

**FURTHER REPORT - JOINT REGIONAL PLANNING PANEL
(Sydney West)**

JRPP No	2015SYW002
DA Number	DA 864/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	PROPOSED EXPANSION OF CASTLE TOWERS SHOPPING CENTRE
Street Address	VARIOUS LOTS, CASTLE TOWERS SHOPPING CENTRE, CASTLE HILL
Owner	QIC LTD, THE HILLS SHIRE COUNCIL AND TELSTRA CORP LTD
Number of Submissions	Eleven
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment value exceeding \$20 Million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • LEP 2012 • DCP Part C Section 1 – Parking • DCP Part B Section 6 –Business • SEPP Infrastructure 2007 • SEPP 32 – Urban Consolidation (Redevelopment of Urban Land) • SEPP 55 – Remediation of Land • SREP 20 – Hawkesbury Nepean River
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No
List all documents submitted with this report for the panel's consideration	Eleven Submissions
Recommendation	Approval subject to a Deferred Commencement consent condition
Report by	Principal Executive Planner Kristine McKenzie
Report date	15 September 2016

HISTORY

- 18/08/2016** JRPP meeting held to consider the subject application. The matter was deferred by the JRPP.
- 29/08/2016** Further email received from the Panel Secretariat which advised as follows:
- Attached is submission from BBC Consulting Planners. The Panel request that the Council review the attached submission and provide a supplementary report to the regional panel addressing the matters in the submission.*

REPORT

At the JRPP meeting on 18 August 2016 the panel considered a report on the subject application and resolved as follows:

The Panel resolved to defer the application.

In the first place, the extent of the Clause 4.6 variation request was so large that the Panel felt it needed advice from the Department of Planning & Environment as to the validity of such a request, in the particular circumstances of this case, namely, the recent gazettal of the LEP – when now a large variation to that LEP is required and the fact that the applicant has lodged a Planning Proposal for a different application to that which it now seeks, lodged in late 2015 but not reached the gateway yet.

The Panel formed the view that this application might have a regional significance that should be considered in the District Planning presently taking place and accordingly will refer this application to the Greater Sydney Commission.

Accordingly the Panel ask that the matter be urgently referred to the Greater Sydney Commission for their consideration and that the Department of Planning & Environment provide advice to the Panel regarding the present Clause 4.6 variation request.

The Panel will endeavour to carry out these activities within 14 days.

When this information has been received, the panel will hold another public determination meeting.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

A copy of the JRPP Minutes is Attachment 1.

Further, on 28 August 2016 an email was received from the Panel Secretariat which advised as follows:

Attached is submission from BBC Consulting Planners. The Panel request that the Council review the attached submission and provide a supplementary report to the regional panel addressing the matters in the submission.

1. Advice from the Greater Sydney Commission and Department of Planning and Environment regarding the validity of the Clause 4.6 request

It is understood the JRPP requested additional information regarding the validity of the Clause 4.6 variation request from the Greater Sydney Commission and Department of Planning and Environment. Any advice that has been provided, has been provided directly to the JRPP. Council staff are not in a position to comment on the advice provided.

Council staff's position on the Clause 4.6 variation is outlined in the previous report.

On 31 August 2016 Council received legal advice provided by the applicant regarding the application of Clause 4.6 (see Attachment 2). The advice indicates *"There is nothing in the wording of Clause 4.6 which imposes any limit on the magnitude of exceedance of a development standard which may be authorised provided that the consent authority is otherwise satisfied that the development is in the public interest because it is consistent with the objectives of the zone and the relevant development standard."*

On 29 August 2016 the applicant provided a letter from their planning consultant (JBA) which was sent to the Greater Sydney Commission. This letter provides their view on the intent and strategic merit of the application and also comments on the use of Clause 4.6.

2. Economic Impact

Development Application 297/2008/HB was approved by Council on 08 February 2011 for the original Stage 3 expansion of the shopping centre. The approval granted was for an additional gross leasable floor area (GLFA) of 60,487m² which would allow a total GLFA of 173,684m².

The current application seeks approval for an additional GLFA of 80,260m² which will result in a GLFA of 193,457m². This is an increase of 19,773m² from the previous approval.

One submission was received on behalf of The GPT Group which made comments regarding the proposal and the potential for impacts, principally in regard to Rouse Hill Town Centre. It is noted that the submission advises:

In principle, GPT does not oppose the subject Development Application (Castle Towers DA). However, to the extent that the Castle Towers DA does not follow appropriate planning process and contains omissions regarding the status of RHTC in the planning hierarchy and in the Economic Impact Assessment, as detailed in this submission, this document should be read as an objection to the Castle Towers DA.

The 'summary of key concerns' outlined in the letter from GPT are as follows:

a. Development Application is inconsistent with the adopted retail hierarchy.

In summary, the concern raised was that the application is inconsistent with the adopted retail hierarchy as the application refers to Castle Towers as a 'super-regional retail facility'. The super-regional centre status is not consistent with the role and function of Castle Towers or Castle Hill in the Centres Direction, the Draft North West Sub-regional Strategy where Castle Hill is defined as a major centre or A Plan for Growing Sydney where it is defined as a strategic centre.

The application also refers to Rouse Hill Town Centre as a 'sub-regional shopping centre' however it is defined in A Plan for Growing Sydney and other strategic documents as a major centre.

There is no provision in the Council's 'Centres Direction' for a 'super-regional centre'.

Comment: The following terms are used in the documents referred to:

Council's Centre Direction: defines Castle Hill as a 'major centre' and Rouse Hill as a 'proposed major centre'.

A Plan for Growing Sydney: defines both Castle Hill and Rouse Hill as a strategic centre.

The Draft North West Sub-regional Strategy has been somewhat superseded by A Plan for Growing Sydney and the District Plans (currently under preparation) which will deliver a new framework for consideration of retail centres to address the increasing population.

It is acknowledged that the report submitted by QIC uses alternate terms from those outlined above.

b. Planning Process

In summary, the concern raised was that the proposal includes significant non-compliances to Council's recently adopted LEP 2012 and that a Planning Proposal should be submitted to investigate the implications of the proposed changes to the development standards. The submission specifically requested that the Planning Proposal should address: land use and built form implications, traffic implications, retail hierarchy and impact on existing centres, and consideration of the development of the remainder of the site.

Comment: Clause 4.6 of LEP 2012 allows consideration of variations to development standards which is a standard LEP template requirement. The proposed variations to the FSR and height have been detailed within the previous report (See Section 2) and it has been concluded that the proposed variations are satisfactory.

The objectives of Clause 4.6 are to allow flexibility to achieve better outcomes for development. There is no numerical cap on the extent of the variation, with variations considered on merit.

In this instance there is no requirement for a Planning Proposal to consider the variations.

c. Economic and Retail Issues

In summary, the concern raised was that the Economic Impact Assessment contains anomalies that should be addressed including the size of the proposed works, number of additional shops, leasing opportunities or the impact on Rouse Hill Town Centre. The report has also not addressed other smaller retail centres which have been recently approved within the Shire. The GPT Group also submitted a letter from Location IQ to support the concerns.

Comment: The applicant submitted an Economic Impact Assessment prepared by MacroplanDimasi which was reviewed by Council staff. The report has specifically considered Rouse Hill Town Centre and has made the following comments:

The most relevant sub-regional shopping centre in the trade area is Rouse Hill Town Centre, which is anchored by Big W and Target discount department stores as well as Woolworths and Coles supermarkets. Given Rouse Hill Town Centre's location within the growing north-western suburbs of Sydney and its designation as a future Major Centre, it is highly likely that the centre will be significantly expanded in the future, with the potential to accommodate a department store and additional mini-major and specialty floorspace.

In regard to the above, the Masterplan for the Rouse Hill Regional Centre allows for 200,00m² of retail and commercial floor area. To date, 68,141m² of retail and commercial floor area has been approved within the Rouse Hill Town Centre, with the reminder subject to further Development Applications. The increase in development in the North Kellyville and Box Hill development areas will facilitate the expansion of the Rouse Hill Town Centre in the future.

The Economic Impact Assessment also considered, along with major centres outside of The Hills LGA, a number of existing smaller centres within the Shire including Winston Hills Shopping Centre, Westfield North Rocks (now part of the City of Parramatta), Castle Mall, Stockland Baulkham Hills, Kellyville Plaza including Woolworths and Aldi, and Norwest Marketown.

In addition, it is noted that the report was independently peer reviewed and no concerns were raised in regard to the consideration of economic impact. A copy of the Peer Review is included in Attachment 2.

The Economic Impact Assessment has adequately addressed the need for the proposed works and the potential impacts on competing retail centres. The assessment is considered satisfactory.

3. Planning Proposal 13/2016/PLP

Planning Proposal 13/2016/PLP was lodged on 21 December 2015. The planning proposal seeks to increase the applicable floor space ratio on the site to 2.7:1 (from 1:1) and increase the maximum building height to 42 metres (from 12 metres). In addition to this, it seeks to create a site specific provision to disregard the maximum building height and floor space ratio for residential accommodation, tourist and visitor accommodation and office premises and allow buildings up to 90 metres in height for these purposes, subject to a site specific Development Control Plan being adopted by Council.

A preliminary assessment has been undertaken of the proposal and identified that the proposal lacks sufficient information to be progressed at this time. In particular, details of what the increased floor space ratio and site specific provision seeks to deliver in terms of yield and development outcomes are needed, including a development concept. Further, the traffic report must assess the impacts of the development sought under the planning proposal and indicate how the local and arterial road network will cope with the proposed development. The applicant has been requested to address these issues in a letter dated 2 June 2016. To date additional information has not been submitted by the applicant and the Planning Proposal has not progressed.

4. Pedestrian Access During Construction

At the JRPP Meeting held on 18 August 2016, a resident addressed the meeting on behalf of the residents of Horizons apartments. Their key concern was the impact on pedestrian access along Castle Street during the construction period and the workability of the alternate access arrangements if a temporary closure was required. The resident requested that QIC consult with a representative of Horizons and Castle Grand regarding the temporary closures.

As a result of the discussion, Condition 48 has been amended as follows (additional wording is underlined):

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. The applicant is required to consult with a representative from both Castle Grand and Horizons regarding the alternate access arrangements. It is acknowledged that at times temporary access will be required through Eric Felton Street or the shopping centre.

CONCLUSION

The matters raised by the JRPP have been addressed in this report.

The proposal is considered satisfactory and is recommended for approval subject to the conditions contained within the original report with the exception of Condition 48 which is amended as outlined in Section 4 above.

ATTACHMENTS

1. JRPP Minutes from 18 August 2016
2. Legal Advice provided to the applicant
3. **Advice from the applicant's Planning** consultant
4. Previous Report to JRPP

ATTACHMENT 1 - JRPP MINUTES FROM 18 AUGUST 2016



Planning
Panels

RECORD OF DEFERRAL

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

DATE OF DEFERRAL	18 August 2016
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Bruce McDonald and Lindsay Fletcher
APOLOGIES	None
DECLARATIONS OF INTEREST	Dave Walker and Michael Edgar both declared conflicts of interest because Council property was involved in this application.

Public meeting held at The Hills Shire Council on Thursday, 18 August 2016, opened at 4:30pm and closed at 5:00pm.

MATTER DEFERRED

2015SYW002 - The Hills Shire Council, DA864/2015/JP - 6-14 Old Castle Hill Road, Castle Hill - Revised Stage 3 expansion of Castle Hill Towers Shopping Centre

VERBAL SUBMISSIONS

- Support – Nil
- Object – Richard Bushell
- On behalf of the applicant – Paul Donahue, Matt James, Andrew Duggan, Michael Oliver, Robb Webb

REASONS FOR DEFERRAL

The Panel resolved to defer the application.

In the first place, the extent of the Clause 4.6. variation request was so large that the Panel felt it needed advice from the Department of Planning & Environment as to the validity of such a request, in the particular circumstances of this case, namely, the recent gazettal of the LEP – when now a large variation to that LEP is required and the fact that the applicant has lodged a Planning Proposal for a different application to that which it now seeks, lodged in late 2015 but not reached the gateway yet.




The Panel formed the view that this application might have a regional significance that should be considered in the District Planning presently taking place and accordingly will refer this application to the Greater Sydney Commission.

Accordingly the Panel ask that the matter be urgently referred to the Greater Sydney Commission for their consideration and that the Department of Planning & Environment provide advice to the Panel regarding the present Clause 4.6 variation request.

The Panel will endeavour to carry out these activities within 14 days.

When this information has been received, the panel will hold another public determination meeting.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Lindsay Fletcher	

ATTACHMENT 2 – LEGAL ADVICE PROVIDED TO THE APPLICANT



HERBERT
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Matthew James
Development Analyst, Global Real Estate
QIC Limited
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66 Eagle Street
BRISBANE QLD 4000
m.james@qic.com

30 August 2016
Matter 82277983
By Email

Dear Mr James

Castle Towers Stage 3 Expansion – Contravention of Development Standards limiting Height and FSR – Application of LEP Clause 4.6

1 Purpose of this letter

The purpose of this letter is to confirm our advice that, for the reasons explained below:

- (a) the requests made under Clause 4.6 of *The Hills Local Environmental Plan 2012 (THLEP)* to allow DA864/2015/JP to exceed the applicable height and FSR development standards were validly made; and
- (b) the Joint Regional Planning Panel (JRPP), provided it is satisfied of the matters set out in Clause 4.6(4)(a) of THLEP, could lawfully grant consent to DA864/2015/JP notwithstanding its exceedances of the applicable height and FSR development standards.

2 Background

QIC Limited has lodged a development application seeking approval for the "Revised Stage 3 Expansion of the Castle Hill Towers Shopping Centre" (DA864/2015/JP).

The applicable Local Environmental Plan for this development is THLEP. The relevant land is zoned "B4 Mixed Use" under this instrument.

The THLEP imposes various development standards upon development within its area of operation including the 'Principal development standards' set out in Part 4. Relevantly, these development standards impose the following limitations upon DA864/2015/JP:

- (a) a maximum building height of 12m (see clause 4.3) (**Height Standard**); and
- (b) a maximum Floor Space Ratio (**FSR**) of 1:1 (see clause 4.4) (**FSR Standard**).

DA864/2015/JP exceeds the Height and FSR Standards as follows:

- (a) it will have a maximum building height of 35.47m (i.e. it will exceed the standard by around 196%); and
- (b) it will have a maximum FSR of 1.69:1 (i.e. it will exceed the standard by around 70%).

Clause 4.6 of the THLEP empowers a consent authority to grant consent for development which contravenes a development standard where a written request by the applicant has been made and considered in accordance with the requirements of the clause.

In this case, separate written requests have been made by the applicant under Clause 4.6 seeking to justify contraventions of the Height and FSR Standards applicable to the development (**Clause 4.6 Requests**).

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DA864/2015/JP has a Capital Investment Value of \$911,530,239 and so requires referral to, and determination by, a JRPP: see cl 20 of the *State Environmental Planning Policy (State and Regional Planning) 2011* and Clause 4 of Schedule 4A of the *Environmental Planning and Development Act 1979*.

At a public meeting held on 18 August 2016, the JRPP resolved to defer its determination of DA864/2015/JP. The Record of Deferral prepared by the JRPP states that one of the reasons it decided to defer its determination of the application was that:

"... the extent of the Clause 4.6 variation request was so large that the Panel felt it needed advice from the Department of Planning & Environment as to the validity of such a request, in the particular circumstances of this case, namely, the recent gazettal of the LEP – when now a large variation to that LEP is required and the fact that the applicant has lodged a Planning Proposal for a different application to that which it now seeks, lodged in late 2015 but not yet reached the gateway."

3 Question for advice

We have been asked, in light of the JRPP's reason for deferral quoted above, to advise whether:

- (a) the Clause 4.6 Requests were validly made; and
- (b) the JRPP could lawfully grant consent for DA864/2015/JP notwithstanding the fact it would exceed the Height and FSR Standards.

4 Our advice

4.1 Were the Clause 4.1 Requests validly made?

The following provisions of Clause 4.6 are relevant for the purposes of this advice:

4.6 Exceptions to development standards

...

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument ...
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.

...



Broadly speaking, there are two categories of obligations arising under Clause 4.6. First, there are the obligations imposed on the applicant to *prepare* a written request in accordance with Clause 4.6(3). Second, there are the obligations imposed on the consent authority in *considering* the applicant's written request in accordance with Clause 4.6(4)(a).

The question of whether the Clause 4.6 Requests were validly made depends on whether the obligations arising under the first category have been satisfied by the applicant. That is, it depends on whether the Clause 4.6 Requests seek to justify the contraventions of the Height and FSR Standards by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The first requirement, that it be demonstrated that compliance with the development standard is "unreasonable or unnecessary", echoes an equivalent requirement set out in Clause 6 of the *State Environmental Planning Policy No 1 - Development Standards (SEPP 1)*.

SEPP 1 contains a very similar mechanism for obtaining an exemption from the need to comply with development standards to that contained in Clause 4.6 of THLEP. It applies in circumstances where the applicant has made a written objection to the application of those standards (i.e. a "**SEPP 1 Objection**").

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, the Chief Judge of the Land and Environment Court articulated, in the context of determining the validity of a SEPP 1 Objection, the five ways in which an applicant can demonstrate that compliance with a development standard is unnecessary or unreasonable in the circumstances.

Although this case dealt specifically with a SEPP 1 Objection, it has since been applied by the Court when considering the equivalent requirement arising with respect to written requests made under Clause 4.6: see, for example, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009.

Each of the Clause 4.6 Requests prepared for DA864/2015/JP make express reference to *Wehbe* and seek to demonstrate how compliance with the relevant development standard is unnecessary or unreasonable by adopting, as relevant, the various 'ways' articulated by the Chief Judge.

The requests also each contain a detailed section seeking to demonstrate that there are sufficient environmental planning grounds to justify contravening the relevant development standard.

In *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 the Chief Judge of the Land and Environment Court confirmed that, when considering a Clause 4.6 Request, the decision maker does not need to be 'directly' satisfied that compliance with the relevant development standard is unnecessary or unreasonable but only 'indirectly' by being satisfied that the written request adequately addressed this issue.

Although not expressly stated in the judgment, by parity of reasoning, we think it would also be sufficient that the decision maker is "indirectly" satisfied that there are sufficient environmental grounds to justify non-compliance with the development standards by being satisfied that this issues is adequately covered by the Clause 4.6 Request.

In our view, there is no question that the Clause 4.6 Requests meet the requirement that they seek to demonstrate that compliance with the relevant development standards is unnecessary or unreasonable in accordance with the "ways" articulated in *Wehbe* and that there are sufficient environmental planning grounds to justify contravening the



development standard with sufficient clarity to "indirectly" satisfy the JRPP as to these matters. It follows that, in our view, the Clause 4.6 Requests have been validly made.

