

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC131
DA Number	864/2015/JP/B
LGA	The Hills Shire Council
Proposed Development	Section 4.55(2) Modification to the Approved Stage 3 Expansion of Castle Towers Shopping Centre
Street Address	Various Lots, Castle Towers Shopping Centre, Castle Towers
Owner	QIC Ltd, The Hills Shire Council and Telstra Corp Ltd
Date of DA lodgement	24 October 2017
Number of Submissions	Two
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital Investment value exceeding \$30 Million
List of all relevant s4.15(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
List all documents submitted with this report for the Panel's consideration	None
Report prepared by	Kristine McKenzie Principal Executive Planner
Report date	21 February 2019

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	NA
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	NA
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

Development Application 864/2015/JP was approved as a Deferred Commencement Consent by the then Joint Regional Planning Panel (now Sydney Central City Planning Panel) on 27 September 2016 for the Stage 3 expansion of Castle Towers Shopping Centre. The approved works include significant demolition, reconstruction and expansion works which would result in a total gross floor area of 238,575m², a total of 7996 car spaces and creation of a 'Heritage Square' around the heritage building fronting Main Street. The operative consent was subsequently issued on 31 July 2018. The approved works were to be constructed in one stage.

The proposed Modification Application seeks approval to allow construction of the development in two stages (with Stage 1 being undertaken in two phases) and to undertake design changes. The design changes relate primarily to an additional basement level loading dock, provision for a connection to the Metro Station under Old Castle Hill Road and additional retail floor area at this level, the provision of a new retail precinct called 'East Village' which is located opposite the Metro Station (ie: on ground level) and relocation of the cinemas which transfers some building bulk along Pennant Street.

The original proposal included variations to LEP development standards in relation to floor space ratio (FSR) and height. The LEP limits FSR to 1:1 and height to 12 metres. The original consent approved an FSR of 1.69:1 and a maximum height of 35.47 metres. The modification proposes an FSR of 1.86:1 and a maximum height of 46 metres. A Clause 4.6 variation request to vary the LEP standards is not required as the application is for modification of a development consent ie: a Clause 4.6 variation request is only required for the granting of a development consent, however an equivalent assessment has been undertaken for the subject modification application. 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.

It is also noted that the proposal does not seek to increase gross leasable floor area (GLFA) or to decrease the approved parking provision. In regard to the increase in GFA as detailed above, this is principally as a result of additional circulation space as a result of the realignment of Pennant Street and reconfiguration of internal areas, infill of void areas and a reduction in the site area.

The proposal also seeks further variations to DCP Part C Section 8 Business in regard to height plane and loading facilities. In respect to 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 variation to loading bays is considered satisfactory given that there will be adequate loading facilities to cater for the expanded centre.

The original approval required significant road upgrade works to be undertaken, principally in respect to the upgrade of Showground Road. The majority of the upgrade works to Showground Road have been completed and were undertaken as part of Voluntary Planning Agreement (VPA) which was entered into and executed by Council, RMS and QIC. These works are considered to be a benefit to the broader community. In addition other local road improvements are also required to be undertaken which include an upgrade at the corner of Pennant Street and Castle Street which includes the provision of an additional eastbound lane on Castle Street, upgrade works to the McMullen Avenue/Old Castle Hill Road intersection to provide a separate left turn from McMullen Avenue into Old Castle Hill Road, and a roundabout on Kentwell Avenue.

Given Council's property interests, the extent of the proposed works and the proposed road closures and associated land leasing, an independent peer review was undertaken of the original application. As there are no material changes which would impact on property interests, it is not considered necessary to require a peer review of the modification application.

The proposal was notified to adjoining property owners and those who made a submission to the original application. Two submissions were received which relate to the impact on Wesley Uniting Church, access to the Church and the deletion of the one-way access from Showground Road to Kentwell Avenue. The original approval included a one-way access from Showground Road to Kentwell Avenue. This intersection is required to be signalised, with the works to be completed within 12 months. Due to the change in levels upon completion of the signals, continued vehicle access will not be available to Kentwell Avenue. The proposal will continue to maintain adequate vehicle access to the Church from various locations along public roads.

The proposed modification is recommended for approval subject to conditions.

BACKGROUND

On 27 September 2016 the Stage 3 expansion of Castle Towers Shopping Centre was approved as a Deferred Commencement consent by the then Joint Regional Planning Panel (now Sydney Central City Planning Panel) (DA 864/2015/JP). The Deferred Commencement consent condition required an agreement to be entered into between the owner and Transport for NSW. The operative consent was subsequently issued on 31 July 2018.

The approved works include significant demolition, reconstruction and expansion works which will result in a total gross floor area of 238,575m², a total of 7996 car spaces and creation of a 'Heritage Square' around the heritage building fronting Main Street. The original application included the demolition of the piazza buildings and the construction works were not staged.

The applicant subsequently lodged a modification application (864/2015/JP/A) for additional bulk excavation works to enable the construction of the B4 basement level. Level B4 is a new level and will contain loading and service access. The proposed modification was for excavation works only and does not include the construction of the B4 basement level. The construction works for the basement level has been included in the subject Modification Application (864/2015/JP/B). The intent of the application was to allow demolition and excavation works to proceed as 'early works' to allow construction to commence on the site. This application was approved under Delegated Authority on 26 March 2018.

A number of Development Applications have also been approved for enabling works to facilitate the major expansion of the shopping centre and to allow its continued operation during the redevelopment period. These works include rooftop plant rooms and services, substations, demolition of a vehicle access ramp, temporary fire tanks and pump room, a temporary loading dock and upgrades to mechanical ventilation systems.

In addition, Development Application 109/2017/JP was approved by the then Sydney West Central Planning Panel (now Sydney Central City Planning Panel) on 20 July 2017 for the realignment of Pennant Street. The realignment works included lowering works, stormwater infrastructure, landscaping and relocation of the lay-by at the front of Castle Grand, a revised vehicle access point on Kentwell Avenue (corner of Showground Road) and works within the Castle Grand site including the relocation of fire stairs, a new pedestrian access ramp and retaining wall. The subject modification application has incorporated these changes into the current plans.

DETAILS AND SUBMISSIONS

Owner:	QIC Ltd
Zoning:	B4 Mixed Use
Area:	140,806.15m ²
Existing Development:	Castle Towers Shopping Centre
Section 94 Contribution	\$14,965,595.64
Exhibition:	Not required
Notice Adj Owners:	Yes, 14 days
Number Advised:	334
Submissions Received:	Two

PROPOSAL

Development Application 864/2015/JP was approved as a Deferred Commencement Consent by the then Joint Regional Planning Panel (now Sydney Central City Planning Panel) on 27 September 2016 for the Stage 3 expansion of Castle Towers Shopping Centre. The approved works include significant demolition, reconstruction and expansion works which would result in a total gross floor area of 238,575m², a total of 7996 car spaces and creation of a 'Heritage Square' around the heritage building fronting Main Street. The operative consent was subsequently issued on 31 July 2018.

The application was subsequently amended by Modification Application 864/2015/JP/A which allowed additional bulk excavation work to enable the future construction of the B4 basement level. The construction details for the B4 basement level have been included in the current application.

The current modification application includes the following:

- staging of the construction and operation of the approved shopping centre development over two stages, with Stage 1 works to be undertaken in two phases; and
- a series of design modifications, which broadly include the following:
 - the construction of an additional basement level loading area (Level B4);
 - provision for a connection to the underground pedestrian concourse from the future adjacent Castle Hill Metro Railway Station beneath Old Castle Hill Road;
 - changes to vehicular access and loading docks;
 - reconfiguration of the portion of the site opposite the Metro Station to incorporate a new retail precinct known as the 'East Village';
 - relocation of the approved cinema on site and the consolidation of building bulk at Levels 5 and 6.

In addition, the proposed works will result in the closure of the one-way access from Showground Road to Kentwell Avenue due to the change in levels upon completion of the signalisation of this intersection.

The following comparison table details the existing, approved and proposed works.

Criteria	Existing Centre	Approved under 864/2015/JP	Proposed under 864/2015/JP/B
Site Area	106,594.45m ²	140,806.15m ²	139,295.6m ²
Gross Floor Area (GFA)	132,779m ²	238,575m ²	258,423m ²
Gross Leasable Floor Area (GLFA)	113,197m ²	193,457m ²	193,457m ²
FSR	1.24:1	1.69:1	1.86:1
Parking Spaces	5639 spaces	7996 spaces	7996 spaces

Note: the site area has reduced due to the dedication of land to RMS in regard to the Showground Road upgrade works and Pennant Street realignment.

As detailed in the above table, there is no change to the approved gross leasable floor area or number of parking spaces.

The proposed modification has two primary components as follows:

a. Staging of the Development

The current approval for the Stage 3 expansion requires the construction works to proceed in one stage. The applicant proposes to construct the works in two stages which will allow the centre to continue to operate in an economically viable manner and will reduce impacts on customers. The staging will also reduce off-site impacts for traffic on local roads, the Ring Road and bus links and minimise impacts on the remainder of the Town Centre.

In broad terms, the staging is as follows:

Stage 1 – The works proposed for Stage 1 include the demolition of a significant portion of the existing centre, construction of new loading docks, construction of purple, orange and green multi-level carpark, and generally retail works to the north of Castle Street and over Castle Street including 'East Village', the new cinema complex and some additional retail works at the southern corner of Pennant Street and Castle Street.

The Stage 1 works will be phased as follows:

Phase 1A - internal works with the major component being the conversion of part of the Level 1 Green carpark into retail to activate the pedestrian tunnel link with the Castle Hill Metro Station. This will increase the GLA by approximately 6,511m².

Phase 1B - the balance of the previously proposed Stage 1 works as detailed above.

Stage 2 - The Stage 2 works are primarily confined to the southern side of Castle Street. The works include the demolition of the existing cinema complex and the piazza, which will facilitate the development of Heritage Square.

