideration of bicycle parking non-compliance
- To specifically assume the concurrence of the Secretary to apply the provisions of clause 4.6 of the LEP
- Clarification on condition wording and including where relevant references to interim occupation certificates

The Clause 4.6 variations

Two significant elements of the application are the proposed variations to the Height of Building and FSR development standards. While in a statutory sense there is no limit on the extent of a variation to a development standard, clause 4.6 sets out the requirements which must be addressed to satisfy the

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2025-11-2 From Review 2015 08 18 11:14:14

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consent authority that the proposed variations are acceptable. The requirements can be summarised as a requirement to:

- Identify why compliance with the development standard is unreasonable or unnecessary;
- Identify the sufficient environmental planning grounds to justify contravening the development standard;
- The applicants written request is to address the matters required by clause 4.6(3); and
- The written request must demonstrate that the proposed development will be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard.

The applicants Clause 4.6 submissions have addressed these key issues:

The assessment report has considered the requirements of clause 4.6 and has concluded that the variation in the circumstance is appropriate and the environmental planning outcome is appropriate given the planning framework of surrounding lands, the identification of Castle Hill as a Strategic centre in *A Plan for Growing Sydney* and the role of Castle Hill in Council's Centre's Direction strategy as a Major Centre.

The conclusions reached to support the variation are reasonable given the circumstances of the existing centre and current valid approvals.

Conditions of consent

The draft assessment report is supported by a recommended set of draft conditions of consent.

The draft 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 on-going management of impacts for matters such as the dynamic parking assist system, shopping trolley management, noise management and limitations on the use of loading docks which are appropriate and responsive to the assessment issues raised.

Conclusion

This peer review has not sought to undertake a full merit assessment of the development application. It has sought to review the assessment report, the conclusions made and the veracity of the conclusions drawn to support the variations and proposed conditions of development consent.

The application is a significant expansion of the existing centre and a recognition of the importance of the centre to The Hills in the role it plays in the retail hierarchy and as a major employment generator. It is clear that the assessment has been thorough and the assessment issues have been worked through with the applicant.

The assessment report provides a thorough assessment of the planning framework, has addressed the submissions received and has considered the matters required to be considered under Section 79C of the *Environmental Planning and Assessment Act 1979*.

The application is supported by clause 4.6 Variation requests to the applicable Height of Building and FSR development standards. The applicant's variation request and the merit of the requests have been addressed in the assessment report and the recommendation to support the application with the variation to the development standards is reasonable in the circumstances of the case as presented in the assessment report.

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