4.2 Can the JRPP lawfully grant consent for DA864/2015/JP?

In order to validly grant consent for DA864/2015/JP, Clause 4.6(4) requires that:

- (a) the consent authority is satisfied that the Clause 4.6 request adequately addresses the matters required to be addressed under Clause 4.6(3);
- (b) the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with:
 - (1) the objectives of the particular standard; and
 - (2) the objectives within the zone; and
- (c) concurrence of the Secretary has been obtained.

We have already stated that, in our view, the Clause 4.6 Requests adequately address the required matters under Clause 4.6(3) and so it follows that we think the JRPP could also be so satisfied. Further, we are instructed that the concurrence of the Secretary (provided by Council under delegation) has been obtained.

The final requirement is that the JRPP be satisfied that the development is in the public interest because it is consistent with the objectives of the particular standard and the objectives within the zone.

The Height and FSR limitations imposed on DA864/2015/JP under the THLEP are in the following terms:

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,
 - (b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development,
 - (b) to provide for a built form that is compatible with the role of town and major centres.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The objectives of the B4 Mixed Use zone are as follows:

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

The Clause 4.6 Requests each contain an analysis showing how DA864/2015/JP is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and



the applicable development standard. Provided that the JRPP is *subjectively* satisfied that the development is indeed in the public interest then it can lawfully grant consent for DA864/2015/JF.

The Record of Deferral suggests that the JRPP was concerned that the magnitude of the exceedances of the Height and FSR Standards might be too large to be authorised by way of a Clause 4.6 Request.

We do not think this concern is well-founded. There is nothing in the wording of Clause 4.6 which imposes any limit of the magnitude of exceedance of a development standard which may be authorised provided that the consent authority is otherwise satisfied that the development is in the public interest because it is consistent with the objectives of the zone and the relevant development standard.

Put another way, we think it would be an impermissible error for the JRPP to refuse to grant consent merely on the basis that it considered that the magnitude of the exceedance of the development standard was too great. The proper question is whether the exceedance (whatever its magnitude) is consistent with the zone and development standard objectives. If the answer to this question is yes, then the JRPP may grant consent for the development irrespective of the magnitude of the exceedance.

Both Council and the JRPP have previously authorised significant exceedances of development standards on numerous occasions. Although not determinative, these decisions provide a measure of comfort, if one is required, that material exceedances of development standards are routinely approved by the JRPP.

In 2011 and 2014, the Council and the JRPP respectively approved two significant planning approvals for the expansion of the Caste Towers Shopping Centre. Both applications significantly exceeded relevant floor space and height controls. In approving the Stage 1 expansion application, the JRPP acknowledged that the applicant had provided sufficient planning grounds to establish that compliance with the development standards in the THLEP was unnecessary in relation to floor space and height. It also found that the proposed development would serve the public interest by providing a more contemporary retail centre facility consistent with the role of the Castle Hill CBD.

The Land and Environment Court has also previously approved significant exceedances of development standards. For example, in *GM Architects v Strathfield Council* [2016] NSWLEC 1216, the Court approved, in response to a Clause 4.6 request, a 22.7m exceedance of a 22m height limit (i.e. 103% exceedance) and a significant exceedance of a FSR limit (i.e. 157% exceedance).

The Record of Referral also makes reference to the "recent gazettal of the LEP" and fact that the "applicant has lodged a Planning Proposal for a different application ... lodged in late 2015 but not yet reached the gateway".

These are not issues to which the JRPP is permitted to have regard when considering the Clause 4.6 Requests. As explained above, the only proper question for the JRPP to consider is whether the exceedances of the development standards contained in the application presently before it are in the public interest (whether they are consistent with the zone and development standard objectives). The facts that the THLEP is relatively new and that the applicant has lodged a planning proposal in relation to separate development are irrelevant considerations in this context.



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4 Our advice

Please do not hesitate to call should you wish to discuss.

Yours sincerely

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ATTACHMENT 3 – ADVICE FROM THE APPLICANT’S PLANNING CONSULTANT



MO/AD
14209
29 August 2016

Professor Ed Blakely
District Commissioner – Central West
Greater Sydney Commission
PO Box 275
PARRAMATTA NSW 2124

Dear Professor Blakely,

CASTLE TOWERS SHOPPING CENTRE EXPANSION CASTLE HILL

We write to you on behalf of QIC Pty Ltd in regard to the Castle Towers Shopping Centre, Castle Hill. We seek to provide the Commission with an understanding of the critical strategic role for QIC and Castle Towers within the future growth of the Castle Hill Strategic Centre, and specifically with regard to the recent decision of the Sydney West Joint Regional Planning Panel to defer consideration of the Development Application (DA 864/2015/JP) for the 'Stage 3' expansion of the shopping centre. One of the two reasons recorded by the panel for deferring the matter was that:

"The Panel formed the view that this application might have a regional significance that should be considered in the District Planning presently taking place and accordingly will refer this application to the Greater Sydney Commission."

The purpose of our writing to you is to inform the Commission of the intent and strategic merit of the Stage 3 Expansion of Castle Towers proceeding as proposed. We agree that the Castle Towers Shopping Centre expansion has regional significance, and wish to ensure that the Commission has sufficient information regarding the centre to ensure that this is considered in the District Plans.

About QIC

Queensland Investment Corporation, now known as QIC, was created in 1991 by the Queensland Government. QIC invests globally in infrastructure, real estate and private equity, with around \$17 billion invested in both Australian and international retail and office assets. QIC's mission is to focus on long-term investment that delivers quality outcomes for all stakeholders. In Australia, QIC owns Castle Towers, along with a range of other retail centres, such as Eastland, Grand Central, Canberra Centre and Robina Town Centre. Importantly, QIC is the single largest landowner within the Castle Hill town centre, with a largely contiguous land holding in excess of 15 hectares.

Castle Towers Shopping Centre

Castle Towers opened in 1979, and has been progressively expanded under the ownership of QIC since 1990. Major expansion programs have occurred in 1991-1993, 1999-2001 and 2009. Castle Towers currently has an annual turnover of around \$670 million – one of the highest in Australia. The current centre has a gross leasable area (GLA) of approximately 113,200 m², and attracts around 17 million visitors per year.

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Castle Towers is ideally positioned to service the future population growth occurring in Sydney's Hills and north-western region. Over the past decade, QIC has taken a number of steps to ensure that the centre is refreshed and expanded to accommodate projected growth, including acquiring and rezoning the former Castle Hill Primary School site in 2009 and obtaining approval for a major centre expansion, including a 53% increase to GLA, that was approved in 2011. Subsequent design development activities have resulted in significant improvements to the approved scheme that necessitated the submission of a new Development Application.



Figure 1 – Existing shopping centre

Planned Centre Expansion

The residential population within the Centre's main trading area is expected to grow by 1.8% per annum over the next decade, approximately 60% higher than the growth rate projected for the broader Sydney metropolitan area. In addition, the commencement of Sydney Metro Northwest operations in late-2019 will substantially expand the regional connectivity and catchment of Castle Hill to Sydney's north-west and northern suburbs. As such, it is critical that the retail, leisure and entertainment offerings within Castle Towers be renewed and expanded to meet the needs of the population catchment and continue to provide an attractive anchor to other offerings within the Castle Hill town centre.

Significant planning for the next expansion stage of the Castle Towers Shopping Centre has already occurred, with two significant planning approvals issued by Council and the JRPP in 2011 and 2014 respectively. These approvals provide for a +50% increase to the gross lettable area (GLA) of the existing shopping centre and significant expansions of the building footprints and envelopes across QIC's land holdings known as Site A and Site B (Figure 2).

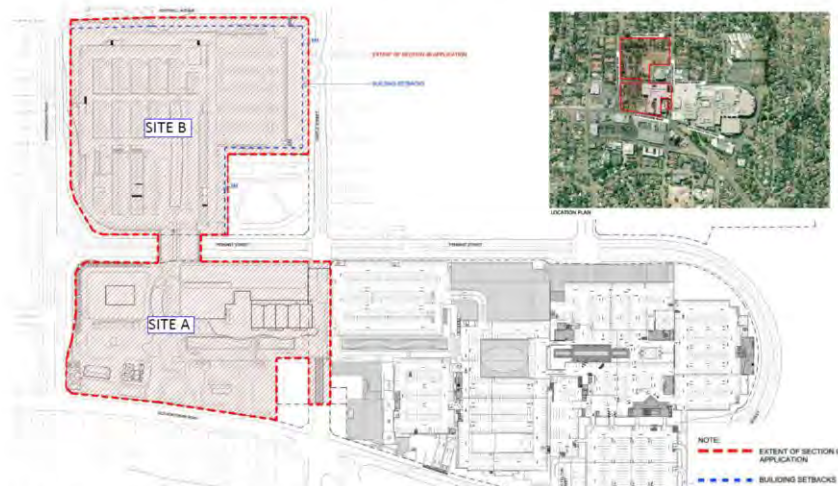


Figure 2 – Site plan illustrating approved expansion area under 2011 and 2014 development consents

Importantly, the existing planning approvals already provide for a maximum building height of approximately 34 metres and a maximum floor space ratio of 1.68:1, which exceed the existing height and FSR development standards under The Hills Local Environmental Plan 2012 (LEP 2012). In approving the Stage 1 Expansion DA, the JRPP relevantly noted that:

- *The panel considers that the applicant has provided sufficient planning grounds to establish that compliance with the development standards in The Hills LEP is unnecessary in relation to the Floor Space Ratio and Height.*
- *The proposed development will serve the public interest by providing a more contemporary retail centre facility consistent with the role of Castle Hill CBD.*
- *Issues relating to parking supply and management and to traffic management are adequately addressed.*
- *The proposed development will not cause more impact on the built or natural environments than does the existing centre. [our emphasis]*

The following table provides a brief summary of the existing planning approvals:

Description		Status	FSR	Total GLA	Max. Height
Existing centre		In operation	1.25	113,197 m ²	33 metres
DA 297/2008/HB (2010-11)	Major expansion of shopping centre across QIC land holdings on Sites A and B.	Approved by Council 11/02/2011	1.3:1	173,684 m ²	31.17 metres
DA 1287/2013/HA and 297/2008/HB/B (2014)	Alterations and additions to the existing shopping centre, being an amended initial phase of the full Stage 3 expansion and the transfer of approved development from Site B to the existing centre.	Approved by JRPP 30/09/2014	1.68:1	173,684 m ²	34 metres
Stage 3 Expansion (current DA)	Refer to description below.	Deferred by JRPP	1.69:1	193,457 m ²	35.47 metres

'Stage 3 Expansion' Development Application (DA 864/2015/JP)

QIC submitted a Development Application to The Hills Shire Council for the Stage 3 Expansion on 23 December 2014. The revised DA makes better utilisation of the site by consolidating development within the existing centre and Site A, significantly reducing the overall building footprint. The revised DA proposes a significant town square community space that integrates with retail, leisure, dining and entertainment to reflect the evolving needs of customers and the community. Over the past 20 months, QIC have worked closely with Council and key government agencies including Transport for NSW, RMS and Sydney Metro, in order to resolve the key planning and development issues relating to the proposed development. In brief, the Stage 3 Development Application entails:

- Partial demolition of the existing centre and extension and expansion of the shopping centre across the existing site and Site A;
- New major and specialty retail shops, restaurants and dining, leisure and entertainment, including new cinemas;
- Significant public domain upgrades throughout the centre and immediately adjoining areas, including new public indoor and outdoor spaces;
- Establishment of a 24-hour east-west pedestrian linkage from Pennant Street to Old Castle Hill Road to facilitate pedestrian access to the Castle Hill station and bus interchange;
- New car parking, providing an addition 2,300 spaces within the centre, as well as parking for bicycles within accessible public areas;
- Major improvements to vehicular access, with direct access to and from Showground Road via tunnels in order to ease congestion within the Castle Hill town centre; and
- Total gross floor area (GFA) of 238,575 m² and a gross leasable area (GLA) of 193,457 m².

Key public benefits of the proposed development include:

- Delivery of substantial new regional retail facilities to meet the needs of a growing population;
- New 'Heritage Square' providing a substantial and high quality public and civic space adjoining Old Castle Hill Road;
- Significant local and regional road improvements delivered via a VPA with Council and RMS;
- Creation of 2,400 *additional* ongoing retail jobs at Castle Towers; and
- Support for 3,900 full-time equivalent jobs during the construction phase directly on site and in the broader economy.

Figure 2 illustrates the spatial arrangement of the works, whilst Figures 3 and 4 illustrate some of the design excellence and public outcomes expected to be delivered by the project.



Figure 3 – Spatial illustration of redevelopment scheme
Source: +one studio



Figure 4 – Proposed 'Heritage Square' and expanded shopping centre viewed from east
Source: +one studio



Figure 5 – Indicative photomontage from Showground Road and Pennant Street intersection
Source: +one studio

Strategic Planning Context

Strategic planning at the State and local levels is currently aligned in designating Castle Hill as a significant centre within Sydney's north-west:

- *A Plan for Growing Sydney* describes Castle Hill as a 'strategic centre' with a planning direction to "provide additional capacity around the future Castle Hill train station for mixed-uses including offices, retail, services and housing".
- The *North West Rail Link Corridor Strategy* states that "Castle Hill will remain the major retailing hub for the North West in to the foreseeable future. It is anticipated that expansion of retail offerings within the Centre will occur in line with projected population growth in the catchment. There is the opportunity to integrate expanded retail uses with community and cultural facilities which could address pedestrian streets, plazas and squares."
- *The Hills Centre Direction* was adopted by Council in 2009, and describes Castle Hill as the 'capital' of The Hills Shire. This Centres Direction, which was publicly exhibited with the draft LEP 2012 but not reflected in the planning controls, identified a need to ensure provision of 346,000m² of additional retail floor space within The Hills by 2031, underpinned by expansion of existing and emerging centres. The Castle Towers Stage 3 expansion is specifically identified in this policy as one of the key short-term opportunities to remedy an identified undersupply of retail floor space within The Hills.
- *The Hills Corridor Strategy* notes that the Stage 3 redevelopment of Castle Towers will "enable improved connectivity for pedestrians between the site and the existing public realm. There will be increased emphasis on prominent pedestrian entry points through the creation of an entry statement as well as improved gateway elements such as the proposed Heritage square and on Old Castle Hill Road. Pedestrians will also benefit from the provision of increased lighting and where possible weather protected walkways. The vision for Castle Hill in this strategy is for "The Hills Shire's 'Major Centre' with the highest density urban setting that includes residential, retail, cultural and commercial uses."

The clear strategic intent communicated across each of these policies is that Castle Hill should be a major strategic centre within The Hills Shire and the broader north-western Sydney region. Castle Towers Shopping Centre is identified as playing a major role in this growth

Statutory Planning

The Hills Local Environmental Plan 2012 (LEP 2012) was gazetted in October 2012 applies a maximum building height of 12 metres and a maximum floor space ratio of 1:1 across the existing Castle Towers and planned expansion area. LEP 2012 was a direct translation of the controls contained in the Baulkham Hills LEP 2005 for the site, with no amendments to reflect the

existing, approved or desired future character of the centre. QIC made a submission during the public exhibition of the Draft LEP requesting that the standard be amended to reflect the current approval, however, this was not acted upon by Council as this was outside of the scope of the translation LEP.

The gazettal of LEP 2012 pre-dates the release of each of the strategic planning policies discussed above, bar the 'Centre Direction' which directly acknowledged the role of the planned Castle Towers expansion. As the time of gazettal, the existing shopping centre already substantially exceeded the applicable development standards. Strict adherence to the standards under LEP 2012 would preclude the capacity for expansion of the Castle Towers Shopping Centre, and in fact require a to fulfil the strategic directions for the centre. As noted in Figure 5, these development standards are entirely at odds with the development standards applied to other comparable shopping centres throughout Sydney. It is clearly evident that the applicable development standards under the local planning instrument are outdated and do not reflect the intended future character of Castle Hill.

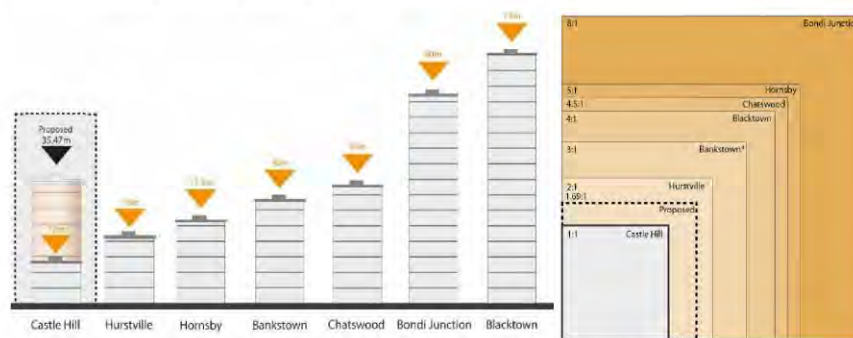


Figure 6 – Maximum height (left) and FSR (right) controls applying to comparable shopping centres in Sydney
Source: JBA

The Hills LEP 2012 is progressively being updated on a site-by-site basis to take into account the nature of Castle Hill as a strategic centre. A number of LEP amendments have been progressed by Council over the past 24 months to rezone parcels of land including:

- Terminus Street site – 2.3:1 to 3.8:1, 45 metres
- Pennant Street Target site – 5.5:1, 54 metres
- Crane Road site – 6.4:1, 68 metres



Figure 7 – Indicative photomontages of planned buildings for Pennant St Target site (left) and Crane Rd site (right)
Source: Top Place

On each of these sites (which adjoin the Castle Towers Shopping Centre), the development standards significantly exceed the scale of development proposed under the Stage 3 Expansion. The implemented standards are considered to be more representative and a far more representative of the intended future development character across the Castle Hill strategic centre including the QIC land. As noted in the following section, QIC are separately progressing a strategic planning process with Council to update the planning controls for the site.

Fortunately, The Hills LEP 2012 recognises the need for a flexible approach to development standards by permitting exceptions to achieve better outcomes for and from development under Clause 4.6. Given the outdated nature of the existing development standards, and their inconsistency with the objectives of strategic and statutory planning instruments for the site and Castle Hill, we are of the view that there is strong planning and legal merit in these variations ultimately being approved. We note that the JRPP is seeking legal advice from the Department of Planning & Environment on this matter separately.