The following table shows the Stage 1 and 2 works:

Stage	GFA	GLFA	FSR	Parking	
Stage 1	218,999m ²	161,617m ²	1.6:1	With Site C	6675
				Without site C	6161
Stage 2	258,423m ²	193,457m ²	1.86:1	With Site C	-
				Without Site C	7996

Note: Site C is the temporary carpark at Lot 51 DP 1022542, No. 1 Les Shore Place, Castle Hill which contains a temporary carpark which is currently used for staff parking.

The applicant has indicated the following in regard to the construction timeframe:

It is anticipated that Stage 1 works will commence in early-2019, with completion targeted for 2021.

Stage 2 works are expected to commence in the next 8-10 years, with completion anticipated within 30 months from commencement. The proposed timeframes for the Stage 2 works are subject to demand and may change in the future.

b. 'East Village' connection to the Rail Link

The 'East Village' refers to the area opposite the rail link which performs an interface between the retail and public transport uses. The approved area proposed a wall to the street with retail spaces generally being internal facing toward internalised walkways.

The current plans propose an open interface along the Old Castle Hill Road frontage which opens the development towards the rail link. This area will also contain a public art feature as required by a condition of the original consent. The use of a more open design will promote this area for use by customers and an active streetscape which encourages a relationship between the centre and the rail transport link.

The previously approved 24/7 pedestrian link in lieu of the existing access via Castle Street which is currently a public road but is proposed to be closed as part of the works has been retained however the design has changed. The original link proposed pedestrian access along the eastern open section of Castle Street (adjoining Old Northern Road/Old Castle Hill Road), through the centre and down via a lift or travelator to the western side of Castle Street/Pennant Street. The modified pedestrian link proposes access through the East Village from Old Castle Hill Road, through the centre and to a lift to Castle Street/Pennant Street.

Given Council's property interests, the extent of the proposed works and the proposed road closures and associated land leasing, an independent peer review was undertaken of the original application. As there are no material changes which would impact on property interests, it is not considered necessary to require a peer review of the modification application.

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.

In support of the proposal the applicant has advised as follows:

The proposed amendments seek to reflect post-approval improvements to the design and construction phasing of the development to ensure that the new Castle Towers Shopping Centre is delivered in a manner that compliments and enhances the changing physical and strategic context surrounding the site, incorporates best practice shopping centre design and meets the needs of current and future residents and businesses of North West Sydney.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Under the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979, the Planning Panel may, in response to an application, modify a consent if the development, as modified, is substantially the same development as originally approved.

Section 4.55(2) of the EP and A Act, 1979 addresses 'other modifications' and requires that a development remain as substantially the same development. The proposed modification seeks approval for the staging of the development and amendments to the original approved design of the centre. The proposal modification will result in a development which remains consistent with the original approval and which will not result in any unreasonable impacts to surrounding properties. Given the extent of works proposed to the centre, the staging of work is likely to reduce impacts to the general public during the works.

The proposed modification is considered to be substantially the same development as originally approved by the then JRPP.

The original development was determined by the then JRPP as the Capital Investment Value exceeded \$20 million. In addition, regional panels are also responsible for determining applications to modify a consent for regionally significant development under Section 4.55(2) of the EP & A Act. As the proposed modification is under the provisions of Section 4.55(2) of the EP & A Act, the SCCPP is the determining body for the application.

2. LEP 2012

a. 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 existing FSR is 1.24:1 and the FSR approved under DA 864/2015/JP is 1.69:1. The proposal includes the increase in GFA from 238,575m² to 258,423m² and a reduction in site area from 140,806.15m² to 139,295.6m². As a result the proposed FSR is 1.86:1.

As Clause 4.6 'Exceptions to Development Standards' only operates to prevent the grant of development consent, as distinct from the modification of development consent, the applicant has provided the following justification for the further variation to the development standard under the subject modification application:

As a result of the changes sought under this modification application, an increase in the GFA at the site has been sought from the approved 238,575m² to a proposed 258,423m² (an increase of 19,848m²). Alongside this has been a minor decrease in the site area from 140,806.15m² to a proposed 139,295.6m² (a decrease of 1,510.55m²). This has resulted in a modified FSR of 1.86:1, which represents an increase in 0.17:1.

There is no change in Net Leasable Area (NLA) under this modification application, meaning that there is no increase in commercial leasable retail space. The change in GFA is largely due to changes in the design of communal shopping centre elements (i.e. circulation space, servicing and the like) without the collective intensity of individual shops increasing.

Noting the above, the minor increase in GFA over the approved development has predominantly derived from the following:

- *Additional floor area to service the newly created centre area, which has resulted from the realignment of Pennant Street.*

- *Rearrangement of internal 'market' style areas, which increases the level of horizontal circulation space whilst maintaining NLA.*
- *Infill of previously approved voids, and reconfiguration of internal areas to include additional horizontal circulation space.*
- *A minor reduction in site area, which results in an increase in the measured FSR of the site.*

Justification for the Proposed GFA

The revised development proposed continues to meet the objectives of the relevant development standards, which 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.*

Extensive discussion was previously provided regarding the proposed FSR under DA864/2015/JP, which sought a ratio of 1.69:1. The proposed modified development seeks an FSR of 1.86:1, which represents an increase of 0.17:1 compared to that previously approved. In this regard, a generally similar contextual argument is relevant to the revised design, noting that the proposed modified development will result in a similar density to that previously approved.

As discussed in relation to building height, it is important to reflect the current and future evolving character of the centre, which has resulted in a substantial increase in the prevailing approved and endorsed density of the Castle Hill Town Centre. On this basis, and noting the environmental assessment, it is considered that the minor proposed additional density is an acceptable outcome for the Castle Towers site.

The proposed revised GFA will also ensure that the proposed development is able to better engage with the future Castle Hill Metro Station. The revised development design is more compatible with the role of the future centre, than either the existing or approved developments at the site. Specifically, the proposed modified development comprises a range of changes which work to improve the relationship of the development to its surroundings, with particular regard to the future Castle Hill Metro Station frontage.

This includes components such as the works to enable a pedestrian link to Castle Hill Metro Station and the provision of a new highly compatible East Village Precinct, which will both work to provide a highly compatible development in its surrounding context. Accordingly, the proposed modified development provides a higher degree of compatibility with this objective, in enabling the delivery of a precinct which is commensurate with the role of the Castle Hill centre.

The modified development continues to exhibit sufficient environmental planning grounds to justify variation of the FSR standard. In this respect, the following specific comments are noted:

- *The proposed modified development is generally similar in nature to the approved development, with the exception of specific changes regarding the cinema complex and car parking arrangements. In this regard, many of the ongoing environmental*

planning arguments under DA864/2015/JP continue to apply to the revised development scheme.

- The proposed revised development does not result in any increase in NLA, or car parking at the site. This means that the retail intensity will be no greater than the existing approved development. Accordingly, the additional space will be for circulation, servicing and other such elements which improve the retail experience of employees and visitors.*
- The development, throughout this modification application, has been demonstrated not to result in any adverse environmental impacts. The proposed modified development also achieves the objectives of the FSR standard within The Hills LEP 2012.*
- Adherence to the current 1:1 FSR limit continues to be unreasonable, given the approved development at the site is already approved at a ratio of 1.69:1. To this respect, the proposed revised FSR is only marginally more than that currently approved at the site.*
- The substantial site area of Castle Towers is such that additional density can be accommodated within the site, in a manner which does not result in any adverse impacts.*
- Many sites within the surrounding area are approved or proposed to contain substantial additional density, with this expected to further increase in the coming years.*
- The proposed changes sought under this modification application deliver significant public benefits to the surrounding area, by concentrating entertainment uses in the most accessible location at the site, and enabling the delivery of a high quality precinct near the future Castle Hill Metro Station.*

The proposed modified development also continues to achieve the objectives of the control, by way of the following:

- The proposed GFA provides for a building form which is appropriately scaled and commensurate with a major retail centre in North West Sydney. This application has been designed to allow for Castle Towers to grow alongside the growth of Castle Hill over the coming years.*
- A robust assessment has been undertaken in this Section 96 modification application in order to confirm that the proposed modified development is compatible with the surrounding area, as well as the future envisaged role of Castle Hill.*

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 modified FSR is 1.86:1.

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 generally includes single dwellings, townhouses and apartments, however a significant residential development is under construction immediately to the north comprising 962 units within five apartment buildings with a maximum height of

23 storeys (Pennant Street Target Site). 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.

Further, 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'. 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.

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.

b. Height

The LEP height limit for the area of the site the subject of the proposed building works is 12 metres. The works approved under DA 864/2015/JP have a maximum height of 35.47 metres located at the new cinema complex. This represented a maximum 195.6% variation to the LEP standard.

The proposed modifications include internal and external design changes, notably the relocation of the proposed cinema complex to the north. The relocation of the cinema complex will result in a maximum height of 46 metres which is a variation of 283.3%.

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.

As Clause 4.6 'Exceptions to Development Standards' only operates to prevent the grant of development consent, as distinct from the modification of development consent, the applicant has provided the following justification for the further variation to the development standard under the subject modification application:

As a result of the changes sought under this modification application, a revised profile of building heights has been proposed. Predominantly these changes are minor, with the exception of the cinema relocation to the north, which results in a maximum building height of RL 169.55, or 46m above existing ground level.

This comprises an increase in the maximum building height is 10.35m, compared to the currently approved maximum building height.

Figures 1 to 6 below provide comparisons of the existing, approved and proposed building height profiles, as viewed from each street elevation. In the following images the elevation of the proposed building is compared to the approved building form (dashed red), and the existing development at the site (dashed blue).

Old Castle Hill Road Elevations

At the southern portion of the site, the modified development includes some additional height, as a result of the revised cinema complex and car park design. As per the elevation at Figure 1, most of this additional bulk remains in a central portion of the site, stepping down towards the north. Also visible in this location is the 'East Village' precinct, which comprises a different design approach from the site towards the east. Generally, the tallest elements of the site, being the cinema complex and car parking structure, are located further back in the site, closer to Pennant Street.