Planning Proposal

To remedy the discrepancy between the clear strategic intent for the Castle Towers site and the existing statutory planning controls, QIC took the step of submitting a Planning Proposal to The Hills Shire Council in December 2015. In order to minimise the burden on the planning system, this proposal included two components:

1. Increase to the base development standards for building height and floor space ratio to reflect the currently proposed Stage 3 Expansion to the Castle Towers Shopping Centre.
2. Requirement for a site-specific master plan (DCP or Stage 1 DA) to be prepared for any future development for other office, visitor accommodation or residential land uses within the airspace above the Castle Towers Shopping Centre.

The Planning Proposal has not yet been reported to Council due to ongoing discussions regarding the details and planning mechanisms for the second component of this proposal. As noted in Council's assessment report presented to the JRPP, there is agreement between QIC and Council that the LEP controls should be updated to reflect the Stage 3 Expansion. However, there is likely to be some delay in resolving the final details of the airspace proposal, and the statutory process for an LEP amendment is expected to take at least 6-12 months. We understand that the Commission will be provided with further detail regarding this second component by QIC's appointed urban designers. The 6 to 12 month delay would unnecessarily hinder the progression of the Stage 3 Expansion DA, and is not essential to the approval of the Stage 3 DA in any case given the flexibility provided by Clause 4.6 of LEP 2012.

Conclusion

We trust that the above information will assist the Commission in understanding the strategic and statutory planning matters relating to the Castle Towers Shopping Centre and Castle Hill strategic centre, particularly in relation to QIC's planned Stage 3 Expansion. We understand that there have already been preliminary discussions between the JRPP and GSC in relation to this matter, and QIC would be appreciative to understand if there were any matters arising from these discussions in which we can assist.

The Stage 3 DA is currently pending determination by the JRPP while the panel seeks advice regarding the strategic and statutory framework for the Castle Hill town centre. QIC would appreciate any assistance which the Commission is able to provide in resolving this matter in order to allow planning for Castle Hill to progress. To this effect, a timely letter from the GSC to the JRPP confirming the strategic planning vision for Castle Hill as a Strategic Centre under *A Plan for Growing Sydney* and the forthcoming District Plans would be greatly appreciated.

We would be happy to provide the Commission with a more detailed briefing or further information relating to this project as required. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or aduggan@jbaurban.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Andrew Duggan', written over a horizontal line.

Andrew Duggan
Director

ATTACHMENT 4 – PREVIOUS REPORT TO JRPP

JOINT REGIONAL PLANNING PANEL

18 AUGUST 2016

ITEM-2

JRPP REPORT - DA 864/2015/JP
(Sydney West Region)

JRPP No	2015SYW002
DA Number	DA 864/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	PROPOSED EXPANSION OF CASTLE TOWERS SHOPPING CENTRE
Street Address	VARIOUS LOTS, CASTLE TOWERS SHOPPING CENTRE, CASTLE HILL
Owner	QIC LTD, THE HILLS SHIRE COUNCIL AND TELSTRA CORP LTD
Number of Submissions	Eleven
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment value exceeding \$20 Million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • LEP 2012 • DCP Part C Section 1 – Parking • DCP Part B Section 6 –Business • SEPP Infrastructure 2007 • SEPP 32 – Urban Consolidation (Redevelopment of Urban Land) • SEPP 55 – Remediation of Land • SREP 20 – Hawkesbury Nepean River
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No
List all documents submitted with this report for the panel's consideration	Eleven Submissions
Recommendation	Approval subject to a Deferred Commencement consent condition
Report by	PRINCIPAL EXECUTIVE PLANNER KRISTINE MCKENZIE
Report date	18 August 2016

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EXECUTIVE SUMMARY

The Development Application is for the expansion of Castle Towers Shopping Centre. The Development Application will supersede previous approvals for works on the site. The proposed works are primarily contained within the existing shopping centre site which is bound by Showground Road, Old Northern Road, Old Castle Hill Road and Pennant Street. The site also contains land bound by Showground Road, Pennant Street and Kentwell Avenue. Vehicle access will be provided from this part of the site, with access provided from Showground Road and the corner of Showground Road/Kentwell Avenue to underground tunnels which feed into carparking areas and a loading dock area. Compared to the previous approval for expansion, the subject Development Application will consolidate the shopping centre into the existing centre site without significant redevelopment of land west of Pennant Street.

The proposal includes a variation to development standards in LEP 2012 regarding floor space ratio (FSR) and height. Both the FSR and height of the current shopping centre (and the previously approved Development Application for its expansion) exceed LEP 2012 development standards. The FSR and height limits were introduced into the LEP after the development of the existing shopping centre.

The FSR limit for the site is 1:1 and the proposed FSR is 1.69:1. The height limit under LEP 2012 for the area of the works is 12 metres. The proposed maximum height is 35.47 metres. The proposed variations to FSR and height are considered appropriate given the Town Centre location and that the site is identified as a major centre under the Centres Direction and the Metro Strategy. The future character of Castle Hill is a retail and commercial core surrounded by relatively high density residential development. The proposed development will result in a development of a scale commensurate with a major centre.

The proposal also seeks variations to DCP Part C Section 8 Business and Part C Section 1 – Parking. The variations relate to parking provision, setbacks, building height plane, bicycle parking and loading facilities. The variation to parking, bicycle parking and loading bays are considered satisfactory given the proposed parking ratio across the site, the implementation of a pay parking scheme, and the park assist system which will be extended across the new parking areas. In addition, the completion of the enhanced bus interchange and the rail will increase public transport options. There will also be adequate loading facilities to cater for the expanded centre. In respect to setbacks and building height plane, the proposal includes upgraded external finishes which will improve the streetscape. As the building is separated by various roads, any impacts to adjoining property owners in respect to amenity will be reasonable due to the location of works.

The site contains three heritage items located at the corner of Old Northern Road and Showground Road. The proposal includes works within and under the heritage precinct. The works include the dismantling of the 1930s classroom block and its reconstruction, the retention in situ of the 1880s school house including jacking up of the building to a new finished height, and retention of the former Police Station.

The proposal requires concurrence from Sydney Trains due to the proposed works within and above the rail corridor protection zone. Sydney Trains have granted concurrence subject to a Deferred Commencement condition which requires an Agreement to be entered into to address the potential impacts of the development on the rail network.

The RMS have provided detailed requirements for roadworks within the locality which include new signalised intersections, upgrade to existing roads and traffic flow improvements. The proposal also requires concurrence due to the proposed tunnels under Pennant Street. Since the approval of the original/previous application, a Voluntary Planning Agreement (VPA) has been entered into and executed by Council, RMS and QIC which requires certain roadworks to be undertaken. Some amendments to the VPA will be required to reflect the current proposal, however as a result of the proposed expansion works, significant road works will be undertaken along Showground Road which will benefit the broader community.

The proposal relies on construction works within, and therefore leasing of, part of Kentwell Avenue and Castle Street. Given the property dealings an independent peer review of the application has been undertaken. The peer review concludes that the judgement and conclusions reached in the assessment report are reasonably made.

The proposal was notified on two occasions to adjoining property owners and a total of 11 submissions were received during the assessment of the application, including one submission in support of the proposal. In broad terms, the issues raised relate to orderly development, compliance with LEP and DCP standards, economic impact, amenity impact and traffic. The issues raised within the submissions have been addressed within the report and do not warrant refusal of the application.

The development will result in a significant economic benefit and the provision of a large number of jobs. It will provide an improvement on current built form and provide areas of attractive public domain. The development will not result in significant adverse impacts with respect to privacy or overshadowing. The traffic impacts of the proposed development have been considered and will be appropriately managed through a combination of the upgrade works to Showground Road, traffic improvements on local roads, improved access to the parking areas and the use of a parking assist system which will allow customers to identify the location of available car spaces when entering the centre.

The Development Application is recommended for approval subject to conditions including a Deferred Commencement consent condition requiring the property owner to enter into an Agreement with Transport for NSW to address the potential impacts of the approval on the Sydney Metro Northwest.

In the absence of the JRPP process, this matter would be determined by Council due to the variation to LEP floor space ratio and height standards exceeding 10%.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	QIC Ltd, Telstra Corp Ltd and The Hills Shire Council	1.	<u>LEP 2012</u> - Permissible with consent. Variations requested to LEP 2012 standards for FSR and height.
Zoning:	B4 Mixed Use	2.	<u>DCP Part B Section 6 Business</u> - Variations required, see report.
Area:	140,806.15m ²	3.	<u>DCP Part C Section 1 Parking</u> - Variations required, see report.
Existing Development:	Castle Towers Shopping Centre	4.	<u>SEPP Infrastructure 2007</u> - Satisfactory.
		5.	<u>SEPP 32 Urban Consolidation</u> - Satisfactory.

		6.	<u>SEPP 55 Remediation of Land</u> - Satisfactory.
		7.	<u>SREP 20 Hawkesbury Nepean River</u> - Satisfactory.
		8.	<u>Section 79C (EP&A Act)</u> - Satisfactory.
		9.	<u>Section 94 Contribution</u> - currently \$13,367,159.76 with a reduction following the execution of the VPA by \$2,340,000 (revised total \$11,027,159.76).

SUBMISSIONS**REASON FOR REFERRAL TO JRPP**

1. Exhibition:	Yes, 14 days.	1.	Capital Investment Value in excess of \$20 million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	334		
4. Submissions Received:	First Notification: Three Second Notification: One Additional Submissions: Five		

HISTORY

Development Application 297/2008/HB was approved by Council at its Ordinary Meeting for the Stage 3 expansion of Castle Towers on 8 February 2011. This approval allowed an expansion of the centre by a gross leasable floor area of 60,487m², which resulted in a total gross leasable floor area of 173,684m². A total of 8492 car spaces were also proposed across the competed centre.

This approval was over a larger site area than the subject application, including land bounded by Castle Street, Kentwell Avenue, Showground Road and Pennant Street. The approved layout included extensive works on that part of the site. These works have been deleted from the current proposal, with that part of the site used only for vehicle access.

The approval also included variations to the FSR and height limits under the LEP. These variations were similar to those currently proposed.

In effect, the current proposal has further reduced the potential for impact to adjoining properties by the relocation of works to the existing shopping centre site. This has resulted in the need for significant excavation to accommodate lower levels of parking however has limited the potential for sprawl of the centre.

Subsequent to the above approval, Development Application 297/2008/HB was amended on two occasions. Modification Application 297/2008/HB/A was approved by Council at an Ordinary Meeting on 11 March 2014. This application amended Condition 34 which related to RMS roadworks requirements to reflect those works which were incorporated into the Voluntary Planning Agreement (VPA). The application also amended Condition

44 which related to Section 94 Contributions. The Section 94 Contribution was reduced having regard to works and monetary payments required under the VPA.

Modification Application 297/2008/HB/B was approved by Council at an Ordinary Meeting on 09 September 2014. This application sought to reduce the gross leaseable floor area of the approved centre expansion by 8000m². This which was balanced by an increase of the same amount for the proposed Stage 1 alterations and additions subject to a separate Development Application DA 1287/2013/JP.

Development Application 1287/2013/JP was approved by the JRPP on 30 September 2014. This application was for alterations and additions within the existing Stage 1 area of the shopping centre. The works included an additional 8000m² of gross leaseable floor area (which was balanced by a loss of the same amount of GLFA from the approved Stage 3 expansion approved under 297/2008/HB and subject to modification application 297/2008/HB/B). The additional floor area principally came from the addition of a new retail floor within the centre and included modernising the internal layout and external façade of the centre. The maximum height of the proposal was 34 metres.

Modification Application 297/2008/HB/B and DA 1287/2013/JP resulted in a balance of GLFA and allowed a gross leaseable floor area of 173,684m² and an FSR of 1.3:1.

QIC have indicated that they will not proceed with either the approval for the expansion or the alterations and additions and both approvals will be surrendered. A condition has been recommended to this affect (See Condition 51).

- 08/02/2011** Development Application 297/2008/HB approved by Council at its Ordinary Meeting for the Stage 3 expansion of Castle Towers.
- QIC have indicated that they will not proceed with this application and it will be surrendered.
- 30/09/2014** Development Application 1287/2013/JP for alterations and additions to the existing shopping centre approved by the Joint Regional Planning panel (JRPP).
- QIC have indicated that they will not proceed with this application and it will be surrendered.
- 23/12/2014** Subject Development Application 864/2015/JP lodged.
- 16/02/2015** Letter sent to the applicant requesting additional information regarding owner's consent, works in Heritage Square, VPA, use of the remainder of site, FSR, pay parking, trolley management, parking, setbacks, public art, fire safety, engineering and drainage matters.
- 12/05/2015** Additional information submitted by the applicant.
- 12/06/2015** Further letter sent to the applicant requesting additional information regarding the works within Heritage Square, VPA, the provision of access along Castle Street during construction, trolley management, public art and Police comments.
- 06/08/2015** Additional information submitted by the applicant.

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- 14/08/2015** Email sent to the applicant requesting additional information regarding heritage.
- 09/09/2015** Meeting held with the applicant to discuss the submission of amended plans and information in regard to the provision of a link between Castle Towers and the NWRL train concourse.
- 24/09/2015** Additional heritage information submitted by the applicant.
- 21/10/2015** Further email sent to the applicant regarding outstanding heritage information.
- 30/11/2015** Amended plans and information submitted by the applicant. This information primarily proposed the underground connection between Castle Towers and the NWRL train concourse.
- 11/12/2015** Additional heritage information submitted by the applicant.
- 14/01/2016** Email sent to the applicant requesting additional information regarding heritage.
- 01/02/2016** Additional heritage information submitted by the applicant.
- 29/02/2016** Amended plans submitted by the applicant which removed encroachments of the B2 car park from the rail corridor.
- 04/04/2016** Amended plans and information submitted by the applicant. This information included the deletion of the underground connection between Castle Towers and the NWRL train concourse.
- 03/05/2016** Amended plans submitted by the applicant including clarification regarding car parking numbers and FSR.
- 13/05/2016** Letter of concurrence received from Sydney Trains.
- 25/05/2016** Advice received from Transport for NSW that owner's consent is not required for the application due to amendments which deleted encroachments from the rail stratum.

PROPOSAL

The proposal is for the expansion of Castle Towers Shopping Centre. The proposed works will supersede the previously approved Development Application. The revised Development Application principally seeks to consolidate works within the existing shopping centre area.

The proposed works are primarily contained within the existing shopping centre site which is bound by Showground Road, Old Northern Road, Old Castle Hill Road and Pennant Street. The site also contains land bound by Showground Road, Pennant Street and Kentwell Avenue. Vehicle access will be provided from this part of the site, with access provided from Showground Road and the corner of Showground Road/Kentwell Avenue to underground tunnels which feed into carparking areas and a loading dock area.

The proposed Development Application, when compared to the previous approval, will result in a design which consolidates the works into the existing centre site without substantial redevelopment of land west of Pennant Street. This has been achieved through the increase in excavation works to provide lower levels of basement parking and retail and also allows the existing levels of the centre to be extended toward the Showground Road end of the site to improve customer access throughout the centre.

In general the works include:

- the demolition of the existing building generally south of the former Eric Felton Street (from Target and David Jones), the sky bridge over Castle Street and the Piazza;
- construction of new works to the rear of the heritage buildings and the southern part of the existing site;
- use of part of Castle Street for retail purposes, with 24 hour pedestrian access being maintained;
- new commercial space on Level 5 fronting Old Castle Hill Road;
- upgrade of the mall areas within the existing centre;
- an additional 2262 car spaces, which will provided 7996 spaces overall;
- construction of vehicle access tunnels under Pennant Street to provide entry to the new basement level carpark from Showground Road eastbound, exit to Kentwell Avenue and Pennant Street northbound. This includes two tunnels constructed under Pennant Street which provide access to carparking levels; and
- installation of a ticketed paid parking system; and
- creation of a new 'Heritage Square' including the dismantling, realignment and reconstruction of the former Castle Hill Public School buildings on Old Northern Road and the retention of the former Police station.

The proposed works will result in:

- (i) A total gross floor area (GFA) of 238,575m² and a gross leasable floor area (GLFA) of 193,457m²;
- (ii) A total floor space ratio (FSR) of 1.69:1; and
- (iii) A total of 7,996 car parking spaces.

There is no signage proposed as part of this Development Application. New signage will be subject to a further Development Application.

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

General Shopping Centre

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

New Piazza and Heritage Restaurant Precinct

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

Cinemas

Open to 12.30am seven (7) days per week

Supermarkets and Major Tenancies

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

The proposed works include significant excavation to construct the basement parking levels and associated loading docks. Given the location of the works and extent of excavation works in relation to the tunnels required for the North West Rail Link, the proposal was referred to the relevant Authority for review and concurrence (See Section 6).

The applicant has advised that the Castle Towers, when redeveloped, will result in the creation of around 3300 jobs, with around 1360 direct construction jobs.

Minor subdivision works will be required to be undertaken by the applicant to firstly consolidate the lots east of Pennant Street into one development site, and secondly to address road works undertaken as part of the proposal which will result in minor changes to lot boundaries.

As outlined in the history, Development Consent 297/2008/HB (as amended) was approved on 11 February 2011. The following comparison table details the existing, approved and proposed works.

Criteria	Existing Centre	Approved under DA 297/2008/HB	Proposed under 864/2015/JP
Site Area	106,594.45m ²	152,437m ²	140,806.15m ²
Gross Floor Area (GFA)	132,779m ²	198,336m ²	238,575m ²
Gross Leasable Floor Area (GLFA)	113,197m ²	173,684m ²	193,457m ²
FSR	1.24:1	1.3:1	1.69:1
Parking Spaces	5639 spaces	8492 spaces	7996 spaces

Should the subject application be approved, the previous Development Application for the Stage 3 expansion will be superseded. A condition of consent has been recommended requiring that the previous consent be surrendered prior to the issue of a Construction Certificate (See Condition 51).

Given Council's property interests, the extent of the proposed works and the proposed road closures and associated land leasing, an independent peer review of the application was undertaken. The peer review is Attachment 34. As a result of the peer review this report has been amended slightly to address various matters and some conditions have been revised.

The proposed development is over various lots as follows:

Lot 600 DP 1025421, Nos. 6-14 Castle Street
Lot C DP 411711, No. 2 Castle Street
Lot D DP 411711, No. 1 Old Castle Hill Road
Lot 101 DP 1000798, Nos. 264 - 266 Old Northern Road
Lot 3 DP 658279, No. 268 Old Northern Road
Lot 1 DP 574504 and Lot C DP 445614, No. 270 Old Northern Road
Lot 1 DP 135699, No. 272 Old Northern Road
Lot 500 DP 1006106, No. 274 - 280 Old Northern Road
Lot 101 DP 774379, No. 1 Castle Street
Lot 102 DP 774379, No. 4 Castle Place
Lot 1 DP 1031769, Castle Street
Lot 2 DP 1031770, Castle Place
Lots 1 - 10 DP 135596 and Lot 10 DP 20028, Nos. 4 - 22 Showground Road
Lot 8 DP 28135, No. 26 Showground Road
Lot 9 DP 28135, No. 24 Showground Road
Lot 111 DP 880469, No. 2 Showground Road
Lot 1 DP 137044 and Lots 12 and 13 DP 2496 Section 3, No. 2 - 10 Pennant Street
Lot 26 DP 28896, 5-5A Kentwell Ave
Lot 27 DP 28896, 3 Kentwell Ave
Lot 28 DP 28896, 1 Kentwell Ave

Land currently forming part of Castle Street, Pennant Street and Kentwell Avenue to facilitate road closures, tunnel and walkway construction.

The proposal exceeds a Capital Investment Value of \$20 million and as such will be determined by the Joint Regional Planning Panel. The works have a Capital Investment Value of \$911,530,239.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

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

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

The proposed development has a capital investment value of \$911,530,239 thereby requiring referral to, and determination by, a Joint Regional Planning Panel.

2. Compliance with LEP 2012

a. Permissibility

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

commercial premises means any of the following:

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

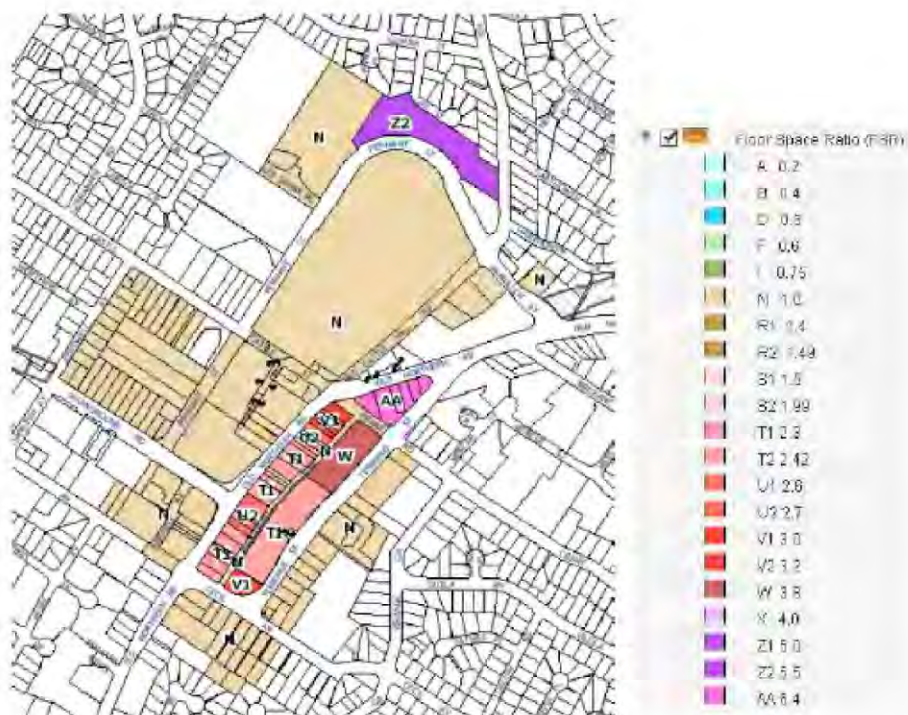
Retail and commercial uses are permissible within the zone. The proposal is for alterations and additions to the existing shopping complex which is a permissible use.

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

b. LEP Floor Space Ratio (FSR)

LEP 2012 limits FSR to 1:1. The current FSR exceeds the LEP standard. The FSR limit was introduced into the LEP after the development of the existing shopping centre. The proposed FSR is 1.69:1.

The plan below shows the LEP FSR limit:



The applicant has requested a variation to the LEP control and has submitted a detailed justification which concluded as follows:

That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, given:

- *the objectives of the standard are achieved notwithstanding noncompliance with the standard, as the proposed FSR allows for a built form commensurate with Castle Hill's role as a major strategic centre;*
- *the underlying object or purpose would be defeated or thwarted if compliance was required, as it would not result in an appropriate density given the size and regional significance of Castle Hill; and*

- *the development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard; a number of consents significantly contravening the standard have been granted over the past decade.*

That there are sufficient environmental planning grounds to justify contravening the development standard given:

- *the development will not result in any significant adverse impacts in terms of visual impact, overshadowing or other built form-related impacts;*
- *the development's traffic and parking impacts are acceptable;*
- *the development will result in significant economic benefit and the provision of a large number of jobs; and*
- *the development improves substantially on the built form and urban design outcome of the previous centre, and offers significant benefit in terms of public domain and access improvements.*

It is therefore requested that Council grant development consent for the proposed development despite its contravention of the FSR development standard in LEP 2012.

Comment:

The subject proposal includes a variation to LEP 2012 in regard to floor space ratio (FSR). The current FSR exceeds LEP 2012 standards. LEP 2012 limits the FSR to 1:1. The proposed FSR is 1.69:1.

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

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

The objectives of Clause 4.6 of LEP 2012 are:

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

The relevant objectives of the B4 Mixed Use zone are:

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

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

The proposed new floor area will provide additional shopping area for residents and customer within the existing built form and site. The proposed floor area works are located on the existing shopping centre and will have a negligible impact to adjoining property owners given the separation across existing public roads. The proposal will also allow the continued centralisation of works within the existing site area. The works are also compatible with the existing land use on the site and the surrounding commercial area. As such the proposal is considered to be appropriate having regard to the relevant objectives.

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

It is also appropriate to consider the proposal in respect to the future development of surrounding land. The site as a whole is surrounded by various land zonings and current uses. In particular, consideration has been undertaken of the potential impacts upon residential properties. Parts of the Castle Hill area are currently under review due to the higher density development which may be a result of the Station Precinct Planning being undertaken by the Department of Planning and Environment. This is likely to result in higher density development being undertaken, particular adjacent to the northern part of the centre. The existing development in the area includes single dwellings, townhouses and apartments. The proposed FSR will not adversely impact on the existing or future development.

It is also noted that Council has adopted LEP FSR requirements for Crane Road Precinct, Terminus Street Precinct and Pennant Street Target site which exceed the 1:1 FSR over Castle Towers.

The FSRs adopted are as follows:

- Terminus Street Precinct adopted an FSR on differing portions of the land of between 2.3:1 and 3.8:1.
- Pennant Street Target Site adopted an FSR of 5.5:1.
- Crane Road Precinct adopted an FSR of 6.4:1

On this basis the proposed FSR is relatively modest and is more than in keeping with other existing and future precinct developments.

Development around the Castle Hill Town Centre has been long anticipated given the identification of Castle Hill as a 'major centre' in Council's Centre's Direction and the need to meet the retail demands of the area. In addition, the Metro North West and bus interchange has ensured that the site will have a high level of accessibility for customers which will promote retail demand. In this context, the proposed FSR is considered satisfactory.

Clause 4.6(3) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

Comment: The FSR limit currently applied under LEP 2012 is considered to be unreasonable and unnecessary. The FSR limit was applied to the site as a direct translation of LEP 2005 and the Business DCP and does not reflect the importance of the site as a 'strategic centre' as identified within 'A Plan for Growing Sydney'. As outlined within the above LEP extract plan, the FSR on adjoining sites is more reflective of the development of the area which is close to existing and future commercial areas, increased residential densities and existing and future public transport.

- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: There are sufficient planning grounds to justify the proposed FSR. These planning grounds include the current FSR under LEP 2012 applying to the immediate area, the importance of the site in a local and regional context and the centralisation of the works on the site. It is also noted that the current approved FSR exceeds the LEP standard.

Clause 4.6 (4) of LEP 2012 states:

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

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

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

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

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

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

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

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

c. LEP Height Limit

The LEP height limit for the area of the site the subject of the proposed new or expanded building works is 12 metres. The proposed works have a maximum height of 35.47 metres located at the new cinema complex. This represents a maximum 195.6% variation to the LEP standard.

The current height of the centre exceeds the LEP standard. The height limit was introduced into the LEP after the development of the existing shopping centre.

The applicant has requested a variation to the LEP control and has submitted a detailed justification which concluded as follows:

Council can be satisfied that:

- *the proposed development achieves the objectives of clause 4.3 in LEP 2012, despite the contravention of the development standard;*
- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case because the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard; and*
- *there are sufficient environmental planning grounds to justify contravening the development standard, as the proposed development is consistent with the bulk and scale of other major shopping centres across Sydney, and will not result in any significant environmental impacts when compared to the previously-approved development.*

It is therefore requested that Council grant development consent for the proposed development even though it contravenes the height of buildings development standard in LEP 2012.

Comment:

LEP 2012 limits the height for the site to 12 metres. The proposed height is a maximum 35.47 metres at the cinema complex. This represents a maximum 195.6% variation to the LEP standard.

The plan below shows the LEP height limit:



The existing maximum height of the centre is 33 metres to the top of the existing skylight facing Castle Street near the Pennant Street intersection. Note: the existing works were constructed prior to the height limit under LEP 2012. It may also be noted that the height approved under DA 1287/2013/JP (approved on 30 September 2014 by the JRPP) for the alterations and additions to Castle Towers approved a maximum height of 34 metres.

The objectives of Clause 4.3 are as follows:

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

The objectives of Clause 4.6 of LEP 2012 are:

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

The relevant objectives of the B4 Mixed Use zone are:

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

The proposed height of the development is considered appropriate given the location of the proposed works and the future desired character of the Castle Hill Town Centre. The proposed works are located on the existing shopping centre site. The proposed works are separated by the existing road carriageway and the site is considered to be discrete in its location.

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

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

It is also noted that Council as adopted LEP height limits for other sites which exceed the 12 metre height limit over Castle Towers. The heights adopted include:

- Terminus Street Precinct adopted a height of 45 metres.
- Crane Road Precinct adopted a height of 68 metres.
- Pennant Street Target Site adopted a height of 54 metres.

In addition to the above, it is noted that the portion of the site bound by Pennant Street, Showground Road and Kentwell Avenue has an LEP height varying from 7 metres to 28 metres.

Development around the Castle Hill Town Centre has been long anticipated given the identification of Castle Hill as a 'major centre' in Council's Centre's Direction and the need to meet the retail demands of the area. In the context of the above height limits within the immediate area, the proposed height is considered to be appropriate for the area and will not unreasonably impact on the locality.

Clause 4.6(3) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

Comment: The height limit currently applied under LEP 2012 is considered to be unreasonable and unnecessary. The height limit was applied to the site as a direct translation of LEP 2005 and the Business DCP and does not reflect the importance of the site as a 'strategic centre' as identified within 'A Plan for Growing Sydney'. As outlined within the above LEP extract plan, the height on adjoining sites is more reflective of the development of the area which is close to existing and future commercial areas, increased residential densities and existing and future public transport.

- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: There are sufficient planning grounds to justify the proposed height. These planning grounds include the current height under LEP 2012 applying to the immediate area, the importance of the site in a local and regional context and the centralisation of the works on the site. It is also noted that the current approved height exceeds the LEP standard.

Clause 4.6 (4) of LEP 2012 states:

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

- (a) *the consent authority is satisfied that:*

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

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

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

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

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

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

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

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

3. Carparking

a. Carparking Numbers

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

The existing GLFA for Castle Towers is 113,197m² and there are currently 5506 carparking spaces on site (comprising 5179 permanent spaces and 327 temporary spaces near Les Shore Place). The existing carparking on the site is currently provided at a rate of 1 space per 20.55m².

Note: the above parking figures include the approved enabling works under DA 1286/2015/HA, however the additional GLFA of the site office approved under this DA has not been included due to its temporary nature.

The subject application proposes an additional GLFA of 80,260m². A total of 2262 carparking spaces are proposed. The completed development (ie: existing and proposed works) will have a GLFA of 193,457m² and 7996 car parking spaces. This produces a carparking rate of 1 space per 24.2m².

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

3. Provision of Parking Spaces and Temporary Parking Duration

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

The temporary car park and surplus is to be used only until Stage 3 of Castle Towers Shopping Centre is built, which must incorporate 328 car parking spaces for the additional approved floor space (being 377 parking spaces minus the 49 parking spaces constructed as permanent parking within Level 1A Area D). At this

time, the temporary car park will remain as additional spaces for use in busy periods and not included as permanent parking for the assessment of any additional floor space for Castle Towers Shopping Centre.

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

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

Based on the DCP rate of 1 space per 18.5m² the proposed works would require the provision of 4339 spaces based on a GLFA of 80,260m². In addition, 328 spaces are required for the Myer development which results in a total of 4667 spaces being required for the site. There are 2262 additional spaces to be provided on site which represents a shortfall of 2405 spaces.

b. Variation to Parking

As outlined above, the DCP requires that parking for a retail shopping centre be provided at a rate of 1 space per 18.5m² of gross leaseable floor area (GLFA). The current rate of parking provided on site is 1 space per 20.55m². The proposed rate of parking based on a GLFA of 193,457m² and 7996 spaces is 1 space per 24.2m².

The applicant has submitted a detailed traffic and parking report which has considered the existing road network, traffic generation, including traffic modelling, consideration of other similar centres, required road upgrade works, public transport, parking surveys for the centre and related considerations. The report has concluded that adequate parking is available to cater for customers to the centre.

The parking surveys undertaken were at peak times on a Thursday from 8.30am to 8.30pm and Saturday from 8.30am to 6pm. The surveys indicated that there were a maximum 756 parking spaces available on the Saturday and 587 spare spaces available on a Thursday, with the centre generally operating with parking at 85-90% capacity. It is noted that these figures are similar to those identified in the previous application (297/2008/HB).

The objectives of the DCP are:

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

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

On the basis of the use of a commensurate rate with the Rouse Hill Town Centre, based on a rate of 1 space per 23m², the additional works would require 3490 additional spaces based on a GLFA of 80,260m². In addition, the Myer development would require an additional 328 spaces to be included which would result in 3818 additional spaces being required.

The 'RTA Guide to Traffic Generating Developments' (October 2002) suggests a parking rate of 1 space per 24.3m² (4.1 spaces per 100m²) for shopping centre with a GLFA over 30,000m². The proposed rate of 1 space per 24.2m² satisfies this requirement.

The applicant has installed a dynamic parking system within the existing centre – see comments below. This system will be installed within the new parking areas.

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

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

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

The applicant proposes to install such a system, and a relevant consent condition has been included requiring that system to deal with all of the car parking areas. This is the main reason why the car parking rate proposed in this DA is satisfactory.

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

The construction of the Sydney Metro Northwest Rail Link will dramatically increase travel choice. However the traffic analysis has not been modified to allow for a reduction in parking demand or traffic generation associated with the application as a result of the improved public transport options. The conclusions and subsequent recommendations of this report regarding traffic generation and parking demand are therefore conservative.

Based on the above comments it is considered appropriate to require the installation of a dynamic parking system within the new parking areas. This will ensure that customers are able to identify areas of available parking either at street level or within the carparking areas, can locate a space, park quickly and conveniently and will assist in minimising congestion on local roads and within the carparking areas.

A condition of consent has been recommended which requires that the dynamic system be installed prior to issue of the Occupation Certificate (See Condition 111).

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

c. Dynamic Parking System

On 26 February 2013, DA 531/2013/HA was approved for a dynamic parking system throughout the existing centre. The system has been installed and has been operation for around two years. The parking system comprises the following elements:

- Installation of bay sensors over each parking space to indicate whether the site is available or occupied;
- external traffic guidance;
- car park entry information boards;
- internal major decision point traffic way-finding signage; and
- internal aisle signage.

The system is similar to those used in other shopping centres throughout Sydney.

The proposal includes the installation of the same system through the new parking areas.

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

- Reduce queue delays at the entries to the centre;
- External signage will assist in diverting traffic to underutilised access points and available spaces;
- Reduce circulation time within the carpark by directing patrons to available spaces and reduces traffic blockages from vehicles waiting for spaces to become available;
- Use of sensors to alert management to traffic congestion of vehicles parked in restricted areas to improve circulation.

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

Consideration has been given to the proposed parking rate provided for the centre given that a variation is proposed to DCP rates. The installation of the existing dynamic system and its extension to the new parking areas will assist in ensuring that the parking area operates in an efficient manner.

A condition of consent has been recommended which requires that the dynamic system be installed prior to issue of the Occupation Certificate (See Condition 111).

d. Pay Parking

The proposal includes the use of a paid parking ticketing system. The works include the erection of boom gates to restrict parking and payment infrastructure. The applicant has advised as follows:

In 2011, a survey was also conducted, which documented the duration of stay of parked cars in Castle Towers. It was found that on Thursdays and Saturdays, 47% and 45% (respectively) of vehicles stayed for longer than three hours, with 9% and 17% of vehicles staying for over five hours.

With the completion of Castle Hill Station, this need will increase further, as commuters will be looking to use Castle Towers as a place to park during the day. Further, construction workers from both the NWRL and various construction sites around Castle Towers may also wish to park within Castle Towers.

These numerous factors show that there is a clear need for QIC to manage parking to ensure that car parking is available for legitimate patrons of Castle Towers.

The proposed scheme will require boom gates to be installed on all exits. GTA has conducted a queue length assessment to determine queuing capacity and to ensure queuing would not extend onto roads. Their assessment has shown that all entries and exits would provide adequate capacity for anticipated traffic flows.

The applicant has advised that the parking rates are likely to be as follows:

Time Period	Rate
0 - 3.0 hours	\$0
3.0 - 3.5 hours	\$5
3.5 - 4.0 hours	\$7
4.0 - 4.5 hours	\$10
4.5 - 5.0 hours	\$12
5.0 - 5.5 hours	\$16
5.5 - 6.0 hours	\$18
6.0 - 6.5 hours	\$25
6.5 - 7.0 hours	\$30
7.0 hours Plus	\$35
Lost Ticket/Max. Daily Rate	\$35
Staff Parking (>5 hours)	\$6
Staff Parking (<5 hours)	\$4

It is noted that a number of facilities within the Shire already utilise a pay parking arrangement, including Rouse Hill Town Centre, Winston Hills Shopping Centre and Norwest Private Hospital. The use of pay parking is prevalent among the majority of larger shopping centres within the Sydney area.