Further to the north, the proposed revised development is generally equivalent to or lower in scale than the existing development, and is similar in scale to that approved at the site. Figure 2 below demonstrates the elevation of the building, as being generally consistent with the approved envelope.

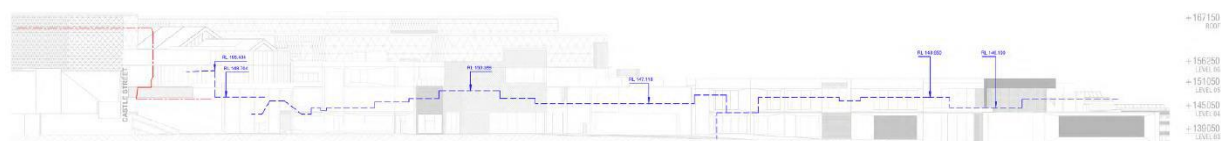


Figure 1- Old Castle Hill Road Elevation (Part 1)

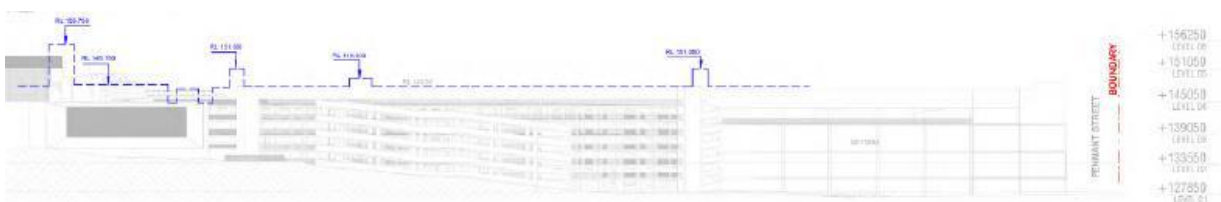


Figure 2- Old Castle Hill Road Elevation (Part 2)

Pennant Street Elevation

The Pennant Street elevation comprises the longest frontage of the site, and includes the revised cinema complex. At Figures 3 and 4 below, it is apparent that the key shift in height at the site is a movement of the approved cinema complex (red dashed) which has been relocated further to the north. This is the primary reason for the height variation sought as part of this modification application, given that the area where the height has been shifted

towards features a lower existing ground level than the previously approved location. This existing ground level difference is visible at Figure 4 below.

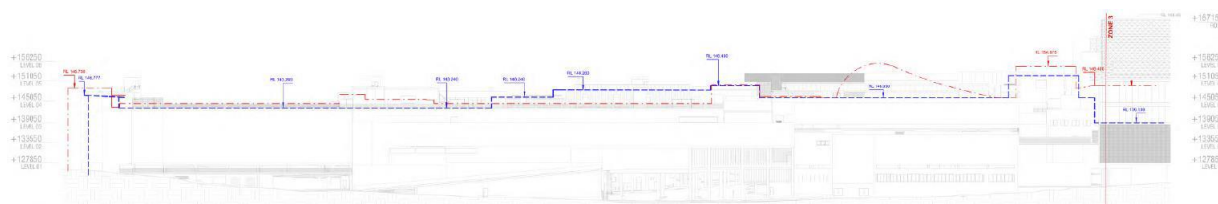


Figure 3- Pennant Street Elevation (Part 1)



Figure 4- Pennant Street Elevation (Part 2)

Showground Road Elevation

The Showground Road elevation features a number of changes in height as a result of the proposed amendments. Additional building bulk is proposed at the south-western corner of the site due to the additional land created from the diversion of Pennant Street, which is generally similar in height to the approved development at this corner. The cinema complex could be visible along this elevation around the intersection with Pennant Street, however it would only be viewable at an oblique angle, remaining substantially set back due to the long and narrow nature of the Castle Towers site, and the provision of shorter building forms to the Showground Road frontage. Figure 5 provides a comparison between the approved and proposed building forms.

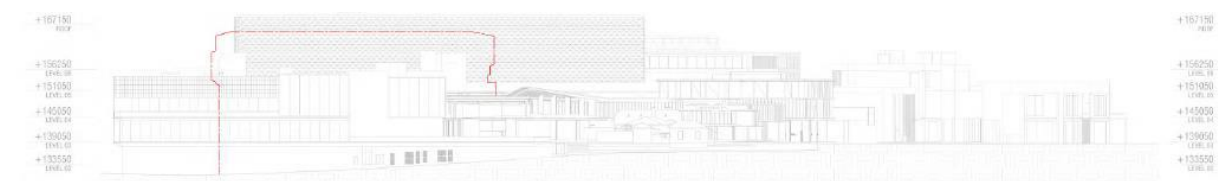


Figure 5- Showground Road Elevation

Old Northern Road Elevation

At the Old Northern Road elevation of the site, the modified development remains generally consistent with the approved development, with the exception of the movement of the cinema complex to the north. The only area of additional bulk is from the Pennant Street realignment, with the majority of this elevation comprising a similar or lower scale than that approved. Figure 6 provides a comparison elevation from the Old Northern Road.

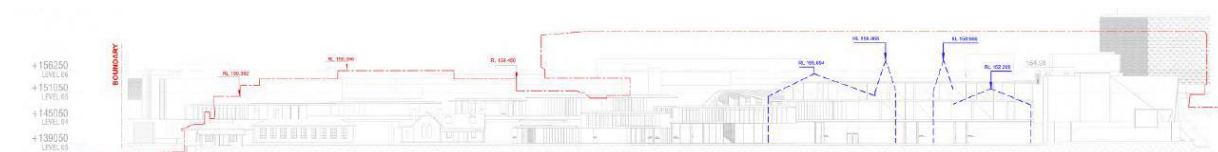


Figure 6- Old Northern Road Elevation

Justification of Proposed Height

The revised development continues to meet the objectives of the height of buildings development standard, which 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 proposed modified development continues to meet the above objectives notwithstanding the proposed exceedance, by way of the following:

- The proposed modified development has been designed to ensure that the proposed bulk is compatible with that adjoining development and the surrounding streetscape. A detailed analysis has been undertaken to ensure this, ensuring that the modified development meets objective (a) of the clause.*
- This modification application demonstrates that there will be no adverse impacts in regards to overshadowing, visual impact or privacy. On this basis the proposed modified development meets objective (b) of the clause.*

Extensive discussion was previously undertaken regarding the proposed height under DA864/2015/JP, which sought a maximum of RL165.25. The proposed development seeks a height of RL169.55, which represents a 10.35m increase in the maximum building height of the building compared to that approved. This comprises approximately 4m in maximum RL increase of the development, as well as a drop in existing ground level of approximately 6m, which has the effect of raising the maximum height of the building by 10.35m compared to that currently approved.

In the period since the approval of DA864/2015/JP, a number of other tall developments have been envisaged through Planning Proposals and DAs, to reflect the current and future evolving character of the centre. This includes Planning Proposals at Vivien Place and Garthowen Crescent, which each propose a substantial increase in the prevailing height of the Castle Hill Town Centre by comparison to the 12m height limit at the site. On this basis, and noting the environmental assessment throughout, it is considered that the proposed additional height is an acceptable outcome within the context of the site.

The modified development also continues to exhibit sufficient environmental planning grounds to justify variation of the building height development standard. In this respect, the following specific comments are noted:

- The proposed modified development is generally similar in nature to the approved development, with the exception of specific changes regarding the cinema complex and car parking arrangements. In this regard, many of the environmental planning arguments continue to apply to the revised development scheme.*
- The proposed cinema complex changes predominantly relate to the movement of the cinema towards the north, which results in a legally taller building by virtue of a reduction in the existing ground level, which slopes away to the north. The proposed increased building height under this modification application is therefore limited to a specific part of the envelope, and does not extend fully across the building.*
- The portion of the development which is subject to this additional height, being the cinema component, has been designed and assessed in order to confirm that the*

proposed additional height will not result in any adverse impacts on the surrounding area or adjacent sites.

- The development, throughout this modification application, has been demonstrated to not result in any adverse environmental impacts. The proposed modified development also achieves the objectives of the height of buildings standard within The Hills LEP 2012.*
- Adherence with the current 12m height limit continues to be unreasonable, given the existing and approved developments at the site, as well as many sites within the surrounding area, which are approved or proposed to contain height limits well above this control. In this case, adherence to the 12m height limit would restrict the development more than that which is existing and approved at the site, and would limit the potential for the development to deliver substantial public benefits in the context of the Castle Hill centre.*
- The proposed cinema complex comprises the movement of existing bulk to better meet the needs of tenants and visitors. This means that the proposed additional bulk to accommodate the cinema results in a corresponding decrease in the maximum height of the site further to the south.*
- The development does not increase in intensity out of this modification application, in regards to either NLA or car parking provision at the site. The FSR sought under this application also is less than that currently approved due to an increase in the site area.*
- The proposed changes sought under this modification application deliver significant public benefits to the surrounding area, by concentrating entertainment uses in the most accessible location at the site, and enabling the delivery of a high quality precinct near the future Castle Hill Metro Station.*
- The proposed design of the cinema precinct at this part of the site has been aligned with the 24 hour through site link and the entertainment precinct. This will ensure that activity within the centre is located at a part of the site which benefits from access to transport (including late night transport), and is close to other similar uses. This also has the corresponding impact of ensuring that the 24 hour link is patronised later into the night than if it were separated from uses in the centre.*

Comment:

LEP 2012 limits the height for the site to 12 metres. The proposed modified height is a maximum 46 metres at the cinema complex. This represents a maximum 283.3% variation to the LEP standard.

The approved height under the original application DA 864/2015/JP have a maximum height of 35.47 metres at the cinema complex which represented a maximum 195.6% variation to the LEP standard.

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 modified 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.

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 respect to the above, there are currently two residential developments which are under construction in close proximity, one with an approved maximum height of 76.8 metres (DA 1946/2016/JP at 51-55 Old Castle Hill Road, Pennant Street Target site) and one with an approved height of 69.7 metres (DA 636/2014/JP at 299-309 Old Northern Road).

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.

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 above, 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.

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.

3. Compliance with DCP Part B Section 6 – Business

The following table details the proposal's 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 (Site B) and which specifies setbacks however the proposal does not include the construction of buildings on Site B.	NA
Site Analysis	<p>Land with a slope greater than 20% is not suitable for development.</p> <p>Development applications for proposals on land with a slope of between 15-20% must be accompanied by a geotechnical report.</p> <p>Disturbance to existing natural features is to be minimised.</p> <p>Development on land adjoining bushland reserves should incorporate measures (such as greater setback buffers) to prevent any</p>	An appropriate level of site analysis has been undertaken identifying key features on the site.	Yes

	impacts.		
Development Sites	<p>The minimum site frontage requirement is 18 metres except Balmoral Road Release Area where the minimum is 60m.</p> <p>Consent may not be granted to an application that isolates an area of land that does not meet the minimum site area requirements.</p> <p>Ensure adequate provision of services has been made (water, sewer, energy, telecommunications and drainage).</p>	<p>All frontages exceed 18m.</p> <p>The development is contained within a discrete development site and does not isolate any land.</p> <p>Adequate provision has been made for services to the site.</p>	Yes
Floor Space Ratio	Refer to Clauses 4.4 and 4.5 of LEP 2012 and Floor Space Ratio Maps. LEP 2012 limits FSR for the site to 1:1.	The proposed FSR is 1.86:1 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 this variation was considered with the original application and the modified proposal does not include any further variation.
	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 – 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 in Appendix A. This area can only be used for landscaping	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	No, however this variation was considered with the original application

	and screening purposes or protection of ecological communities.	proposed and which is opposite R1 General Residential and R4 High Density Residential land and across the Showground Road intersection at an oblique angle which is R4 High Density Residential land.	and the modified proposal does not include any further variation.
	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 a maximum of 46m. 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	<p>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 generate a lower environmental cost will be considered on their merits.</p> <p>Under no circumstances will masonry block work be permitted on external walls.</p>	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 including pre-cast panels, metal, wood and sandstone. The proposed external design and appearance are satisfactory.	Yes

	<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. 		
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	The proposed hours of operation are consistent with the existing hours and are considered appropriate for a centre of	Yes

	cleaning/maintenance vehicles, out of hours.	this size. There are no changes to the approved hours of operation.	
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> <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</p>	There is no fencing proposed.	NA

	adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.		
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> <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>	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

	<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 Section 1 – Parking and Council policy entitled "Making Access for All 2002".</p>	See comments in Section 4.	See comments in Section 4.
Bicycle Parking	Bicycle: 2 spaces plus 5% of total spaces where the development exceeds 5,000m ² (either new development or alterations	The original proposal included 60 bicycle spaces and the amended proposal is for 90 bicycle spaces. The DCP	No, however site has a high level of accessibility due to the bus

	<p>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>	requires 398 bicycle spaces.	interchange and future rail. The proposed parking provision has not changed since the approval of the original application and the bike parking provision has been increased.
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>	80 loading bays are proposed. The original proposal included 84 loading bays. 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>	The proposed works will be required to comply with the applicable Australian Standard from the BCA.	Yes

	Street furniture and obstructions should be kept clear of pathways, while overhanging objects should not be lower than 2100mm above pathways.		
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> <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</p>	The proposal will include low impact landscape works, retention and stormwater treatment devices.	Yes

	<p>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.	Yes
Development Contributions	Address Council's Section 94 Contributions Plans.	A condition has been recommended in relation to contributions.	Yes
Site Investigation	<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 were included in regard to pollution control on the original consent.	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

The DCP requires that 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 relocation of the cinema and its increased height has resulted in a further variation to the DCP requirement along the Pennant Street frontage.

The applicant has submitted the following as justification:

The modified proposal continues to not comply with the 45 degree setback above 8m. This is considered to be acceptable on the basis that:

- *the revised proposal aligns with the approved and existing centre, neither of which comply with this control;*
- *the centre is largely buffered by wide roads and compatible business uses; and*
- *the development continues to utilise a range of architectural features to mitigate visual impact.*

Comment:

The objectives of the DCP are:

- (i) *To provide an attractive streetscape and substantial areas for landscaping and screen planting.*
- (ii) *To ensure adequate sight distance is available for vehicles entering and 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 building height plane is 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 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 enhanced 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. 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 80 loading docks are proposed, which has been reduced from 84 loading bays approved by the original application.

The applicant has submitted the following as justification:

This modification application also includes the provision of an alternate loading arrangement, as part of the overall program of changes to the design of the centre. These changes include the provision of a new consolidated Level B4, which is to be used specifically for loading purposes as a dedicated facility.

Across the centre there is a net reduction of 4 loading dock vehicle spaces by comparison to the approved arrangement. However, an improved range of loading spaces has been proposed, with noticeable increases in the provision of Heavy Rigid Vehicle (HRV) and Small Rigid Vehicle (SRV) spaces. This has been proposed to better cater the needs of future tenants by aligning vehicle spaces to tenancy requirements. It is also noted that this revised arrangement improves the overall ratio of loading spaces compared to the existing

development at Castle Towers. Finally, the revised design has resulted in an increase in compactors from 13 currently approved, to a proposed 20. This is seen to have a positive impact on compacting capabilities at the site.

Overall, the loading changes will result in an appropriate outcome at the site, and assert that the revised design will provide an overall improvement compared to the approved arrangement, which better needs to the future needs of tenants.

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.

4. Parking

a. Parking 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 leasable floor area (GLFA).

The approved rate of parking based on a GLFA of 193,457m² and 7996 spaces is 1 space per 24.2m².

There is no change proposed to the GLFA and no change proposed to the approved parking of 7996 spaces.

The original approval included Condition 3 which states as follows:

3. Car Parking, Bicycle and Motorcycle Spaces

The provision and maintenance thereafter of:

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

177 motorcycle parking spaces.

60 bicycle spaces.

The application maintains the required 7996 spaces, including the accessible spaces and motorcycle parking, however has increased the bicycle parking to 90 bicycle spaces.

However the applicant has sought to reduce the parents with prams spaces from 95 to 88 spaces. In this regard the DCP requires that parents with pram spaces be provided at a rate of 1 space per 100 spaces within a shopping centre. Based on the provision of 7996 spaces, 80 (79.96) spaces are required. The proposal continues to comply with the DCP requirement.

b. Parking during Staging Works

The following parking numbers are proposed as part of the staging:

Stage	GLFA	Parking	
Stage 1	161,617m ²	With Site C	6675
		Without Site C	6161
Stage 2	193,457m ²	With Site C	-
		Without Site C	7996

Note: Site C is the temporary carpark at Lot 51 DP 1022542, No. 1 Les Shore Place, Castle Hill which contains a temporary carpark which is currently used for staff parking.

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.

The approved rate of parking under original approval based on a GLFA of 193,457m² and 7996 spaces is 1 space per 24.2m².

The following table details the parking requirements based on the DCP and agreed parking rate:

Stage	Total GLFA	GLFA Proposed in Each Stage	Required Parking at DCP Rate of 1 space per 18.5m ² GLFA for Proposed Floor Area	Required Parking at Agreed Parking Rate of 1 space per 24.2m ² GLFA	Proposed Parking for Each Stage
Stage 1	161,617m ²	48,420m ²	2618 spaces	6679 spaces	6675 spaces
Stage 2	193,457m ²	31,840m ²	1722	7994 spaces	7996 spaces

As can be seen in the above table, the parking for each stage is generally consistent with the agreed parking rate for Stage 1. There is no overall loss of approved spaces as part of the subject modification and no increase in GLFA from that approved with the original application.

As such the parking is considered to be satisfactory.

c. Pay Parking

Development Consent 864/2015/JP/B included Condition 4 which states as follows:

4. Pay Parking

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

Subsequently, the applicant advised that there was a need to implement a pay parking scheme in order to ensure that parking in the centre was controlled, especially in regard to persons who may park at the site but not visit the site ie: commuter parking which occurs due to the bus transit centre opposite.

On 06 July 2017 Development Application 1443/2017/HA was approved for the implementation of a pay parking scheme for the shopping centre. The pay parking system included a pricing strategy to provide a three hour free period for patrons and either a free or reduced parking rate for staff and tenants. The parking system includes parking availability signs at entry points, ticketless parking and availability lights over parking spaces.

In addition to the above, the proposed carparking areas will also be subject to a pay parking arrangement. Conditions were imposed on the original consent which address this matter.

5. Government Authority Comments

The original proposal required concurrence from Sydney Trains and RMS and the amended proposal was referred in order for these Authorities to provide updated concurrence requirements. In addition the proposal was referred to: Sydney Water, Castle Hill Police, Endeavour Energy, and Transport for NSW. Comments were received from Sydney Trains, RMS, Sydney Water, Castle Hill Police and Endeavour Energy as detailed below.

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. In addition, owner's consent was also required due to works within the stratum of subsurface land owned by Transport for NSW. Owner's consent was provided for the proposed modification on 04 September 2018.

Sydney Trains subsequently advised that they grant unconditional concurrence to the proposed modification.

b. RMS Comments

RMS have advised as follows:

- a. The proposed modifications include amendments to Roads and Maritime's requirements for widening of Castle Street on both approaches to Pennant Street (to accommodate three approach lanes at the intersection). Roads and Maritime raises no objection to the proposed two approach lanes out of the Centre (westbound) due to the existing constraints. Roads and Maritime requests the required three eastbound approach lanes at the intersection to be provided at the Stage 1 of the development.*

- b. *The proposed modifications include addition of three new loading docks with access off Pennant Street. Roads and Maritime notes the proposed loading docks retain the existing arrangements for loading onto Pennant Street other than the new loading dock at the southern end, near Showground Road. The southern loading dock access is to be design and constructed as part of the Pennant Street re-alignment works (DA-109/2017/JP).*

In regard to the RMS requirement in (a) above, the applicant has advised that while they are in agreement to construct the three eastbound lanes, they request that the construction work be undertaken in Stage 2 works. The applicant submitted further traffic advice regarding this request to support the construction timeframe within the Stage 2 works. This was on the basis of the extent of works proposed in Stage 1, traffic generation and the financial contribution already made by QIC to the Showground Road upgrade works.