The proposed use of pay parking within the centre is considered satisfactory. Pay parking is used in various development within the immediate area and the broader metropolitan area and allows centre parking to be controlled and time limited to restrict, in many cases, longer term commuter parking (See Condition 4).

e. Access to Castle Street

The proposal includes the closure of Castle Street between Old Northern Road and Pennant Street to facilitate additional or upgraded entry to the shopping centre, new retail works and parking and driveway access. Attachment 25 shows the Castle Street closure plan. This includes the construction of a new vehicle access point to the centre from the western (lower) side of Castle Street, ramp to the existing Stage 2 development from the eastern (higher) section of Castle Street and upgraded access to the shopping centre. The works also include the construction of new retail areas over Castle Street. Whilst the land negotiations involved are separate to the assessment of the application, the need to consider continuous public access along the former (if land negotiations are successful) public road are relevant. In this respect there are a number of key sites located on both the western and eastern side of the shopping centre and access through the former public road is required. These key sites to the west include the Castle Hill Police Station, library and community centre, and a number of schools, whilst the key site to the east include the future bus interchange and train station.

In order to ensure that adequate pedestrian access is provided through Castle Street a condition of consent has been recommended which requires that 24 hour access be provided and maintained (See Condition 48).

f. RMS Requirements**(i) Upgrade Works**

The proposal was referred to the RMS under the provisions of SEPP Infrastructure as the proposed floor area exceeds 10,000m² and for concurrence. RMS have raised no objection to the proposal and have provided detailed requirements. The requirements address all aspects of the development. The matters addressed include new signalised intersections, upgrade to existing roads and traffic flow improvements.

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

- That unless otherwise agreed between parties, the widening and upgrading of Showground Road from two to four lanes between Carrington Road and Pennant Street in accordance with details contained in the VPA between RMS, Council and the Applicant (See comments below regarding the VPA).
- Upgrade to the Pennant Street/Castle Street intersection to allow separate turning lanes.
- Construction of the Pennant Street tunnel in accordance with Technical Directions.
- Upgrade to the McMullen Avenue/Old Castle Hill Road intersection to provide a separate left turn from McMullen Avenue into Old Castle Hill Road.

It is acknowledged that some of the above works may require night works to be undertaken by the applicant to satisfy the requirements of RMS and to ensure that road safety is maintained. Any variation to Council's standard hours for work will require the prior approval of Council's Manager Regulatory Services, with written notice to be provided to neighbouring properties at least 48 hours in advance (See Condition 90).

On the basis of the above, a condition has been recommended which states the RMS requirements (See Condition 44).

(ii) Voluntary Planning Agreement

Development Application 297/2008/HB for the Stage 3 extension of Castle Towers Shopping Centre was approved at Council's Meeting of 8 February 2011. The approval included Condition 34 which specified the RMS works required to be undertaken. In particular, the RMS required the upgrade of Showground Road from Carrington Road to Pennant Street to provide a minimum four lanes (two lanes in each direction) and three eastbound lanes between Pennant Street and Old Northern Road. The four lane carriageway was required to be constructed within the ultimate six lane carriageway ie: outer four lanes with wide median. This represented significant road works along Showground Road and would result in an improved road network.

Since the approval of Development Application 297/2008/HB, a Voluntary Planning Agreement (VPA) was entered into and executed by Council, RMS and QIC which required the above roadworks to be undertaken and including other minor works around signalised intersections. As such the majority of the works required by RMS are now covered by the VPA. The full scope of roadworks required by the RMS has not changed from their original requirements.

It is noted that the VPA will be required to be updated to reflect the new Development Application. On 26 July 2016 Council considered a report on the updated VPA and resolved to place the updated VPA on exhibition.

A condition has been recommended which requires that the Planning Agreement be executed prior to the issue of the Construction Certificate (See Condition 50).

In addition, some of the works identified in the VPA are also outlined within Council Section 94 plan. As such the section 94 contribution amount has been reduced having regard to works and monetary payments now required under the VPA.

In broad terms, the executed VPA requires QIC to make two monetary contributions to the RMS of \$2,000,000 (GST exclusive) and \$13,000,000 (GST exclusive) respectively and requires RMS to carry out the upgrade of Showground Road between Pennant Street and Carrington Road to four lanes and associated intersection works including any minor modifications to Council's side roads. As part of the upgrade of Showground Road the VPA also requires QIC to dedicate 13 parcels of land as public road.

The final design plans for the Showground Road upgrade have been completed and preliminary works have commenced. To date this work has included some service relocation and tree removal.

The proposal is considered satisfactory in regard to the VPA.

4. Relationship to Sydney Metro Northwest Works

The Sydney Metro Northwest link is currently under construction opposite Castle Towers. To date, the works have included significant cut works to construction the station and underground tunnelling activity. When completed, Castle Hill Station will be approximately 25 metres underground. Based on the current rate of works, it is anticipated that the rail will be commissioned in the first half of 2019.

The works to be undertaken by the Sydney Metro Northwest include pavement works, kerb and gutter, landscaping and associated works along Old Castle Hill Road (between Old Northern Road and Eric Felton Street). This work may also include pedestrian barrier fencing on Old Castle Hill Road to ensure that pedestrians use the established crossings

to ensure safety is maintained. In this regard, this section of Old Castle Hill Road, which is currently one way, will revert to a two way traffic flow. It may also be noted that whilst the majority of buses will utilise the new bus interchange in Old Northern Road, some buses will continue to access Old Castle Hill Road.

As outlined in the history, the applicant submitted plans which showed an underground connection between the centre and the rail concourse. This has now been deleted from the proposal however it is likely that in the future the link will be constructed to improve accessibility. The current design of the works in proximity to the rail will not adversely impact on a connection to the rail concourse in the future.

Discussions have been on-going between QIC and Sydney Metro Northwest regarding the interface area on Old Castle Hill Road with a view to undertaking works in a consolidated manner where possible ie: to ensure that completed works are not later demolished to satisfy requirements. In order to ensure that suitable pedestrian access is maintained, a condition has been recommended which requires that works along the Castle Towers frontage be undertaken in accordance with the civil design for the Station precinct (See Condition 61).

5. Relationship to Old Northern Road/Main Street Works

In late 2010, Council undertook works to upgrade Old Northern Road/Main Street between the intersection of Showground Road and Castle Street with works on both the street and footpath. The works included localised traffic calming, paving, landscape bays, formalised parking spaces and street furniture. The works have significantly contributed to the use of the area for outdoor dining and have assisted in promoting the street for outdoor activities run or endorsed by Council which involve the temporary closure of the street.

In order to ensure that the works along the Old Castle Hill Road frontage match the existing works, and to address any damage which may occur during the construction to the existing works, a condition has been recommended which requires that the public domain works are in accordance with the vision established for the public realm within the Castle Hill Town Centre.

Concerns have been raised by residents with Council Staff regarding the existing Plane trees located outside of Castle Towers (adjacent to David Jones) due to the lifting of the existing pavers, uneven levels and the use of the trees for roosting birds. It is agreed that this area requires work to be undertaken to ensure that safety of patrons to the centre is maintained. The Plane trees will be required to be removed, kerb and gutter and pavers replaced, and more suitable street tree planting undertaken (See Condition 55).

The proposed works will allow the continuation of Main Street and its ongoing activation of the public domain.

6. Government Authority Comments

The proposal requires concurrence from Sydney Trains and RMS. In addition the proposal was referred to: Sydney Water, Castle Hill Police, Endeavour Energy, NSW Heritage Office, NSW Fire and Rescue and Transport for NSW. Comments were received from Sydney Trains, RMS, Sydney Water, Castle Hill Police, Endeavour Energy, NSW Heritage Office, and Transport for NSW as detailed below. The RMS comments are above in Section 5.

a. Sydney Trains

The proposal requires concurrence from Sydney Trains under Clause 86 of SEPP Infrastructure 2007 due to the location of the proposed works above and within the rail corridor protection zone. The initial comments from Sydney Trains also advised that owner's consent was also required due to works within the stratum of subsurface land owned by Transport for NSW.

Transport for NSW have subsequently advised as follows:

The Proposed Development is partially located above the corridor of the Metro Northwest (MNW). Among other things, the Applicant originally sought to extend part of the Proposed Development into the stratum of subsurface land acquired and owned by Transport for NSW (TfNSW) for the MNW.

The amended plans referred by Council now include an amended basement design to remove encroachments by the Proposed Development into the subsurface land owned by TfNSW. Accordingly, land owner's consent is no longer required.

A letter of concurrence has also been provided by Sydney Trains for the works. This includes a Deferred Commencement condition which requires an Agreement to be entered into to address the potential impacts of the development on the rail network. The Agreement is similar to those imposed upon other developments. The Agreement also incorporates specific design criteria requirements. See Deferred Commencement consent requirement and Condition 40.

b. Sydney Water

Sydney Water advised that no objection is raised to the proposal. In regard to water supply, the works will require the construction of a new 375mm trunk main around the southern portion of the development site and connected to the existing 375 mm trunk main at the corner of Pennant Street and Castle Street, as well as the corner of Old Northern Road and Castle Street.

In regard to sewer, the amplification works will be required to the existing mains from Pennant Street to Rowallan Street from 225mm to a 300mm or a new 225mm sewer line parallel to the existing 225mm.

The applicant will be required to obtain a Section 73 Certificate for the proposed works (See Conditions 52 and 115).

c. Castle Hill Police

Castle Hill Police have provided comments based the proposed works in relation to potential for crime and anti-social behaviour, impact upon the Police Station which is located adjacent to Castle Towers at the corner of Pennant Street and Castle Street, and traffic and parking.

Impact on Crime and Anti-Social Behaviour

Castle Hill Police have advised that the site has been assessed and the overall crime risk rating would be classified as 'low'. However concerns have been raised that anti-social behaviour previously seen in Arthur Whiting Park may transfer to the Heritage Square precinct. As such security measures are required to be installed such as fencing, security guards, CCTV, lighting etc. It is acknowledged that during operating hours, natural

surveillance will be provided from shops which face towards Heritage Square. The Police have also raised concerns regarding malicious damage and graffiti to the heritage buildings.

The Police have requested that furniture used within Heritage Square either be bolted down or locked away after hours to prevent it being stolen or being damaged after hours.

Police also require that the public areas of Heritage Square be alcohol prohibited zones. This should not restrict cafes or licenced premises from obtaining a liquor licence. Police have also requested that any applications for use of Heritage Square for planned/special events be referred to Police for comment.

Police have requested that QIC request new businesses within the Centre to meet with a Police representative to discuss crime reduction opportunities.

Police have also requested that vegetation be maintained and that malicious damage be rectified within 48 hours.

Impact on Castle Hill Police Station

Police have raised concerns that the proposed works will impact upon Police ability to attend incidents in a timely manner due to the increased traffic in the area and an 'already overloaded road network'.

Police have advised that it may be '*appropriate to consider the relocation of Castle Hill Police Station due to the negative impact this will have on the ability of Police to perform to peak operational capacity. Should such relocation be likely, it would be desirable that QIC contribute to the costs associated with the relocation. It is envisaged that a customer facing facility for police in or adjacent to Castle Towers would be mutually beneficial*'.

The Police have suggested that QIC may find that the use of the Police property may assist traffic outcomes in regard to road widening.

Traffic and Parking

Police has raised concerns that the controlled parking arrangements may result in malicious incidents such as vehicles ramming the boom gates, people lifting boom gates which can result in damage and people tail gating out of boom gates.

Police have also noted that the closure of Castle Street will reduce the number of routes available for Police when responding to urgent jobs.

The Police have advised that they have no objection to the proposed external road improvements however concern was raised with the delays currently experienced on Pennant Street during peak shopping times and during start/finish times for Castle Hill Primary School in particular, and how the increased traffic generated by the development will be addressed to ensure that the road operates efficiently.

Police have advised that the non-compliance with Council's parking rates and loading bay requirements is a matter for Council to review. Police have suggested that the parking rate used should be similar to that of Rouse Hill Town Centre.

In regard to controlled/pay parking, Police raise concerns with a proposed 2 hour free period only and have advised that this should be increased to 3 hours. Police also support the use of the parking guidance system as it improved car parking utilisation in a proactive way.

In regard to the issues raised by Police, the purchase of the existing police station by QIC and the relocation of the Police station is not a matter for consideration with the application. A condition has been recommended in regard to other relevant matter raised by Police (See Condition 42).

d. Endeavour Energy

Endeavour Energy have advised that no objection is raised to the proposal. The proposal will require the upgrade of services and a final load assessment and method of supply will be reviewed.

The closure of Castle Street will require the removal of all high voltage cabling from the closed off section of Castle Street and diverted around the perimeter of the development.

Additionally a number of existing substations will also be relocated on the site due to the expansion of the centre. A number of new substations will also be required to cater for the new electrical loads expected from the new extensions.

The new expansion of the centre will require a new source of supply from the Endeavour Energy Cheriton Avenue Zone Substation located nearby on Showground Road. Endeavour Energy planning is well advanced with this application and previous advice has been slightly modified in regards to the supply of electricity to the revised Stage 3 expansion of the Castle Towers site.

The applicant will be required to liaise with Endeavour Energy regarding the proposed works (See Condition 41).

e. Heritage Council

The Heritage Council advised that as the heritage items are local items and are not listed on the State Heritage Register or subject to an Interim Heritage Order, no approval is required for the Heritage Office for any works.

f. Transport for NSW

Transport for NSW have requested that a number of conditions be imposed which principally require the applicant to continue liaison with TfNSW regarding the development and potential impacts upon the rail and bus operation (See Condition 43).

7. Economic Impact

The application was accompanied by an economic impact assessment. The assessment makes the following points:

- *An expanded Castle Towers would compete more directly with higher order regional shopping facilities, located beyond the trade area, than with the middle and lower order sub-regional and supermarket based centres located within the trade area. The most relevant competitive centres include Macquarie Centre, Westfield Parramatta, Westfield Hornsby, Westpoint Blacktown and Top Ryde SC.*
- *The role and function of regional, sub-regional and supermarket based shopping centres, both within and beyond the trade area, will not change as a result of the proposed expansion of Castle Towers. The expansion will not have a detrimental effect on the surrounding neighbourhood shopping centre network, as these centres will continue to serve the convenience needs of their respective local catchments.*
- *The expansion of Castle Towers will not impact the timing, role or function of future retail facilities in the North West Growth Centre, Kellyville or Balmoral Road. The development and expansion of those centres will be determined by appropriate population thresholds being achieved within their respective trade areas, not by future expansion of Castle Towers, which serves a much broader, regional role across those areas as well as many others.*

In addition, the assessment indicates that an estimated 2373 jobs could be created as a result of the expansion and an additional 949 jobs across the broader economy. In addition, the construction will generate an estimated 3540 construction jobs per year.

Comment:

In June 2009 Council adopted the 'Centres Direction' which provides an overall strategic context for the planning and management of the Shire's centres and their development and growth to 2031. The proposed development is consistent with the proposed B4 Mixed Use zone and future role of the Castle Hill Major Centre. In particular, the Centres Direction indicates that the demand for retail in Castle Hill by 2016 includes four additional large supermarkets, one additional small supermarket, two additional department stores and 334 additional specialty shops. According to the Direction there will be an undersupply of retail in Castle Hill in the future and as such the Stage 3 expansion of Castle Towers Shopping Centre will assist in meeting these retail demands.

Furthermore, the proposed development is considered consistent with the overall vision for a well-planned, vibrant, safe and attractive Town Centre that provides a range of living, shopping, working, transport and leisure activities. The proposed development assists this vision via a quality built form and private domain, improvements in road safety and pedestrian amenity.

'A Plan for Growing Sydney' (December 2014) sets a vision, goals and actions for the future development of the Sydney area. The Plan identifies The Hills as within the West Central Region and states:

The West Central subregion will be a significant focus for infrastructure investment and intensive growth over the next 20 years. Greater Parramatta will continue to be Sydney's second CBD and a focus for jobs growth and services delivery in Sydney's west. A growing and prosperous Greater Parramatta will be supported by a network of centres providing jobs and services closer to home for many of the subregion's residents. This will improve liveability and contribute to strong, resilient communities throughout the subregion.

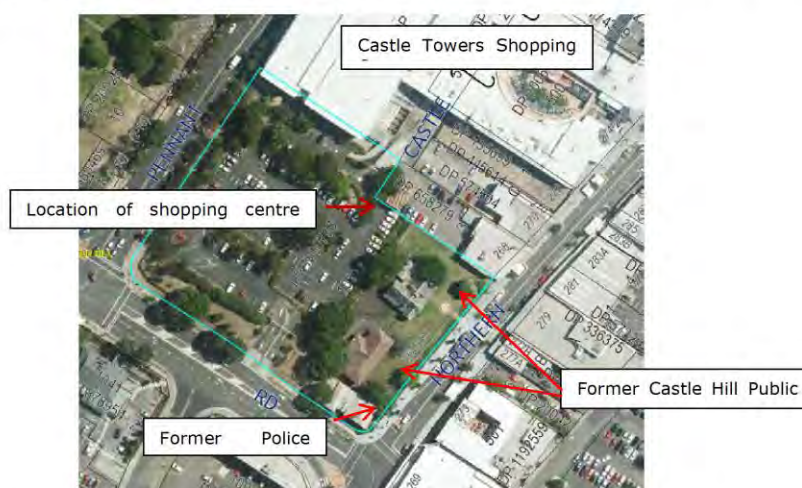
The plan identifies Castle Hill as 'strategic centre', with Parramatta identified as a 'CBD'. The proposal is consistent with the actions of the Plan to provide competitive growth and investment and manage long term growth.

The proposal is considered satisfactory in regard to economic impact.

8. Heritage

The proposal has been reviewed by Council's Forward Planner who has advised as follows in regard to heritage.

The property is listed in Schedule 5 of The Hills Local Environmental Plan 2012 as containing items of environmental heritage (see below).



Council's Heritage Inventory Sheet provides the following brief statement of significance for the heritage items:

- Castle Hill Public School (Sheet No. I63)
"GA Mansfield's schools can be found throughout the state and this is a fine example of his Neo-Gothic style of public school, in the year of transition from the Mansfield era to William Kemp's more classical style."
- Former Police Station (Sheet No. I64)
"An essential symbol of authority in the emerging suburb in the late Victorian period: a good example of the smaller police station of this period."

The proposal involves changes to all three heritage items and their curtilages as part of the Stage 3 expansion of the Castle Towers Shopping Centre. The proposed development involves the excavation of most of the site occupied by the school to provide additional parking for the centre. This will involve the creation of a terraced landscaped area on its roof which will be approximately 1 metre above the existing (sloping) ground level.

A Heritage Impact Statement (HIS) was submitted which outlines the following works:

1880s Schoolhouse:

It is proposed to retain the building in situ during the development through the use of subterranean and mechanical support during the construction period. The building will be jacked slowly to its new finished height and the new podium constructed around and below it. A detailed description of the method proposed has been provided in a structural report prepared by Mott MacDonald (17 April 2015).