In response, RMS have confirmed that the three eastbound lanes are required to be constructed in Stage 1.

c. Sydney Water Comments

Sydney Water advised they they have no objection to the proposed modifications. Conditions of consent were imposed on the original approval which remain appropriate.

d. Castle Hill Police Comments

Castle Hill Police raised no concerns with the proposed modification but advised that concerns raised with the original application remain. These issues related to impacts on Police being able to access incidents/accidents in a timely manner due to road congestion. As a result of this impact, Police feel that the Police Station should be relocated and that QIC should contribute to the costs associated with the relocation. Police have also commented that QIC may find that the use of the Police property may assist traffic outcomes in regard to road widening.

As stated in the original report, 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.

e. Endeavour Energy Comments

Endeavour Energy advised that they have no objections to the proposed modifications. Conditions of consent were imposed on the original approval which remain appropriate.

6. 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 i.e. 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 was covered by the VPA. The full scope of roadworks required by the RMS did not change from their original requirements.

As part of the VPA, the works associated with the upgrade works to Showground Road between Pennant Street and Carrington Road are completed. The VPA also required QIC to pay a monetary contribution to RMS (total \$15,000,000) towards the upgrade works and this has also been paid by QIC.

In December 2018, Council received a joint request from QIC and RMS to consider amendments to the existing VPA.

The draft amendments to the VPA will ensure greater certainty concerning the budget, appointment of responsibilities and detailed designs for planned road upgrade works to be carried out by both RMS and QIC. RMS will continue the remaining planned upgrade works to Showground Road between Kentwell Avenue to Pennant Street in February 2019. The works will include road widening as well as the installation of traffic signals at the Kentwell Avenue intersection. QIC plans to commence the construction of a road diversion along Pennant Street towards an intersection with Showground Rod in April 2019. All the works are expected to be completed by the end of 2019.

The VPA will be reported to Council separately in the first quarter of 2019.

7. 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 construct 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 second quarter of 2019.

The original consent included conditions of consent to ensure that works along the Castle Towers frontage be undertaken in accordance with the civil design for the Station precinct and to ensure consistency with Council's Main Street.

QIC have lodged a separate application for the construction of the tunnel interface between the shopping centre and the rail link (DA 733/2019/HA). This application is currently under assessment. The Phase 1A works will provide a connection between the rail link and the proposed retail component of the shopping centre.

8. Issues Raised in Submissions

The proposal was notified to adjoining property owner's and those who made a submission to the original proposal. Two submissions were received. The issues raised in the submissions are outlined below.

ISSUE	COMMENT	OUTCOME
General impact on persons attending Wesley Uniting Church.	The proposed modifications will not result in further impacts to the Wesley Uniting Church given the location of the church and works within the adjoining	Issue addressed.

	area.	
Question of how the resident will travel from their place of residence to the Wesley Uniting Church.	The customer was contacted and discussion held regarding various available routes.	Issue addressed.
Objection is raised to the deletion of the vehicle access from Showground Road to Kentwell Avenue. The objection includes a list of reasons why the access should be maintained.	The proposal includes the closure of the previous one-way access road from Showground Road to Kentwell Avenue. This is due to the difference in levels of approximately 2 metres which will result upon completion of the signalisation works.	Issue addressed.

9. Internal Comments

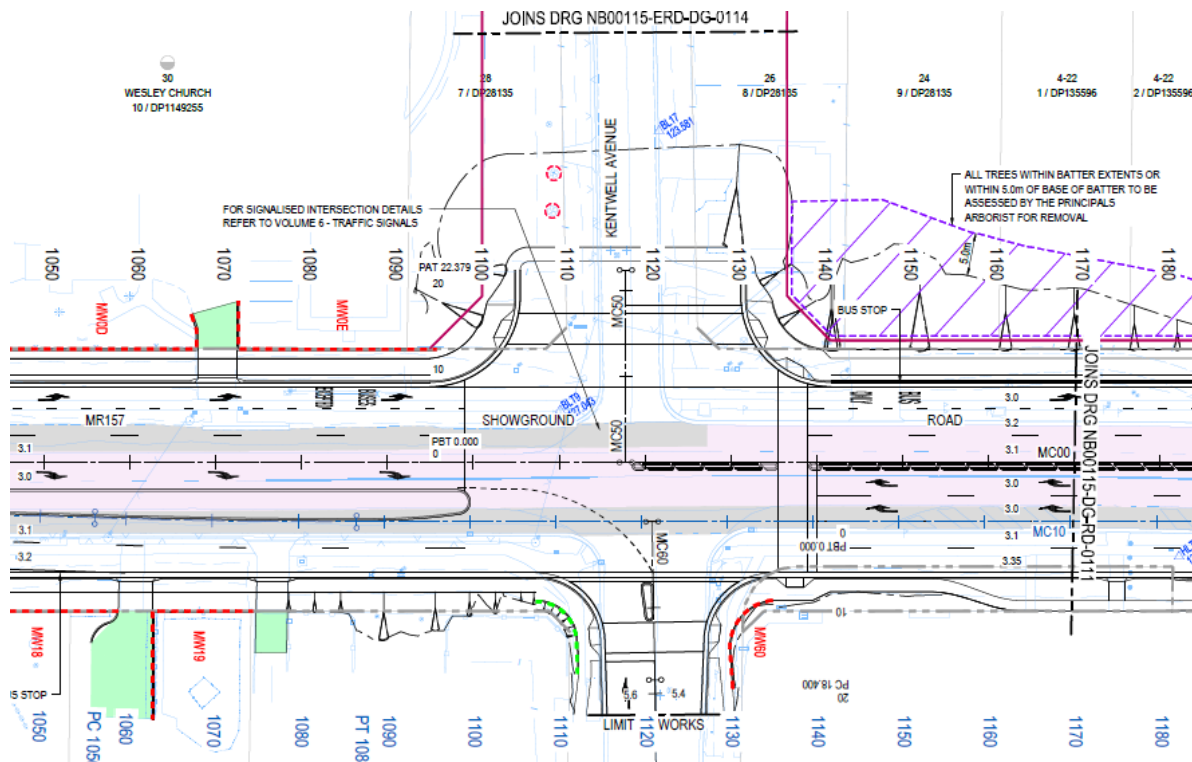
The proposed modification application has been assessed by the following sections of Council:

Subdivision Engineer;
Fire Safety;
Health and Environment;
Trees;
Waste Management;
Traffic;
Forward Planning (Heritage);
Section 7.11 Contributions.

No objection was raised to the proposal. Where relevant, amended conditions have been included in the conditions of consent.

a. Traffic Comments

The original intersection design at Showground Rd and Kentwell Ave for the Castle Towers Stage 3 extension included a one-way access road from Showground Road into Kentwell Avenue, allowing through traffic to continue north to Worthing Avenue and to Castle Street. This intersection will be upgraded to provide traffic signals as part of Stage 2 works by the RMS, which ultimately allows safe dual right turn access to the future QIC development site, as well as right turn access to Cheriton Avenue (see plan below). The new traffic signals are also designed to provide a direct link through the QIC development site to the approved tunnel under Pennant Street.



The Showground Road upgrade works have now generally been completed between Carrington Road and Kentwell Avenue however the signals have not yet been installed at the Kentwell Avenue/ Showground Road intersection. Upon completion of the signalisation works at this intersection, the difference in level between Showground Road and Kentwell Avenue will be approximately 2 metres, with Kentwell Avenue sitting lower than the completed signalised intersection on Showground Road. As a result, Kentwell Avenue will be closed at this location. Based on advice from RMS, it is anticipated that the signalisation works will occur within the next 12 months as part of the Stage 2 RMS construction works that will link with a realigned Pennant Street intersection.

Whilst it is recognised that the closure of Kentwell Avenue at Showground Road will impact on vehicle access to the local residents and the Church who currently use Kentwell Avenue, the new signalised intersections at Showground Road and Rowallan Avenue to the west, and the upgraded signalised intersection at Showground Road and Pennant Street to the east, will allow for improved alternative vehicle access for motorists using the local roads in this area.

DISTRICT PLAN

The Central City District Plan contains 'Directions for Productivity' which include:

- A well-connected city – Planning Priority C7 - Growing a stronger and more competitive Greater Parramatta
- Jobs and skills for the city – Planning Priority C10 - Growing investment, business opportunities and jobs in strategic centres.

The plan seeks to ensure that major projects such as the light rail will deliver faster links between business and improved connections for the workforce and visitors. The plan also acknowledges that strong road links and the ease of parking can reduce impacts on road

congestion and improve accessibility for works and visitors, along with walking and cycling links.

The plan also seeks to encourage economic growth through retail expansion in key strategic centres which creates economic and employment growth and also results in places which are community gathering spaces, recreation spaces, cultural and leisure spaces.

Implementation and monitoring of the Plan and the potential indicators are as follows:

Direction 6: *A Metropolis of Three Cities* requires a well-connected Greater Sydney with new jobs, shops and services in well-located centres with efficient transport connections and safe and convenient walking and cycling routes. This creates a 30-minute city.

A well-connected city will be measured against the outcomes achieved by improved access to metropolitan, strategic and local centres.

Potential indicators: Percentage of dwellings located within 30 minutes by public transport of a metropolitan centre/cluster; Percentage of dwellings located within 30 minutes by public transport of a strategic centre.

Direction 7: Greater Sydney's population growth needs to be supported by economic growth that enhances its productivity, export sectors and global competitiveness.

Jobs and skills for the city will be measured against the outcomes achieved by increased business growth and investment, improved transport connections, economic agglomerations and target sectors.

Potential indicator: Increased jobs in metropolitan and strategic centres.