The HIS provides the following details of permanent and temporary changes to the 1880s building:

- Permanent removal of rear additions (previously approved).
- Temporary removal of verandah floors, posts and framing and reinstatement when the building has been jacked to its new level. This is proposed to involve repair and/or replacement of timbers where required.
- Protection of roof during construction to prevent further damage (new roof cladding to be installed subject to subsequent development application).

1930s Classroom:

Given the simple structural form with good quality brick, together with the relatively modest significance of this building, the HIS proposes to dismantle the building carefully, store the elements and reconstruct it to the original form and detail on the new podium. This would be subject to the preparation of measured drawings and a detailed photographic record of the building, preparation of detailed reconstruction drawings, dismantling and storage of materials in a secure and protected location and reconstruction using retained fabric in the same location. A condition of consent is recommended that the submission of the measured drawings, photographic record and detailed reconstruction drawings be submitted prior the issue of a construction certificate (See Condition 65).

The HIS provides the following details of permanent and temporary changes to the 1930s building:

- Permanent removal of rear additions (previously approved).
- Permanent removal of one internal partition wall.
- Removal and reinstatement of wall and ceiling finishes that cannot be recovered.
- Reconstruct verandah as an open verandah and in new materials.

The applicant has indicated the building will be reconstructed within 21 months. A condition of consent is recommended that reinstatement of all building elements for the 1880s and 1930s buildings be undertaken with 21 months from the issue date of the Construction Certificate (See Condition 139).

Police Station:

The proposed works to the Police Building outlined in the HIS include:

- Permanent removal of rear additions (previously approved).
- Repair and replacement of roof sheeting and gutters for water protection.

Apart from the removal of the rear garage and some later additions, no works are proposed to this building. However, the building will be secured, made watertight, and gutters and downpipes reinstated for its protection.

The Heritage Impact Statement notes that the proposal and associated works to the heritage buildings are acceptable given that:

- The proposed works will allow for the adaptive reuse of the buildings whilst ensuring the buildings continue to 'read' as they currently do at present.
- The fabric of the school buildings will be retained and enhanced and an appropriate setting retained.
- The proposed landscaping will result in a mature, comfortable and appropriate setting for the historic buildings that will retain the sense of both visual connection and physical separation seen today between the group and Old Northern Road.
- The buildings will remain as visually prominent features in the landscape. The design of the main shopping centre wall behind the heritage items is substantially approved from the previous approval.

A schedule and plans of the proposed works to the heritage buildings has also been submitted which reflect the recommendations of the HIS. The plans detail the extent of changes to the heritage buildings. The proposed works are limited to those previously approved or those required to repair/replace damaged materials and ensure the protection of the items. The plans indicate that new materials will be made to match existing which is considered a positive outcome. A condition of consent is therefore recommended to ensure new materials match existing fabric of the building (See Condition 109).

The proposed works will help to preserve the heritage significance of the buildings and allow for their adaptive re-use into the future. Accordingly, the plans are considered acceptable from a heritage perspective and are supported.

9. Compliance with DCP Part B Section 6 - Business

The following table addresses compliance with the DCP requirements:

DCP STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Precinct Plans	Refer to Appendix A – Precinct Plan Maps Sheets 1 – 15.	There is a Precinct Plan map which relates to the Kentwell Avenue site and which specifies setbacks – see comments below.	NA
Site Analysis	Land with a slope greater than 20% is not suitable for development. Development applications for proposals on land with a slope of between 15-20% must be accompanied by a geotechnical report.	An appropriate level of site analysis has been undertaken identifying key features on the site.	Yes

	Disturbance to existing natural features is to be minimised. Development on land adjoining bushland reserves should incorporate measures (such as greater setback buffers) to prevent any impacts.		
Development Sites	The minimum site frontage requirement is 18 metres except Balmoral Road Release Area where the minimum is 60m. Consent may not be granted to an application that isolates an area of land that does not meet the minimum site area requirements. Ensure adequate provision of services has been made (water, sewer, energy, telecommunications and drainage).	All frontages exceed 18m. The development is contained within a discrete development site and does not isolate any land. Adequate provision has been made for services to the site.	Yes
Floor Space Ratio	Refer to Clauses 4.4 and 4.5 of LEP 2012 and Floor Space Ratio Maps.	The proposed FSR is 1.69:1. This is addressed in Section 2.	No – see Section 2.
Setbacks	Single and two storey retail / commercial development located along a public road may utilise a zero setback, other than in those site specific areas specified on the precinct plan maps.	The site is bound by public roads however the works exceed two storeys in height.	No, however the proposal is satisfactory given that it is bound by public roads. See comments below.
	For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be setback within a building height plane of 45° starting from a height of 8 metres.	The proposed works do not follow the required building height plane.	No, however the proposal is satisfactory given that it is bound by public roads. See comments below.
	6m setback if opposite or adjacent to Residential, Special Uses or Open Space zones or as specified on the precinct plan maps	The proposed new works are generally opposite other B4 Mixed Use land with the exception of the north-western corner (on	No, however the proposal is satisfactory given that it is bound by public

	in Appendix A. This area can only be used for landscaping and screening purposes or protection of ecological communities.	Pennant Street) where new development is proposed and which is opposite R1 and R4 land and across the Showground Road intersection at an oblique angle which is R4 land. It is noted that the northern, north-eastern and north-western and of the building is subject to façade changes which do not impact on existing setbacks.	roads. See comments below.
	Written consent is required from Integral Energy for developments proposed within an electricity easement.	There are no works proposed within an electricity easement.	Yes
	Minimum 40m from the top of the bank of the creek or otherwise to the requirements of the relevant concurrence authority.	NA	NA
	For development affected by a road widening proposal, the minimum setback is measured from the new alignment.	There is road widening identified at the corner of Old Northern Road and Showground Road however there are no new works proposed in this area.	Yes
Building Height	Refer to Clause 4.3 and 5.6 of Local Environmental Plan 2012 and Building Height Mapping Sheets for maximum building height requirements.	The LEP limits height to 12m. The proposed maximum height is 35.47m. This is addressed in Section 2.	No – see Section 2.
	For development not in the B2 Local Centre zone, the maximum height of buildings shall be 2 storeys.	NA	NA
Building Design & Materials	All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. However, use of new materials that	The proposed external materials and colours are in keeping with a contemporary retail shopping centre building of this size and scale. The materials are a mix	Yes

	<p>generate a lower environmental cost will be considered on their merits. Under no circumstances will masonry block work be permitted on external walls.</p> <p>Balconies/terraced areas adjacent to residential zones shall be suitably screened to prevent overlooking and privacy impacts on adjoining properties.</p> <p>All roof ventilators, exhaust towers and plant equipment is not to be visible from the public domain or residential area.</p> <p>Materials:</p> <ul style="list-style-type: none"> • Use low reflectivity materials on facades. • Avoid materials that contribute to poor internal air quality. • Preference should be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost, recycled material or materials with low embodied energy, better lifecycle costs and durability. • Designed in accordance with "Designing Safer Communities Guidelines" with visible entrances, no entrapment spaces and utilise anti-graffiti surfaces. Lighting should be unobstructed, appropriate and vandal proof. • Schedule of external finishes, perspective and landscaping details to be submitted with the DA. 	including pre-cast panels, metal, wood and sandstone. The proposed external design and appearance are satisfactory.	
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Signage	Refer to Part C Section 2 – Signage of The Hills DCP 2012.	Signage is subject to a later Development Application.	NA
Hours of Operation	Assessed on merit but must take into account the operation of loading docks, waste collection services and the use of cleaning/maintenance vehicles, out of hours.	The proposed hours of operation are consistent with the existing hours and are considered appropriate for a centre of this size.	Yes
Energy Efficiency	<p>The design of all buildings shall demonstrate passive solar design principles:-</p> <ul style="list-style-type: none"> • Window placement; • Building orientation; • Shading; • Insulation; • Thermal mass; • Ventilation; and • Incorporation of suitable landscaping. <p>Min 4 star greenhouse rating</p>	The proposal incorporates both passive and active design features such as glazing, thermal insulation, shading devices, green walls, zoning of air conditioning and intelligent artificial lighting control systems.	Yes
Biodiversity	Refer to Clause 7.4 – Biodiversity (Terrestrial) of LEP 2012.	There are no areas of biodiversity identified on the site.	NA
Erosion and Sediment Control	<p>Erosion and Sedimentation Control Plans / measures to be considered.</p> <p>The DA is to be accompanied with an Erosion and Sediment Control Plan (ESCP) prepared in accordance with “Managing Urban Stormwater - Soils and Construction” produced by the NSW Department of Housing.</p>	Appropriate erosion and sedimentation devices will be utilised during the construction period.	Yes
Fencing	<p>No fencing other than low ornamental type may be erected.</p> <p>Fencing along rear boundaries adjacent to drainage or open space shall be integrated with the landscaping.</p>	There is no fencing proposed.	NA

	<p>All chain-wire fencing is to be black or dark green.</p> <p>Pre-painted solid metal fencing is not acceptable.</p> <p>Fencing immediately adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.</p>		
Landscaping and Tree Preservation	<p>Existing trees, shrubs and groundcovers to be preserved where possible.</p> <p>Landscaping is to harmonise with building designs and consist of trees, shrubs, ground covers and grass (Kikuyu is prohibited in landscaped or lawn area).</p> <p>Landscaping is to be provided in accordance with Part C, Section 3 - Landscaping.</p> <p>Grassed embankments are not to exceed 1:6.</p> <p>All landscaped areas are to have a minimum width of 2.0m.</p> <p>Endangered ecological communities to be preserved and maintained in accordance with a Vegetation Management Plan.</p>	Appropriate landscape works are proposed around the perimeter of the site, including street trees, and in particular within the heritage precinct. The proposed landscape works are satisfactory.	Yes
Terminus Street Car Park	Refer to Precinct Plan.	NA	NA
Vehicular Access	<p>Access to a main road is not permitted where alternative access is available or can be acquired.</p> <p>Entry and exit in a forward direction</p>	The development proposes a number of new entry/exit points, and the retention and upgrade of existing accessed. The proposed vehicle access points are considered appropriate.	Yes

	<p>Design to comply with Council's Work Specifications, BHDCP Part C, Section 1 - Parking and the Australian Standards.</p> <p>Driveways from public roads are to be:</p> <ul style="list-style-type: none"> perpendicular to the road within the building setback; separated or divided at the property boundary for ingress and egress movements; sight distances are to be in accordance with Part D, Section 1 - Parking and Council's Design Guidelines for Subdivisions / Developments. 		
Car Parking	<p>Address THDCP Part C, Section 1 - Parking.</p> <p>All driveway and parking areas to be screened by a minimum 2m wide landscaped strip.</p> <p>Parking areas are to have 2m wide landscaping strips at a rate of 1 for every 10 car parking spaces and between parking aisles.</p> <p>Stacked car parking will not be included in the assessment of the number of car parking spaces.</p> <p>Parking provision for parents with prams is to be provided in accordance with the requirements of THDCP Part C Section 1 - Parking.</p> <p>Disabled parking provision is to be provided in accordance with the requirements of Part D</p>	<p>See comments in Section 3.</p> <p>209 disabled parking spaces proposed. The DCP requires 209 (Note:</p>	<p>See comments in Section 3.</p>

	Section 1 – Parking and Council policy entitled “Making Access for All 2002”.	this is based on the required number of spaces, not the proposed number).	
Bicycle Parking	<p>Bicycle: 2 spaces plus 5% of total spaces where the development exceeds 5,000m² (either new development or alterations and additions).</p> <p>Bicycle parking should be located in close proximity to the building’s entrance and clustered in lots not exceeding 16 spaces.</p> <p>Each bicycle parking space shall be not less than 1.8 metres in length and 600mm in width and shall have a bicycle rack system.</p> <p>Bicycle parking facilities within car parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops or other similar features.</p> <p>Consideration should be given to providing staff change rooms and washing facilities.</p>	60 bicycle spaces are proposed. The DCP requires 398.	No, however site has a high level of accessibility due to the bus interchange and future rail. See comments below.
Loading Docks	<p>Not visible from public domain and must provide buffer landscaping treatments.</p> <p>Not visible from adjoining residential areas.</p> <p>Loading docks are not to transmit excessive noise.</p> <p>The number of required loading docks for certain development types is outlined within THDCP Part C, Section 1 – Parking. For all other development, a minimum of 1 loading dock space is required.</p>	84 loading bays are proposed. The DCP requires 173.	No, however the development provides adequate loading bays for the centre. See comments below.

Pedestrian Access and Movement	<p>Pathways and ramps to conform to AS 1428 – 1 – 1998 Design for Access and Mobility.</p> <p>All surfaces should be stable, even and non-slip.</p> <p>Street furniture and obstructions should be kept clear of pathways, while overhanging objects should not be lower than 2100mm above pathways.</p>	The proposed works will be required to comply with the applicable Australian Standard from the BCA.	Yes
Parenting Facilities	Parenting rooms are required for new retail developments or extensions of existing retail developments which exceed 3,000m ² in gross floor area.	Parenting rooms will be required to be provided in accordance with the DCP.	Yes
Stormwater Management	<p>Two WSUD principles must be implemented into the development. These measures are:-</p> <ul style="list-style-type: none"> • M1 Low Impact Building Design • M2 Low Impact Landscape Design • M3 Porous Paving • M4 Rainwater Utilisation – toilet, hot water • M5 Grey Water Utilisation – toilet • M6 On-site Infiltration System • M7 Stormwater Treatment System • M8 Infiltration or Retention Basin • M9 Stormwater Utilisation – irrigation • M10 Grey Water Utilisation – irrigation <p>Details on the actions required to implement these measures are included in Appendix B – Water Sensitive Urban Design of the DCP.</p>	The proposal will include low impact landscape works, retention and stormwater treatment devices.	Yes

	<p>Consider satisfactory stormwater collection, discharge and drainage system design against Council's Work Specifications.</p> <p>Development proposals should not result in the filling of flood liable land or the erection of buildings on flood liable land.</p> <p>Reference should be made to the Restriction As to User on the title of the land, or the development consent to which the development is proposed in relation to requirements for on-site detention.</p>		
Waste Management – Storage and Facilities	<p>All waste areas to be screened from the street and adjoining properties.</p> <p>Adequate storage for waste materials must be provided on site and are not to restrict access to parking spaces.</p> <p>Waste storage areas to be kept clean and tidy.</p>	A waste management plan has been provided and is satisfactory.	Yes
Waste Management	WMP required to be submitted and address demolition, construction and ongoing use requirements.	A waste management plan has been provided and is satisfactory.	Yes
Heritage	All development should be in accordance with Part C Section 4 – Heritage and Clause 5.10 <i>Heritage Conservation</i> of The Hills LEP 2012.	The proposed works are satisfactory. See comments in Section 8.	Yes
Development Contributions	Address Council's Section 94 Contributions Plans.	A condition has been recommended in relation to contributions.	Yes

Site Investigati	<p>A contamination assessment report is to be submitted with any Development Application for the Wrights Road Precinct as referred to on Sheet 12 in Appendix A 1.to this Section of the DCP.</p> <p>A validation report will be required at the completion of works to ensure the remediation is sufficient to enable appropriate use of the site.</p>	There is no evidence of site contamination.	NA
Pollution Control	<p>The use of mechanical plant and equipment may be restricted where sites are located near existing and proposed residential areas.</p> <p>Any machinery or activity considered to create a noise nuisance must be adequately soundproofed in accordance with the provisions of the Protection of the Environment Operations Act 1997.</p> <p>Incinerators are not permitted for waste disposal.</p>	A number of conditions have been recommended in regard to pollution control.	Yes
Kentwell Avenue and Caste Street	The clause relates specifically to building form and is generally not relevant to this proposal.	The proposal includes works to provide the driveway access from the Showground Road/Kentwell Avenue intersection. These works are at grade and as such the building setback is not relevant.	Yes

a. Building Height Plane and Setbacks

The DCP requires that for buildings greater than two storeys or 8 metres in height, the remaining storeys are to be set back within a building height plane of 45 degrees starting from a height of 8 metres. The proposed development does not meet this requirement.

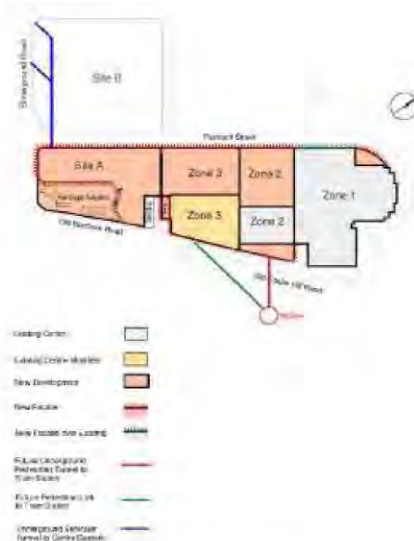
The proposed new works are generally opposite other B4 Mixed Use land with the exception of the north-western corner (on Pennant Street) where new development is proposed which is opposite R1 General Residential and R4 High Density Residential zoned land and across the Showground Road intersection at an oblique angle which is R4 High Density Residential land. It is noted that the northern, north-eastern and north-western and of the building is subject to façade changes which do not impact on existing setbacks.

The applicant has submitted the following as justification:

The DCP requires the following setbacks:

- Along a public road, a zero setback up to 8 m.
- Above 8 m, a height plane of 45 degrees.
- Opposite residential zones, a setback of 6 m to be used for landscaping and screening purposes.

For the purpose of referring to different parts of the development, we refer to the diagram below.



Castle Hill is a major strategic centre, and is the largest centre within The Hills LGA. Although currently characterised by relatively low scale commercial and residential development, the opening of the NWRL will open up major opportunities for increased densities. This is evidenced by the significant uplift proposed in Council's recent draft Castle Hill North Precinct Plan.

The DCP setback controls are more relevant to smaller centres with a B2 Local Centre zoning or similar. These centres are better suited to small-scale development with a height of 2-4 storeys where the 45 degree height plane control would only apply to the topmost floors of the building, as opposed to the vast majority of the building.

Within Zone 1, the existing centre is proposed to be retained. Existing setbacks will be retained, with the exception of the infill of the north-western corner of the site. This area of the site fronts Pennant Street and is opposite a large retaining wall. Development opposite this area is likely to be elevated and significantly taller than Castle Towers. Zones 2 and 3 along Pennant Street are opposite residential zones. A zero setback is proposed, and is considered appropriate for the following reasons:

- The existing centre is currently built to the boundary with zero setback. The new building would maintain this same setback, with a significantly improved architectural design.*
- While this area is currently characterised by low-scale strata development, significant uplift is likely in the near future. Council's draft Precinct Plan nominates these sites for 12-storey residential development, which would have a height of approximately 40 metres. This would be equivalent to, if not taller than, the proposed height for Castle Towers.*
- Pennant Street has a width of 20-25 metres. Any future residential buildings would also necessarily be set back from Pennant Street. Therefore, future buildings west of Pennant Street would easily be capable of achieving satisfactory separation from Castle Towers.*
- Pennant Street is not a heavily-trafficked pedestrian thoroughfare. Castle Towers is therefore likely to be viewed from a moving vehicle. The proposed Pennant Street façade has been designed to suit this environment. Green walls have also been provided at ground level to improve the pedestrian environment for people who do choose to walk along Pennant Street.*
- The proposed development will not result in any adverse overshadowing impacts on surrounding residential development.*

The intersection of Pennant Street and Showground Road is a significant corner that marks the entrance to Castle Hill. A strong corner building is an appropriate response that will reinforce the urban hierarchy and identify Castle Towers as a major landmark and attractor. Again, green walls have been provided to improve the pedestrian environment.

Along Old Northern Road and Old Castle Hill Road, a zero setback has also been provided. This part of the centre is lower in scale, with a height of 2-3 storeys – mainly due to the topography. A zero setback to this height is considered appropriate for a main street, pedestrian environment. The proposed building provides a defined and activated street edge, without enclosing the street.

Overall, we consider the proposed setbacks to be appropriate responses to each distinct environment, whether pedestrian or vehicular. The proposed setbacks do not preclude the provision of appropriate setbacks for future high-density residential development, and provide an appropriate pedestrian environment along the highly-trafficked Old Northern Road and Old Castle Hill Road.

Comment:

The objectives of the DCP are:

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

The proposed setbacks are considered satisfactory given that the site is bounded by public roads and has minimal impact on adjoining land. In this respect the site is self-contained due to its location. The proposed works include various finishes and materials to provide interest within the streetscape and allows for appropriate landscape works to be undertaken both within the site and on the footpath. The proposed setbacks will have a minimal impact on adjoining property in respect to shadow impact, amenity or privacy and are appropriate to the scale of the development.

The proposed works will not unreasonably impact on the amenity of adjoining properties. The works, including upgrades to facades, will improve the external appearance of the building and will enhance streetscape.

The shadow diagrams demonstrate that the shadow impact is generally contained within the road reserve area with the exception of minor affectation to adjoining properties at 9am and 3pm. The shadow impacts are considered reasonable given the bulk and scale of the development.

The proposal will not result in privacy impacts to residential properties given the nature of the use. Adequate area is available around the perimeter of the site for street tree planting which will provide an enhance streetscape outcome.

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

b. Bicycle Parking

The DCP requires that two bicycle parking be provided at a rate of spaces plus spaces equal to 5% of the number of car parking spaces. Based on 7957 car spaces, 398 bicycle spaces are required. A total of 60 bicycle spaces are proposed. The applicant has submitted the following as justification:

Provision of this number of bicycle spaces is considered to be unreasonable, given the current level of bicycle use in the centre. Approximately 10 spaces are currently provided, and are not utilised.

It is proposed to increase the number of bicycle spaces provided to a total of 60 spaces (30 for staff and 30 for visitors). Shower, locker and change facilities will also be provided for staff. Visitor spaces will be located throughout the centre and close to entrances where possible.

Comment:

The objectives of the DCP are:

- (i) *To make it easier and more convenient for people to travel to and from places using bicycles.*
- (ii) *To reduce the rate at which the demand for car travel increases in the future, thereby helping to improve air quality.*

The proposed number of bicycle parking spaces is considered reasonable given the proximity of the site to the current bus services and to the future rail and bus interchange. The site is also highly accessible in regard to pedestrian access.

The applicant has indicated that the current bicycle spaces are not highly utilised. The proposed spaces are located in close proximity to entrances and will be subject to passive surveillance.

As such the proposed number of bicycle spaces is considered satisfactory.

c. Loading Facilities

The DCP requires that loading facilities be provided at a rate dependent on the floor area and number of supermarkets and department stores. On the basis of the DCP requirements 173 loading docks are required for the centre. A total of 84 loading docks are provided.

The applicant has submitted the following as justification:

Council's DCP lists a number of different service vehicle rates for various retail and commercial uses, including supermarkets, department stores, mixed small shops, and offices. Based on DCP requirements, the existing centre would need to provide some 99 loading bays, while the expanded centre would need to provide 173 loading bays.

This is considered to be excessive, especially given the existing centre functions satisfactorily with only 48 loading bays – half the DCP requirement. It is noted that the DCP rates would be much more suited to smaller-scale developments, rather than a regional shopping centre such as Castle Towers. There are economies of scale in larger centres that allow service bays to be used by deliveries to multiple tenancies throughout the day, with single trucks also servicing multiple tenancies. For this reason, the proposed provision of service vehicle bays is considered to be acceptable.

A loading dock management plan will be prepared and implemented to manage use, ensuring that deliveries are spread throughout the day, with the potential for delivery time slots to be booked and limits to be placed on the duration of deliveries.

Comment:

The objectives of the DCP are:

- (i) *To ensure that adequate areas are set aside on site to allow for the safe and efficient manoeuvring of delivery and service vehicles.*
- (ii) *To ensure that loading facilities required in association with developments do not detract from the amenity of nearby public spaces and residential land uses.*
- (iii) *To ensure no interference is caused to off-street car parking arrangements.*

The proposal provides adequate loading docks which are distributed through the centre and are accessible for all shop keepers. The docks are located in centralised positions to ensure that distances to shops are kept to a minimum where required.

The docks locations are separate to carparking locations and as such there will be no conflict between the two uses. The docks are easily located for deliveries. The docks are also multi-use and as such are available for various forms of delivery.

On this basis the proposed number of docks proposed is considered adequate for the development.

10. Issues Raised in Submissions

The Development Application was exhibited and notified for a period of 14 days, and upon receipt of amended plans a second notification period was undertaken. During the notification periods, there were four submissions received. The remaining seven submissions were received after the close of the notification periods. The issues raised in the submissions are outlined below.

One submission was received in support of the application. The submission stated that the resident agrees with the proposed expansion.

ISSUE	COMMENT	OUTCOME
The works will isolate residents on the western side of the centre from the remainder of Castle Hill, and other facilities such as the post office, bus interchange and future rail station. A public pedestrian access should be maintained along Castle Street that cannot be closed or blocked by Castle Towers. Loss of the pedestrian access will reduce amenity.	Castle Street will be closed to through-traffic however will be available 24/7 to pedestrians. It is acknowledged that some persons will have a slightly longer travel route for persons driving to the bus/train interchange area however this is considered reasonable.	Condition imposed – see Condition 48.
Pedestrian access along Castle Street must be maintained in the construction period.	The applicant has confirmed that 24 hour access will generally be maintained during the construction period, however has acknowledged that access may not be available for short periods of time during construction due to safety concerns. Should temporary closures be required, an alternate access arrangement will be required to be provided.	Condition imposed – see Condition 48.
Increase in noise from Castle Towers which will disrupt residents.	An acoustic report was submitted which has been reviewed by Council's Senior Environmental Health Officer. A number of	Conditions imposed – see Conditions 34, 143, 148 and 154.

ISSUE	COMMENT	OUTCOME
	conditions have been recommended, including the requirement for further report and mitigation works to be undertaken should a verified complaint be received regarding noise impact.	
Noise disturbance caused to residents within Castle Grand due to traffic entering and leaving the proposed vehicle entrance on the land bound by Showground Road and Pennant Street which is immediately adjacent to our building.	The proposal includes an acoustic cover over the tunnel access adjacent to Castle Grand. This will ensure that noise impact does not occur. In addition, further acoustic testing will be required to be undertaken within three months of the issue of the Occupation Certificate.	Condition imposed – see Condition 34.
Damage and soiling of Castle Grand caused by the adjacent tunnelling and the demolition of the existing portion of Castle Towers. It is requested that QIC pay reasonable costs to the Castle Grand Strata Plan for cleaning the exterior of the building, and for cleaning of plant and equipment located on the roof at periodic intervals during the demolition and construction.	A condition has been recommended requiring that the dust be controlled during construction. Should dust impact occur, this can be reviewed at the time by the PCA. In addition, a condition has been recommended which requires that a dilapidation report be submitted which addresses the impact of the works on adjoining properties, being Castle Grand and Horizons.	Conditions imposed – see Conditions 82, 97 and 119.
Water seepage from the land adjacent to Castle Grand into the lower car park level of Castle Grand.	A condition has been recommended which requires that works be undertaken during the tunnel area construction to prevent/reduce water being directed towards Castle Grand.	Condition imposed – see Condition 61.
Uncertainty as to the possible future land use of the, now, unused portion of the site bounded by Pennant Street, Showground Road and Kentwell Avenue.	Any future use of the remainder of the site will be subject to a further Development Application. The site is zoned B4 Mixed Use which allows a number of commercial and residential uses.	Issued addressed.
The application is inconsistent with the adopted retail hierarchy as the application refers to Castle Towers as a 'super-regional retail facility'. The	Council's Centre Direction defines Castle Hill as a 'major centre' and Rouse Hill as a 'proposed major centre'. It is acknowledged that the report uses alternate terms.	Issued addressed.

ISSUE	COMMENT	OUTCOME
application also refers to Rouse Hill Town Centre as a 'sub-regional shopping centre'. Both centres are defined as 'major centres'. There is no provision in the Council's 'Centres Direction' for a 'super-regional centre'.		
The proposal includes significant non-compliances to Council's recently adopted LEP 2012. A Planning Proposal should be submitted to investigate the implications of the proposed changes to the development standards.	Clause 4.6 of LEP 2012 allows consideration of variations to development standards which is a standard LEP template requirement. In this instance there is no requirement for a Planning Proposal to consider the variations. The proposed variations have been considered on merit and are considered reasonable.	Issue addressed.
The Economic Impact Assessment has not adequately addressed the size of the proposed works, number of additional shops, leasing opportunities or the impact on Rouse Hill Town Centre. The report has also not addressed other smaller retail centres which have been recently approved within the Shire.	The Economic Impact Assessment has adequately addressed the need for the proposed works and the potential impacts on competing retail centres. The assessment is considered satisfactory.	Issue addressed.
Impact on heritage buildings.	The proposed works to and around the heritage buildings are considered satisfactory - See Section 8.	Issue addressed.
Request that access from Showground Road to Kentwell Avenue be retained.	Access from Showground Road to Kentwell Avenue is proposed to be maintained with a one-way access point to Kentwell Avenue.	Issue addressed.
Request that specific controls for FSR, setbacks, bulk and scale and future vehicle access be set for the land bound by Showground Road, Pennant Street, Castle Street and Kentwell Avenue.	LEP 2012 and DCP Part B Section 1 – Business contain controls relating to the future development of the site.	Issued addressed.

ISSUE	COMMENT	OUTCOME
Question of landscape works to be undertaken on the remainder of site bound by Showground Road, Pennant Street and Kentwell Avenue.	Landscape works will be undertaken along the extent of the driveway area and will include mixed native grasses, shrubs and trees. The applicant has indicated that the existing dwellings around the perimeter of the site will be demolished, likely mid 2017.	Issue addressed.
Question of the design of the roundabout on Kentwell Avenue.	The design of the roundabout will be required to be in accordance with Council design requirements.	Condition imposed – see Condition 61.
Noise impact during the construction process.	It is acknowledged that some noise impact may occur due to the scale of works proposed. A number of conditions have been recommended which address noise impact during this period.	Conditions imposed – see Conditions 54, 90 and 143.
Noise impact due to the access point at Kentwell Avenue.	A 1.8m high acoustic wall is proposed along the access driveway adjacent to Kentwell Avenue. This has been reviewed by Council's Senior Environmental Health Officer and is satisfactory to protect against unreasonable noise impact.	Issue addressed.
Request that additional disabled parking be provided within the centre.	The proposal will provide 209 accessible parking spaces which complies with the DCP requirement.	Condition imposed – see Condition 3.
Request that accessible scooters be relocated as they are currently centrally located (at the information counter) and are difficult to access.	QIC have advised that scooters can be pre-booked and customers are advised on the best location to park. If needed, customers requiring assistance to/from their vehicle can be arranged also.	Issue addressed.
Concern that damage will occur to the heritage buildings when they are raised.	The proposed works to and around the heritage buildings are considered satisfactory - See Section 8.	Issue addressed.
Concern regarding the demolition of the Police Station building.	The original proposal included demolition of the former Police Station building. The proposal has been amended to retain the former Police Station building.	Issue addressed.
Question regarding the extent of notification to local residents.	The proposal was notified in accordance with Council's DCP which included a letter to all adjoining property owners (See Attachment	Issue addressed.

ISSUE	COMMENT	OUTCOME
	1). In addition, the proposal was exhibited which includes a notice in the local paper and two signs were erected on the site. The extent of notification is satisfactory.	
Traffic impact on local streets, especially given that construction has commenced on the North West Rail Link.	It is acknowledged that during construction works within the area, including the rail link and bus interchange works, that residents may utilise alternate routes, however upon completion of works the main priority is to ensure that traffic remains on Showground Road and is not diverted into local roads. This will be done partly through the use of local traffic management schemes.	Issue addressed.
Adequacy of the traffic surveys undertaken by the applicant.	The Transport Impact Assessment has been reviewed by both the RMS and Council's Manager Transport and Infrastructure and no objection has been raised. The surveys submitted with the application are considered satisfactory.	Issue addressed.
The proposal does not ensure the completion of the western ring road.	The western ring works have been completed. It is noted however that works at the intersection of Showground Road/Pennant Street and Pennant Street/Old Castle Hill Road will be undertaken to facilitate access into the centre.	Issue addressed.
Allowing access from Showground Road to turn left onto Main Street is irresponsible and dangerous and will denigrate the money spent on reinvigorating and energising the Main Street precinct.	Currently vehicle access is permitted to turn from Showground Road into Main Street. There are no changes proposed to the current road access arrangements.	Issues addressed.
Impact on area due to bus movements.	Castle Towers is located opposite the bus transit station. The use of the buses within the locality is appropriate and is in accordance with a sustainable community.	Issue addressed.

There are now two differing proposals for Crane Road between Old Northern Road and Terminus Street both emanating from different proposals.	The current proposal does not include works on Crane Road. The works referred to are in relation to DA 636/2014/JP for the mixed use development on the site bound by Old Northern Road, Crane Road and Terminus Street. This development is currently under construction.	Issue addressed.
The Heritage Plaza area of the Stage 3 expansion of Castle Towers overlaps the requirements for the ground floor level of DA 636/2014/JP. The result of these conflicting overlapping civic areas is unknown.	The proposed Heritage Square is private property and is not a civic area.	Issue addressed.
Increased travel times due to additional signalised intersections.	The proposed works include new signals at the Showground Road/Kentwell Avenue intersection. The proposed signals will improve access into the shopping centre and will not unreasonably impact on travel times.	Issue addressed.
Impact of high rise developments on the CBD and social fabric of the Castle Hill Shopping Town.	There has been no adverse impact identified from high rise development to the existing or future Castle Hill retail area.	Issue addressed.
Concern that a 'resident only parking scheme' will be implemented to address on street parking.	This is not a matter for consideration with the application.	Issue addressed.
Lack of free parking for commuters.	This is not a matter for consideration with the application.	Issue addressed.
Request that a comprehensive traffic survey be undertaken by Council covering a variety of matters.	This request is for a broad traffic survey to be undertaken and is not related to the proposal. A traffic study for this development was submitted and considered by Council's Manager Infrastructure and Transport Planning.	Issue addressed.
Request that Main Street be kept for public use and closed at various times of the year for Council and communal use. Concern that Main Street will be re-opened to full traffic in four lanes.	Main Street is a public road and is traffic calmed. Main Street has been closed for various activities such as Christmas activities, New Year celebrations and other cultural activities.	Issue addressed.

Request that Council immediately implement non-smoking rules outside building entry doors, the Piazza and other outside eating areas. This should also apply to hire vehicles such as taxis, hire cars and buses that stop outside of building entry doors.	QIC have installed signage in the Piazza area and have relocated ashtrays away from the Piazza entrance, and the Piazza is now a non-smoking area. Signage is also in place at entries to the centre. In respect to hire vehicles, this is not a matter under the control of the shopping centre.	Issue addressed.
Council should already be reprimanding RMS and lobbying State Government for appropriate funding for the immediate renewal and upgrading of Old Northern Road to a preferred 8 lane roadway (6 lanes will become obsolete prior to completion of such a road) between Baulkham Hills and Castle Hill and also the full completion of the Western Ring Road to allow through traffic to the new suburbs north of Castle Hill improved commute times.	This is not a matter for consideration with the application.	Issue addressed.
The possibility of a 'rat run' along Mercer Street, Crane Road and Orange Grove and the erection of parking signage on these roads.	A review of the proposal has indicated that it is unlikely that these roads would be used as a 'rat run' to access Castle Towers. There are no new works required along these local roads.	Issue addressed.
Concern regarding whether traffic around Castle Hill is being considered in a cumulative manner.	Both Council's Manager Infrastructure and Transport Planning and the RMS consider the existing and cumulative traffic impact of development including knowledge of the roads within the area, approved and proposed development, historical data and local traffic conditions.	Issue addressed.
Local road upgrade works as a result of the proposal.	Local road upgrade works will be undertaken – see comments above in Section 3.	Issue addressed.

Question of the timing for construction of the proposal.	Should consent be granted, the applicant will have a period of five years to act on the development.	Issue addressed.
Solar access and overshadowing as a result of the proposed works.	The proposal will result in some shadow impact given the scale of the works, however the impact is reasonable. The majority of the shadow is contained within the road reserve area, with the exception of shadow at 9am on June 21 which will fall across Showground Road onto properties opposite.	Issue addressed.

TRAFFIC MANAGEMENT COMMENTS

a. Introduction

The Hills District has the highest car ownership rate in Sydney at 2.7 vehicles per dwelling, generating more than 10 trips per day per dwelling, and having one of the lowest alternative transport use rates in Australia at around 3% of the total trips to work (ABS – 2011). This data means that all significant traffic generating developments such as the proposed Castle Towers expansion require rigorous assessment to ensure that limited road capacity is effectively utilised, or upgraded facilities are properly justified.