The proposed development meets the intent of the Plan as follows:

- The proposal will meet the demand for an increase in retail and complementary uses within an established strategic centre;
- The proposal will result in increased local employment opportunities during both the construction and operation of the development;
- The proposal has a high level of accessibility given the existing bus interchange, future rail link, upgrade works to Showground Road and local roads;

The proposal is considered satisfactory in regard to the Central City District Plan.

CONCLUSION

The proposed Modification Application has been assessed having regard to the provisions of Sections 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979, SEPP 32 – Urban Consolidation, Sydney Regional Planning Policy No. 20 – Hawkesbury Nepean River, Local Environmental Plan 2012 and Development Control Plans Part C Section 8 - Business and Part C Section 1 – Parking and is considered to be satisfactory.

There are of variations proposed to LEP 2012 and the DCP in regard to floor space ratio, height, building height plane and loading facilities however these variations are considered to be satisfactory and the proposal can be supported. The proposed LEP variations are

considered to be supportable and the proposal is considered to be consistent with the aims and objectives of LEP 2012 and will result in a development which will provide retail opportunities for the immediate and wider area. The proposed works will provide a regional centre for the residents of both The Hills Shire and the surrounding area.

The development is considered to be satisfactory in regard to the external design and appearance of the works and whilst the proposal will have a different external design to the existing centre it is considered to be complementary and will achieve an appropriate streetscape outcome. In this respect the external colours and materials are appropriate for the location and will provide a focal point for the Town Centre.

Accordingly, approval of the modification application is now recommended.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

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

The proposed external works maintain an aesthetically pleasing streetscape presentation to Old Northern Road, Showground Road, Kentwell Avenue, Pennant Street and Castle Street and includes embellishment works within the heritage precinct. These works ensure the objectives of the document are maintained.

The proposed operation will also not detrimentally impact upon the environmental or social amenity of adjoining property owners however a number of conditions of consent have been included in the recommendation to ensure that amenity is maintained.

As a result the proposed Stage 3 works are considered satisfactory with respect to "Hills 2026 – Looking Towards the Future".

RECOMMENDATION

The Modification Application be approved subject to the following conditions.

4th Draft Conditions 864/2015/JP/B

The deletion of all conditions relating to DA 864/2015/JP and Modification Application 864/2015/JP/A and the replacement with the following conditions:

CONDITIONS RELATING TO ALL STAGES OF DEVELOPMENT

GENERAL MATTERS – ALL STAGES

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
DA002	Design Intent – Sheet 1	31/05/2018 Rev. 03
DA003	Design Intent – Sheet 2	31/05/2018 Rev. 05
DA004	Design Intent – Sheet 3	31/05/2018 Rev. 05
DA005	Design Intent - Sheet 4	31/05/2018 Rev. 05
DA006	Design Intent – Sheet 5	31/05/2018 Rev. 04
DA007	Design Intent - Sheet 6	31/05/2018 Rev. 05
DA008	Design Intent – Sheet 7	31/05/2018 Rev. 04
DA009	Design Intent – Sheet 8	31/05/2018 Rev. 05
DA010	Design Intent – Sheet 9	31/05/2018 Rev. 03
DA011	Design Intent – Sheet 10	31/05/2018 Rev. 03
DA030	Perspective – Sheet 1	31/05/2018 Rev 05
DA031	Perspective – Sheet 2	31/05/2018 Rev. 03
DA032	Perspective – Sheet 3	31/05/2018 Rev. 03
DA034	Perspective – Sheet 5	31/05/2018 Rev. 02
DA035	Perspective - Sheet 6	31/05/2018 Rev. 02
DA050	Site Boundary & Title Plan	31/05/2018 Rev. 03
DA051	Site Plan & Location Plan	31/05/2018 Rev. 05
DA140	Existing Extents – Level B3	31/05/2018 Rev. 03
DA141	Existing Extents – Level B2	31/05/2018 Rev. 04
DA142	Existing Extents – Level B1	31/05/2018 Rev. 04
DA143	Existing Extents - Level 01	31/05/2018 Rev. 04
DA144	Existing Extents – Level 01A	31/05/2018 Rev. 04
DA145	Existing Extents – Level 02	31/05/2018 Rev. 03
DA146	Existing Extents – Level 02A	31/05/2018 Rev. 03
DA147	Existing Extents – Level 03	31/05/2018 Rev. 05
DA148	Existing Extents – Level 03A	31/05/2018 Rev. 05
DA149	Existing Extents – Level 04	31/05/2018 Rev. 05

DA150	Existing Extents – Level 04A	31/05/2018 Rev. 05
DA151	Existing Extents – Level 05	31/05/2018 Rev. 05
DA152	Existing Extents – Level 05A	31/05/2018 Rev. 05
DA153	Existing Extents – Roof	31/05/2018 Rev. 05
DA154	Existing Extents – Level B4	31/05/2018 Rev. 02
DA160	Elevational Comparison	31/05/2018 Rev. 05
DA161	Building Height Envelope	31/05/2018 Rev. 05
DA180	Overall Masterplan Stage 2 Works – Level B4	Rev. 01
DA181	Overall Masterplan Stage 2 Works – Level B3	Rev. 01
DA182	Overall Masterplan Stage 2 Works – Level B2	Rev. 01
DA183	Overall Masterplan Stage 2 Works – Level B1	Rev. 01
DA184	Overall Masterplan Stage 2 Works – Level 01	Rev. 01
DA185	Overall Masterplan Stage 2 Works – Level 01A	Rev. 01
DA186	Overall Masterplan Stage 2 Works – Level 02	Rev. 01
DA188	Overall Masterplan Stage 2 Works – Level 03	Rev. 01
DA190	Overall Masterplan Stage 2 Works – Level 04	Rev. 01
DA191	Overall Masterplan Stage 2 Works – Level 04A	Rev. 01
DA192	Overall Masterplan Stage 2 Works – Level 05	Rev. 01
DA200	Overall Masterplan – Level B3	Rev. 07
DA201	Overall Masterplan – Level B2	Rev. 010
DA202	Overall Masterplan – Level B1	Rev. 08
DA203	Overall Masterplan – Level 01	Rev. 09
DA204	Overall Masterplan – Level 01A	Rev. 09
DA205	Overall Masterplan – Level 02	Rev. 08
DA206	Overall Masterplan – Level 02A	Rev. 07
DA207	Overall Masterplan – Level 03	Rev. 09
DA208	Overall Masterplan – Level 03A	Rev. 08
DA209	Overall Masterplan – Level 04	Rev. 09
DA210	Overall Masterplan – Level 04A	Rev. 08
DA211	Overall Masterplan – Level 05	Rev. 08
DA212	Overall Masterplan – Level 05A	Rev. 08
DA213	Overall Masterplan – Roof Plan	Rev. 08
DA214	Overall Masterplan – Level B4	Rev. 02
DA260	Heritage Square Level 3 Floor Plan – Sheet 1	22/07/2015 Rev. 02
DA262	Heritage Square Level 4 Floor Plan – Sheet 1	22/07/2015 Rev. 02
DA264	Castle Street 24Hr Access Detail Plan Level 3	25/09/2018 Rev. 04

DA271	East Village Detail Plan Level 3	31/05/2018 Rev. 01
DA272	East Village Detail Plan Level 4	31/05/2018 Rev. 01
DA273	East Village Detail Plan Level 5	31/05/2018 Rev. 01
DA274	East Village Detail Plan Roof	25/09/2018 Rev. 02
DA301	Elevations – Sheet 1	25/09/2018 Rev. 05
DA302	Elevations – Sheet 2	31/05/2018 Rev. 06
DA303	Elevations – Sheet 3	31/05/2018 Rev. 03
DA400	Sections – Sheet 1	31/05/2018 Rev. 03
DA401	Sections – Sheet 2	31/05/2018 Rev. 04
DA402	Sections – Sheet 3	31/05/2018 Rev. 03
DA403	East Mall Section Connection to NWRL	09/11/2015 Rev. 04
DA411	Sectional Comparison – Sheet 1	31/05/2018 Rev. 01
DA412	Sectional Comparison – Sheet 2	31/05/2018 Rev. 01
DA500	Carpark Detail Plan – Level B2 – Sheet 1	31/05/2018 Rev. 04
DA501	Carpark Detail Plan – Level B2 – Sheet 2	31/05/2018 Rev. 03
DA502	Carpark Detail Plan – Level B2 – Sheet 3	31/05/2018 Rev. 03
DA503	Carpark Detail Plan – Level B2 – Sheet 4	31/05/2018 Rev. 03
DA504	Carpark Detail Plan – Level B2 – Sheet 5	31/05/2018 Rev. 04
DA505	Carpark Detail Plan – Level B2 – Sheet 6	31/05/2018 Rev. 03
DA506	Carpark Detail Plan – Level B2 – Sheet 7	31/05/2018 Rev. 03
DA507	Carpark Detail Plan – Level B2 – Sheet 8	31/05/2018 Rev. 03
DA508	Carpark Detail Plan – Level B1 – Sheet 1	31/05/2018 Rev. 03
DA509	Carpark Detail Plan – Level B1 – Sheet 2	31/05/2018 Rev. 03
DA510	Carpark Detail Plan – Level B1 – Sheet 3	31/05/2018 Rev. 03
DA511	Carpark Detail Plan – Level B1 – Sheet 4	31/05/2018 Rev. 03
DA512	Carpark Detail Plan – Level B1 – Sheet 5	31/05/2018 Rev. 04
DA513	Carpark Detail Plan – Level B1 – Sheet 6	31/05/2018 Rev. 03
DA514	Carpark Detail Plan – Level B1 – Sheet 7	31/05/2018 Rev. 03
DA515	Carpark Detail Plan – Level B1 – Sheet 8	31/05/2018 Rev. 03
DA520	Carpark Detail Plan – Level 3A – Sheet 1	31/05/2018 Rev. 03
DA521	Carpark Detail Plan – Level 4 – Sheet 1	31/05/2018 Rev. 03
DA522	Carpark Detail Plan – Level 4 – Sheet 2	31/05/2018 Rev. 04
DA523	Carpark Detail Plan – Level 4 – Sheet 3	31/05/2018 Rev. 04
DA524	Carpark Detail Plan – Level 4 – Sheet 4	31/05/2018 Rev. 03
DA525	Carpark Detail Plan – Level 4 – Sheet 5	31/05/2018 Rev. 03
DA526	Carpark Detail Plan – Level 4 – Sheet 6	31/05/2018 Rev. 03