Castle Hill is not recognised as a regional centre in the Sydney Metropolitan Plan, but the existing land use coupled with possible increases in residential density, retail and commercial floor space places the district in similar categories to most other regional centres. Transport issues associated with Castle Hill are therefore demanding increased attention at both Local and State Government levels.

b. Report

The applicant has submitted a detailed traffic and transport analysis (GTA Consultants 2015). This report has been reviewed extensively by Council, Road and Maritime Service (RMS), Transport for NSW, Sydney Metro Northwest, Bus Service providers, public utility authorities, Police and various property owners in Castle Hill regarding the traffic impacts of the proposed development to ensure that an holistic approach is given to the improvements required in the Town Centre.

The RMS has now provided a substantial response that incorporates all of the key issues identified in those discussions, recommending key elements of road works that are to be upgraded as part of the revised Castle Towers Stage 3 development. Most of the matters raised in the RMS submission are discussed below to explain the reasoning behind various traffic improvements that will be required if development consent is granted.

Funding arrangements are now finalised between the RMS and QIC regarding the costs for works on State Roads and these details are specified in the Voluntary Planning Agreement (VPA). There are no funding implications to Council from that VPA.

There are four major road improvement components involved in the traffic analysis for the Stage 3 development proposal:

1. Castle Hill Ring Road
2. Mainstreet
3. Bus Interchange
4. Showground Road

There are several other important, but comparatively minor aspects of the development that will also be discussed below including the closure of Castle Street between Pennant Street and Old Northern Road, Local Area Traffic Management (LATM) schemes along Cecil Avenue and Castle Street, cycleway access, and pedestrian access.

c. Castle Hill Ring Road

The entire ring road is now part of the State Road network (Gazettal 15 Jan 2010) under the administration of the RMS. Works by Council along the Terminus Street bypass have been completed for over 5 years and the peak hour operating efficiency of the network is satisfactory at most times, with an average level of service rated at C on a scale of A (excellent) to F (fail). The intersection of Pennant Street and Showground Road falls to E during the morning weekday peak, but the delays at this location relate to capacity issues along Showground Road that are discussed below. Week day peak hour co-ordination of all the traffic signals has been done by RMS officers, but there are still further improvements planned for weekend peak demand. The following two locations along the western ring road will be upgraded as part of the proposed expansion of the shopping centre:

1. The intersection of McMullen Avenue and Old Castle Hill Road will require two improvements. Firstly, the south bound approach of Old Castle Hill Road to the shopping centre will require the short dual lane line marking extended back to the northern intersection of Garthowen Crescent. This dual lane treatment for southbound motorists approaching the traffic signals can be accommodated within the existing road carriageway at low expense and very little inconvenience to the adjacent residents. These alterations will not affect access conditions to the development site known as the Gay Street development.

Secondly, an additional lane is required in McMullen Avenue for west bound traffic coming down the hill from Old Northern Road. This lane will be designated for left turns into Old Castle Hill Road going into the shopping centre precinct. The work will require private property acquisition from three owners along the northern side of McMullen Avenue, but the largest affectation will be on property owned by QIC. Preliminary consultation with the owners has commenced in this regard but no commitment for acquisition would proceed unless approval is given for the current Development Application. This work has previously been identified in the Castle Hill Commercial Centre DCP and Contribution Plan therefore a funding agreement with QIC is likely to be needed.

(See Condition 44).

2. The intersection of Pennant Street and Castle Street will require an upgrade of right turn facilities, affecting each approach of Castle Street. This intersection operates at level of service D in the afternoon weekday peak, and the introduction of right turn lanes in each approach of Castle Street would greatly enhance efficiency. Opportunities exist to build new right turn lanes on both approaches but the carriageway widening will affect the northern footpath adjacent to the Police Station, and the footpath adjacent to the existing shopping centre wall. Acquisition of land owned by the NSW Police Service should not be required but a detailed concept plan will identify the additional pavement and footpath reconstruction work that will be required to accommodate the extra lane. There are no plans to widen the road adjacent to Castle Grand.

The significant volume of pedestrian movements crossing Pennant Street at this intersection will continue to affect operational performance at this intersection, but it is expected that the right turn lanes will greatly assist in improving traffic flow. The RMS have required the modified traffic signal design to remove the pedestrian crossing from the library corner to the shopping centre to improve traffic capacity at the intersection. These pedestrian access matters are further addressed below.

(See Condition 44).

The road works proposed in the Development Application also include a new tunnel connection under Pennant Street. This structure will remain the responsibility of QIC, but the RMS has specified extensive controls for the construction and maintenance schedules that will meet their standards and clearance requirements.

The proposed Castle Towers extensions will ultimately add up to 28% extra traffic to several approaches on various intersections around the ring during the weekday peak hours. This traffic has been combined with an annual growth factor for the Castle Hill precinct that is based on over 15 years of arterial road surveys. The modelling work that has been analysed by Council and the RMS indicates sufficient capacity remains in the network to maintain a minimum Level of Service (LOS) D over the entire ring road network up to the year 2026. This is an acceptable standard in metropolitan Sydney for peak travelling periods.

Further traffic surveys and analysis have been done by the applicant's traffic consultants to recalibrate the Castle Hill CBD model. This modelling work has been used to provide ongoing advice to Council about additional development sites in the Castle Hill CBD as identified in the relevant DCP, particularly the Terminus Street car park. This modelling work does not factor in substantial reductions in vehicle travel demand resulting from increased use of bus services through the Interchange or from the future Sydney Metro Rail Link. Traffic projections are therefore conservatively high.

d. Mainstreet

The Mainstreet project, Stage 1 and a portion of Stage 2, are a part of the Castle Hill CBD Contribution Plan. QIC will pay a contribution in accordance with the relevant rate for work being done on their land, but there will be a need for agreements with Council for works that are in the Contribution Plan. The limits of the Contribution Plan works do not extend along the western side of Old Castle Hill Road or along either side of Castle Street. Therefore some frontage works that are consistent with the footpath treatment along the Mainstreet will be required as part of this application. All proposed changes to the retail areas controlled by QIC fronting the Mainstreet area have been assessed to ensure that they are compatible with the Mainstreet project. This includes limited access times for delivery vehicles that will therefore not impact on the street amenity for businesses and customers.

e. Bus Interchange

The Castle Hill Bus Interchange is now operating at about 40% of capacity because of rail station works, even though over 100 new buses are also using the Interchange as a result of the new Metro Services that commenced in 2014, together with the existing route services. As part of Stage 2 of the Mainstreet treatment, there is approximately \$7.5M in further works to complete the area in accordance with the approved Masterplan. Bus operations will not significantly affect future performance of the ring road.

These future works for the Interchange should primarily be funded by the Sydney Metro, Transport for NSW and developers of the adjacent land. The works include bus lane widening, pedestrian signals, landscaping, bus shelters, median islands, and other related infrastructure. The Castle Hill CBD Contribution Plan will fund some of these upgrades as well as certain sections of Arthur Whitling Park, together with kiosk facilities and pedestrian access improvements.

QIC will not be directly involved with the Interchange area, other than a review of traffic modelling, together with relatively small modifications to car park access along Old Castle Hill Rd.

f. Showground Road

The single major obstacle to efficient traffic flow in the Castle Hill CBD is the existing carriageway constraint along Showground Road. Traffic volumes along this two lane arterial route have been constrained at around 40,000 movements per day for the last 15 years. These volumes equate to peak hour lane volumes of 2000, which is around 130% of typical single lane capacity in an urban environment. As a result the level of service is F, with extensive delays for several hours during morning and afternoon peaks, as well as over midday during weekends.

The existing road reservation along this section of Showground Road is just over 30 metres wide, allowing up to six lanes to be accommodated with four lanes to be constructed at the current time under the VPA. The RMS have now completed the detailed design and following a tender process, construction has been awarded to civil engineering firm Seymor White Pty Ltd. Work has commenced on the site and is completion is expected in late 2017. The project extends approximately 1.35kms from Carrington Road to Pennant Street across the frontage of the vacant QIC land, and it includes frontage works as shown in this DA.

The cost of the project is not a matter for Council as no Council funding is to be allocated for State Road works, but the traffic analysis suggests that around half of the future daily volumes along Showground Road are travelling to and from Castle Towers, with the remaining half travelling to other businesses in the CBD or travelling through the CBD. QIC and the RMS have completed negotiations on the cost responsibilities and a funding agreement is in place, with a Voluntary Planning Agreement in place.

Proposed consent conditions regarding the works along Showground Road have been prepared for this report and in summary, the project would double the lane capacity between Carrington Road and Old Northern Road. There would also be new traffic signals at the Kentwell Avenue intersection, and the existing pedestrian signals near Rowallan Avenue would be relocated to the actual intersection to improve access for motorists. The Pennant Street intersection would be upgraded as well. However, the existing intersections at Britannia Road and the western end of Cecil Avenue would be restricted to left in / left out only by a central median island along the full length of Showground Road. This restriction would apply to all other individual driveways along the route as well. The alignment of the new carriageway will require extensive public utility relocations and this cost will be a substantial component of the budget. The new alignment will also result in a residual wide central median island that would be used for some minor landscaping works.

g. Closure of Castle Street

The application incorporates a full closure of Castle Street between Pennant Street and Old Northern Road to through vehicular traffic. The traffic modelling for the town centre includes the impact of this closure, noting that upper and lower car park entry/exit is still

required at either end of the closed road. The removal of access for vehicles will place a small extra demand on the ring road. The demand will be minor because over 93% of the existing vehicle movements in this section of Castle Street are associated with car park access, and these movements will effectively remain. The new car park access points will reduce the gradient of Castle Street at each intersection but vehicles will continue to use the traffic signals. The full permanent closure of any public road requires a specific procedure to be followed under the Roads Act 1993, and this process will commence through the Local Traffic Committee if consent is granted to the application. Issues regarding pedestrian access through this section of Castle Street are discussed below.

h. Temporary Closure of Kentwell Ave

The Showground Road upgrade now commenced by the RMS will result in a substantially larger signalised intersection at Kentwell Avenue and Cheriton Avenue. This upgrade will generally allow much safer access for the local community to the State Road network. However, the new level of Showground Road relative to the existing level of Kentwell Avenue will result in a temporary closure of the local road approximately 60m north of Showground Road. This difference in road level will be resolved when the land owned by QIC is redeveloped, and access needs to and from the vacant site are determined. There will be a forced detour for local residents in Kentwell Avenue and Worthing Avenue via Castle Street, but the improved signalised access at Pennant Street and at Rowallan Avenue will be sufficient to meet that demand.

i. Pedestrian and Cycleway Access – Castle Hill CBD

The Castle Hill CBD has previously been the subject of a Pedestrian Access & Mobility Plan (PAMP – ERM Consulting 2001). This Plan has been implemented in stages over the last 12 years with nearly all recommended works completed. These works included new concrete footpaths, pedestrian crossings, pram ramps, line marking, signs and street lighting.

However, as a result of the proposed Castle Towers expansion, together with several other approved or planned redevelopments sites within the CBD, a review of the PAMP is needed to ensure that Councils access objectives continue to be met.

The CBD also forms an integral part of the Shire Cycleway Plan with primary links proposed along all State Roads, and secondary links via Castle Street, Cecil Avenue (east and west of Old Northern Road), Crane Road and Old Castle Hill Road. Most of these cycleway links are on road routes, but there are several sections of footpath that have been built wider to accommodate off road cyclists as well. The proposed upgrade of Showground Road will include off road cycleways and new concrete footpaths. These pedestrian and cycleway links will integrate with the Mainstreet in accordance with the planned network. All footpath and kerb reconstruction in the central area of the CBD that is required for the DA will be completed using materials and finished products that are consistent with the Mainstreet objectives. The variation to bike parking is acknowledged, however whilst the cycleway links are integral to the area, the shopping centre is not necessarily a destination point for cyclists. Bike parking will also be provided in the adjacent rail and transit centre for persons using this area. Should the lack of bike racks be identified in the Castle Hill area, Council is also in a position to consider additional racks on either a temporary or permanent arrangement.

One of the most important pedestrian desire lines to the CBD is along Castle Street from the High School and the RSL. The eastern section of this route is proposed to be closed to through vehicular traffic as part of the application. However, all preliminary discussions between the applicant and Council officers regarding this proposed road

closure have reinforced the need to maintain pedestrian access between Pennant Street and Old Northern Road. This is because there will always be a strong demand for people to walk from the Police Station to the Mainstreet area, and alternative pedestrian access through the shopping centre will not meet all public demand. The applicant has suggested that the modified traffic signal design will substantially meet this demand. It is therefore imperative that this pedestrian access along the current alignment of Castle Street be maintained with increased security arrangements such as CCTV, particularly near all ATM devices. This access would also allow fast response on foot from the Police Station to the Mainstreet area.

j. Old Castle Hill Rd – Car Park Access

Access to the upper car park decks off Old Castle Hill Road will be retained. That access is currently restricted to left in and left out because Old Castle Hill Road is one way north bound between Old Northern Road and the former Eric Felton Street access leading into the car parks. However as a result of increasing bus parking demands (Castle Hill Bus Interchange Report – Cardno Eppell Olsen Consulting 2008) and the future taxi access requirements for the Sydney Metro Northwest Rail Link, the re-introduction of two way traffic along the full length of Old Castle Hill Road will be required. This alteration to traffic movement will result in a modified traffic signal operation in the Mainstreet of the CBD, and these traffic arrangements will be implemented by Sydney Metro rather than by QIC.

k. LATM Schemes - Cecil Avenue and Castle Street

As noted above, vehicular access along Cecil Avenue and Castle Street will alter significantly as a result of changes to traffic patterns along Showground Road. In general terms traffic volumes along Cecil Avenue will slightly reduce due to improved capacity along Showground Road, but traffic volumes along Castle Street will increase.

Both of these roads run parallel to Showground Road and are major collector routes in Council's road hierarchy. LATM Schemes have been investigated along both roads over many years, incorporating various parking restrictions, mini-roundabout and parking lane treatments.

Castle Street will have an increased volume of traffic of about 20% from 10,000 to 12,000 movements each day, particularly in the afternoon peak, because of the improved exit conditions under signal control into Showground Road from Rowallan Avenue for motorists leaving the Castle Towers car park exits. Traffic signals are required at this location for a number of reasons:

1. Rowallan Avenue services the high school, RSL Club and the Bowling Club, which are all significant traffic generators needing controlled access out to Showground Road.
2. Signalised pedestrian crossing facilities are needed along Showground Road, primarily for high school students, and although the existing signals perform that function, the need for controlled right turns at Rowallan Avenue means that the signals should be relocated to serve both purposes.
3. Signals at Rowallan Avenue can be justified given the above reasons. An alternative option to signalise Britannia Road will encourage through traffic along Bounty Avenue and Patrick Avenue which is not a desirable outcome.
4. An option to install traffic signals at the Cecil Avenue intersection has also been considered, but the close proximity to Rowallan Avenue means that only one intersection can maintain all right turn access under signal control. The traffic signals at Rowallan Avenue serve a much wider community demand than at Cecil Avenue.

This traffic volume exceeds the environmental capacity of Castle Street and hence there will be a need to implement the recommendations of the LATM Scheme when the signals at Rowallan Avenue are operational.

Implementation of LATM for Castle Street has already commenced in recent years with the construction of a roundabout at Rowallan Avenue, and that scheme recommends further roundabouts at Britannia Avenue and Kentwell Avenue. The scheme is primarily aimed at controlling vehicle speeds, as through traffic volumes will be difficult to reduce given the ease of access to the Castle Hill CBD. There are also proposals to extend the parking lane treatment along Castle Street, introduce additional pedestrian crossing facilities, and install more parking restrictions where appropriate. These traffic facilities are listed in the future Capital Works Program, and would be brought forward if consent is given to the Castle Towers application. Public consultation through the Local Traffic Committee would be a part of the investigation and reporting process.

The LATM Scheme along Cecil Avenue has also commenced with the provision of a roundabout at the Barwell Avenue intersection, and the parking lane treatment along the full length of the route. Additional traffic control measure are planned, but the warrant for these facilities will be reviewed after Showground Road is upgraded as there may be no need to build extra devices because of the projected drop in traffic volume of about 30% from 7,000 to 5,000 movements each day. As Cheriton Avenue would have signalised access to Showground Road, there may be some attraction for motorists to still use this route, depending on the performance of the adjacent main road.

I. Parking Provision and Impact of Public Transport Improvements

The existing Castle Towers Shopping Centre provides a total of 5639 parking spaces in seven car parking areas. The proposed extension intends to provide an additional 2262 spaces, with a total of 7996 spaces, for a total GLFA of 193,457m². This equates to a car parking rate of 4.1 spaces per 100m² compared to Council's rate of 5.4 spaces per 100m². The RMS also specifies a lower rate of 4.1 spaces per 100m².

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

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

The applicant proposes to install such a system, and a relevant consent condition has been included requiring that system to deal with all of the car parking areas. This is the main reason why the car parking rate proposed in this DA is satisfactory.

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

The construction of the Sydney Metro Northwest Rail Link will dramatically increase travel choice. However the traffic analysis has not been modified to allow for a reduction in parking demand or traffic generation associated with the application as a result of the improved public transport options. The conclusions and subsequent recommendations of this report regarding traffic generation and parking demand are therefore conservative.

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

SECTION 94 COMMENTS

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

HERITAGE COMMENTS

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

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

The Environmental Health Section have reviewed the application with regards to potential pollution, public health impacts and potential public nuisance.

Council has previously been in receipt of complaints relating to noise from the loading docks in Pennant Street, alarms from the centre sounding and the noise from plant and equipment. Council has also received complaints in regards to the water quality of the local waterway which receives the water from the catchment containing Castle Towers. The source of at least some of the instances of water pollution have been traced back to Castle Towers and each issue has been addressed.

To best protect the waterway conditions of consent are recommended requiring the drains in the loading docks and waste storage area to be directed to the sewer. Stormwater drains for the car park areas are to be drained to gross pollution traps to remove litter, oils and greases. Litter bins have also been required for open public areas and at exits.

In regards to noise issues, the acoustic report which accompanied the application and the plans were reviewed and were considered satisfactory. The loading docks are enclosed and located in areas that will protect the neighbouring residential properties from intermittent loading dock noise. The majority of the vehicle access route located close to the residences on Kentwell Avenue is now located underground. In addition, an acoustic barrier cover will be located over the tunnel access adjacent to Castle Grand and Pennant Street.

To minimise the likelihood of noise problems occurring, conditions have been proposed to set operational hours for the loading docks and to restrict the overall noise emission. Also required is an acoustic assessment and compliance report once the development is constructed and is operational to ensure that the predictions and recommendations of the acoustic report are met.

The application in the current form has a much better operational outcome in terms of noise impact to the surrounding developments.