DA527	Carpark Detail Plan – Level 4 – Sheet 7	31/05/2018 Rev. 03
DA528	Carpark Detail Plan – Level 4 – Sheet 8	31/05/2018 Rev. 03
DA531	Carpark Detail Plan – Level 4A – Sheet 1	31/05/2018 Rev. 03
DA532	Carpark Detail Plan – Level 4A – Sheet 2	31/05/2018 Rev. 04
DA535	Carpark Detail Plan – Level 4A – Sheet 5	31/05/2018 Rev. 03
DA536	Carpark Detail Plan – Level 4A – Sheet 6	31/05/2018 Rev. 04
DA537	Carpark Detail Plan – Level 4A – Sheet 7	31/05/2018 Rev. 03
DA538	Carpark Detail Plan – Level 4A – Sheet 8	27/04/2015 Rev. 03
DA539	Carpark Detail Plan – Level 5 – Sheet 1	31/05/2018 Rev. 04
DA540	Carpark Ramp Details – Sheet 1	31/05/2018 Rev. 03
DA541	Carpark Ramp Details – Sheet 2	31/05/2018 Rev. 03
DA542	Carpark Ramp Details – Sheet 3	31/05/2018 Rev. 03
DA543	Carpark Ramp Details – Sheet 4	31/05/2018 Rev. 03
DA544	Carpark Ramp Details – Sheet 5	31/05/2018 Rev. 02
DA550	Loading Dock 5 – Sheet 1	31/05/2018 Rev. 03
DA551	Loading Dock 3 – Sheet 2	31/05/2018 Rev. 03
DA552	Loading Dock 1 & 2 – Sheet 3	31/05/2018 Rev. 03
DA553	Loading Dock 4 – Sheet 4	31/05/2018 Rev. 03
DA554	Loading Dock 7 & 8 – Sheet 5	31/05/2018 Rev. 03
DA555	Loading Dock 9 – Sheet 6	31/05/2018 Rev. 02
DA561	Carpark Detail Plan – Level B4 – Sheet 1	31/05/2018 Rev. 02
DA562	Carpark Detail Plan – Level B3 – Sheet 1	31/05/2018 Rev. 02
DA563	Carpark Detail Plan – Level B3 – Sheet 2	31/05/2018 Rev. 02
DA564	Carpark Detail Plan – Level B3 – Sheet 3	31/05/2018 Rev. 02
DA565	Carpark Detail Plan – Level B2 – Sheet 9	31/05/2018 Rev. 02
DA566	Carpark Detail Plan – Level B1 – Sheet 9	31/05/2018 Rev. 02
DA567	Carpark Detail Plan – Level 1 – Sheet 1	31/05/2018 Rev. 02
DA568	Carpark Detail Plan – Level 1 – Sheet 2	31/05/2018 Rev. 02
DA569	Carpark Detail Plan – Level 1 – Sheet 3	31/05/2018 Rev. 02
DA570	Carpark Detail Plan – Level 1 – Sheet 4	31/05/2018 Rev. 02
DA571	Carpark Detail Plan – Level 1A – Sheet 1	31/05/2018 Rev. 02
DA572	Carpark Detail Plan – Level 1A – Sheet 2	31/05/2018 Rev. 02
DA573	Carpark Detail Plan – Level 1A – Sheet 3	31/05/2018 Rev. 02
DA574	Carpark Detail Plan – Level 1A – Sheet 4	31/05/2018 Rev. 02
DA575	Carpark Detail Plan – Level 2 – Sheet 2	31/05/2018 Rev. 02
DA576	Carpark Detail Plan – Level 3A – Sheet 2	31/05/2018 Rev. 02

DA577	Carpark Detail Plan – Level 3A – Sheet 3	31/05/2018 Rev. 02
DA578	Carpark Detail Plan – Level 4 – Sheet 10	31/05/2018 Rev. 02
DA579	Carpark Detail Plan – Level 5 – Sheet 2	31/05/2018 Rev. 02
DA600	Comparison Masterplan	31/05/2018 Rev. 02
DA601	Comparison Masterplan – Level B3	31/05/2018 Rev. 02
DA602	Comparison Masterplan – Level B2	31/05/2018 Rev. 02
DA603	Comparison Masterplan – Level B1	31/05/2018 Rev. 02
DA604	Comparison Masterplan – Level 01	31/05/2018 Rev. 02
DA605	Comparison Masterplan – Level 01A	31/05/2018 Rev. 02
DA606	Comparison Masterplan – Level 02	31/05/2018 Rev. 02
DA607	Comparison Masterplan – Level 02A	31/05/2018 Rev. 02
DA608	Comparison Masterplan – Level 03	31/05/2018 Rev. 02
DA609	Comparison Masterplan – Level 03A	31/05/2018 Rev. 02
DA610	Comparison Masterplan – Level 04	31/05/2018 Rev. 02
DA611	Comparison Masterplan – Level 04A	31/05/2018 Rev. 02
DA612	Comparison Masterplan – Level 05	31/05/2018 Rev. 02
DA613	Comparison Masterplan – Level 05A	31/05/2018 Rev. 02
DA614	Comparison Masterplan – Roof Level	31/05/2018 Rev. 02
DA700	Stage 1 – Level B4	31/05/2018 Rev. 02
DA701	Stage 1 – Level B3	31/05/2018 Rev. 02
DA702	Stage 1 – Level B2	31/05/2018 Rev. 02
DA703	Stage 1 – Level B1	31/05/2018 Rev. 02
DA704	Stage 1 – Level 01	31/05/2018 Rev. 02
DA705	Stage 1 – Level 01A	31/05/2018 Rev. 02
DA706	Stage 1 – Level 02	31/05/2018 Rev. 02
DA707	Stage 1 – Level 02A	31/05/2018 Rev. 02
DA708	Stage 1 – Level 03	31/05/2018 Rev. 02
DA709	Stage 1 – Level 03A	31/05/2018 Rev. 02
DA710	Stage 1 – Level 04	31/05/2018 Rev. 02
DA711	Stage 1 – Level 04A	31/05/2018 Rev. 02
DA712	Stage 1 – Level 05	31/05/2018 Rev. 02
DA713	Stage 1 – Level 05A	31/05/2018 Rev. 02
DA714	Stage 1 – Level 06	31/05/2018 Rev. 02
DA715	Stage 1 – Roof	31/05/2018 Rev. 02
DA754	Phasing Plan - Level 01	5/10/2018 Rev. 02
DA756	Phasing Plan – Level 02	5/10/2018 Rev. 02

DA758	Phasing Plan - Level 03	5/10/2018 Rev. 02
DA760	Phasing Plan – Level 04	5/10/2018 Rev. 02
DA762	Phasing Plan – Level 05	5/10/2018 Rev. 02
DA764	Phasing Plan – Level 06	5/10/2018 Rev. 02
DA770	Level 01 – Phase 1A	13/09/2018 Rev. 01
DA800	Shadow Diagrams – June 21 9am	31/05/2018 Rev. 06
DA801	Shadow Diagrams – June 21 12pm	31/05/2018 Rev. 06
DA802	Shadow Diagrams – June 21 2 m	31/05/2018 Rev. 06
DA803	Shadow Diagrams – December 21 9am	31/05/2018 Rev. 05
DA804	Shadow Diagrams – December 21 12pm	31/05/2018 Rev. 05
DA805	Shadow Diagrams – December 21 3pm	31/05/2018 Rev. 05
DA806	Shadow Diagrams – June 21 3pm	31/05/2018 Rev. 03
---	Castle Towers Landscape Report	September 2018
16603	Perspective	September 2018 Issue B
16603	Contents Page	September 2018 Issue B
16603	Landscape Design Statement	September 2018 Issue B
16603	Key Plan	September 2018 Issue B
16603	Spatial Analysis – Town Square	September 2018 Issue B
16603	Landscape Masterplan – Town Square	September 2018 Issue B
16603	Character Zone – Heritage Square	September 2018 Issue B
16603	Character Images	September 2018 Issue B
16603	Character Zone – Civic Plaza	September 2018 Issue B
16603	Character Images	September 2018 Issue B
16603	Hard Material Palette	September 2018 Issue B
16603	Street Furniture	September 2018 Issue B
16603	Planting Palette – Town Square	September 2018 Issue B
16603	Planting Plan Trees – Town Square	September 2018 Issue B
16603	Tree Examples	September 2018 Issue B
16603	Tree Examples	September 2018 Issue B
16603	Tree Examples	September 2018 Issue B
16603	Planting Plan Shrubs + Groundcovers – Town Square	September 2018 Issue B
16603	Planting Examples	September 2018 Issue B
16603	Landscape Masterplan – Town Square Section	September 2018 Issue B
16603	Landscape Masterplan – East Village	September 2018 Issue B
16603	Landscape Sections – East Village Section	September 2018 Issue B

16603	Planting Plan – East Village	September 2018 Issue B
16603	Character Zone – East Village	September 2018 Issue B
16603	Planting Plan + Character – Blue Mountains Terrace	September 2018 Issue B
16603	Character Zones – Pennant Street	September 2018 Issue B
16603	Character Zones – Pennant Street cnr Showground Road	September 2018 Issue B
16603	Landscape Masterplan – Site B	September 2018 Issue B
16603	Character Images	September 2018 Issue B
16603	Site Wide Planting Selection and Details	September 2018 Issue B
B1592	Survey Plan – Sheet 24 of 25	---
B1592	Survey Plan - Sheet 25 of 25	---

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

2. Provision of Parking Spaces and Gross Leaseable Floor Area

The development is required to be provided with 2262 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times. These carparking spaces relate to the provision of 80,260m² of additional gross leaseable floor area (GLFA) the subject of this consent.

This will result in a total of 7996 spaces being provided for the whole centre and a gross leaseable floor area of 193,457m² on the completion of the Stage 3 expansion works.

3. Car Parking, Bicycle and Motorcycle Spaces

The provision and maintenance thereafter of:

7996 car parking spaces, which includes 209 accessible spaces and a total of 88 parents with prams spaces.

177 motorcycle parking spaces.

90 bicycle spaces.

4. Pay Parking

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

5. External Finishes

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

6. Separate application for signs

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

7. Seating for Restaurants

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

8. Permanent Kiosks

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

The location of all kiosks are to have regard to pedestrian circulation, use by those with trolleys and prams, access for the mobility impaired and safe egress during emergencies.

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

9. Parent Rooms

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

10. Approval for Staging

This consent gives approval for the staging of works across Stages 1A, 1B and 2 as shown in the approved plans. The sequencing of works is permitted to ensure the on-going operation of the centre.

Should additional staging be proposed, a further application is to be submitted to Council detailing the proposed staging and demonstrating that adequate parking is available at all times in accordance with Council requirements.

11. Access to Australia Post

Both pedestrian and vehicle access is to be available to Australia Post at all times, including the loading dock/parking area off Castle Street. The existing signage for Australia Post is to remain visible and not to be impacted upon during the construction works.

12. Site Cleanliness

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

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

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

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

14. Structural Integrity

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

15. Landscaping around Heritage Buildings

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

16. Tree Removal

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

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

17. Planting Requirements

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

18. Separate Subdivision Approval

The subdivision of land is not included as part of this approval.

Once the design/ extent of the subdivision works required by this consent in and around Showground Road, Kentwell Avenue, Pennant Street, Old Northern Road, Castle Street and Old Castle Hill Road has been finalised, a subdivision plan must be prepared by a registered surveyor, submitted and approved by Council via a separate development application.

Specifically, this subdivision plan needs to address:

- The dedication of the parts of the subject site that contain new, realigned and/ or widened public roads.
- The closure of any existing roads proposed to be incorporated into the subject site (such as Castle Street).
- The planned tunnel under Pennant Street along with any other leasing or licensing matters required by this development consent.
- The consolidation of land (in Stage 2).

19. Separate Application for Strata Subdivision

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

20. Protection of Public Infrastructure

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

21. Structures Adjacent to Piped Drainage Easements

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

22. Requirements for Council Drainage Easements

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

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

23. Vehicular Access and Parking

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

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2

- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

24. Gutter and Footpath Crossing Application

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

25. Minor Engineering Works

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

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

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

i. Driveway Requirements

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

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

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

ii. Disused Layback/ Driveway Removal

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

iii. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

26. Excavation/ Anchoring Near Boundaries

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

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

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

27. Street Trees

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

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

28. Process for Council Endorsement of Legal Documentation

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

29. Water Sensitive Urban Design Handover Process

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

- a. The location and type of each WSUD element, including details of its operation and design;
- b. A brief description of the catchment characteristics, such as land uses, areas etc;
- c. Estimated pollutant types, loads and indicative sources;
- d. Intended maintenance responsibility, Council, landowner etc;
- e. Inspection method and estimated frequency;
- f. Adopted design cleaning/ maintenance frequency;
- g. Estimate life-cycle costs;
- h. Site access details, including confirmation of legal access, access limitations etc;

- i. Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j. Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- k. Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l. A work method statement;
- m. A standard inspection and cleaning form.

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

30. Road Opening Permit

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

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

31. Construction Certificate

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

32. Building Work to be in Accordance with BCA

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

33. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by WSP Parsons Brinckerhoff Pty Ltd, referenced as Castle Towers Redevelopment Stage 3 Section 96 Acoustic Assessment dated September 2017 and submitted as part of the Development Application are to be implemented as part of this approval.

In addition, installation of a 1.8m noise barrier adjacent to the Kentwell Avenue/ Showground Road entry/exit is required.

34. Adherence to Waste Management Plan

For the Stage 1 development, the requirements of the Waste Management Plan prepared by SLR Consulting, and approved as part of the Section 4.55 Modification Application (864/2015/B) shall be adhered to, in regards to the management of demolition and construction waste.

For the Stage 2, all requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/or demolition phases of the development, as well as the ongoing management phase. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be

kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

35. Construction of Waste Storage Areas

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

36. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

37. Disposal of Surplus Excavated Material

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

38. Fire Safety & BCA Upgrading

Under Clause 94 of the Environmental Planning & Assessment Regulation 2000, the existing shopping centre that is subject to refurbishment/extension is to be upgraded in accordance with the performance requirements of the Building Code of Australia (BCA) as proposed in the upgrade strategy report by Philip Chun & Associates, dated 20/06/18, report reference 16-207005_CTSC_Updated FSU Strategy_20180620.

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

39. Sydney Trains/Transport for NSW Requirements

- i. All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the Sydney Metro Northwest must be designed, constructed and maintained in accordance with design criteria specified by Transport for NSW.
- ii. The design and construction of the basement levels, foundations and drainage for the approved development are to be completed to the satisfaction of Transport for NSW.
- iii. No modifications may be made to that approved design without the consent of Transport for NSW.
- iv. Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- v. A detailed regime is to be prepared for consultation with, and approval by, Transport for NSW for the excavation of the site and the construction of the building foundations which may include geotechnical, hydrological and structural certification in the form required by Transport for NSW.
- vi. All requirements contained in the Agreement between Transport for NSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
- vii. Prior to the issue of an occupation certificate, the applicant is to receive written confirmation from Transport for NSW that all requirements in the Agreement related to construction have satisfied Transport for NSW's requirements.
- viii. Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be delivered to Council for its records.
- ix. Prior to the application for any construction certificate, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the Sydney Metro Northwest without the prior written consent of Transport for NSW.

40. Endeavour Energy Requirements

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

41. NSW Police Requirements

- a. The applicant/developer is to liaise with the NSW Police to ensure that appropriate access is maintained to/from the Police Station during the construction period.
- b. All landscape works are to be maintained to ensure adequate sight lines are available and reduce opportunity for concealment and entrapment.
- c. The site is to be maintained at all times, including repair of vandalism and graffiti, the replacement of lighting and general site cleanliness. All vandalism and graffiti is to be repaired within 48 hours of the incident being reported.
- d. CCTV is to be installed within the Heritage Square area. In addition, other security measures where appropriate are to be utilised.
- e. All furniture such as permanent tables, seating and similar used in the heritage square area are to be bolted down, or alternatively are to be locked away outside of operating hours.

- f. The areas within Heritage Square which are not associated with an approved 'licenced area' as part of a restaurant are to be maintained as a 'alcohol prohibited zone'.
- g. QIC/centre management is to put a procedure in place requiring all new businesses within the centre to liaise with a Police representative to discuss crime reduction opportunities.

42. Transport for NSW Requirements

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

43. RMS Requirements

The following condition is inserted in full for clarity, with specific requirements for the relevant phase/stage of works detailed later in the consent.

- i. The Voluntary Planning Agreement (VPA) is required to be revised to reflect the current application.
- ii. Excluding the road works along Showground Road that will be defined within the new VPA, the Applicant is required to enter into a Works Authorisation Deed (WAD) with the RMS for all roadworks/traffic control facilities on any classified roads in the area.
- iii. Lot 101, DP 1000798 is affected by a road widening proposal for part of Showground Road and part of Old Northern Road, as shown on RMS plan rl862.dc- (Lots 15, 16, 17 and 18 DP 237243). The construction of any new buildings or substantial structures within the existing road reservation or area required for any road widening, including the stratum, will not be permitted without the written approval of the RMS.

North West Rail Link (NWRL)

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

Pennant St Underpass

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

Showground Road

- viii. Unless otherwise agreed between parties, the widening and upgrading of Showground Road from two to four lanes between Carrington Road and Pennant Street shall be in accordance with details contained in the Agreed Concept Design, attached in Schedule 4 of the Voluntary Planning Agreement (VPA) between Roads and Maritime, Council and the Applicant which was executed by the parties dated 12 September 2013 or as subsequently updated and executed by all parties.
- ix. Subject to the conditions precedent in the VPA being satisfied, the Applicant is required to dedicate the identified land to Council as a public road at no cost to RMS for the purpose of the Showground Road upgrade works between Pennant Street and Kentwell Avenue.
- x. Where roadworks fronting the proposed development site adjacent to Showground

Road differ between the Agreed Concept Design (SK36) attached in Schedule 4 of the Voluntary Planning Agreement (VPA), and the Architectural Plans submitted with the Development Application, the Applicant must fully fund and construct these additional works. SK36 has been amended to reflect the revised road dedication boundaries, and additional easements for road support.

- xi. Subject to RMS receiving the agreed second monetary contribution from QIC under the VPA, RMS will construct Showground Rd between Kentwell Avenue and Pennant Street in accordance with the Agreed Concept Design (SK36), attached in Schedule 4 of the Voluntary Planning Agreement (VPA). The applicant must ensure that all works associated with development of their land fronting Showground Rd between Kentwell Ave and Pennant St are amended to ensure consistency with the agreed concept design SK36.
- xii. The design of the proposed vehicle entry to the basement level car park off Showground Rd between Kentwell Ave and Pennant St is to incorporate an accredited safety audit resolving the conflict with pedestrians walking along Showground Rd to the satisfaction of Council's Manager – Infrastructure Planning.

Pennant Street/Castle Street

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

McMullen Avenue/Old Castle Hill Road

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

General Traffic Signals Requirements

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

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

RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the Applicant prior to the commencement of works. The Applicant will be required to enter into a Works Authorisation Deed (WAD)

with the RMS for all main road works. The WAD must be executed prior to the RMS assessment of the detailed civil design plans.

Conditions Relating to Internal Construction

- xvi. Prior to the issue of any Occupation Certificate for the expanded Stage 3 Shopping Centre, a Dock Management Plan must be prepared to the satisfaction of Council to promote safe and efficient operation of the proposed loading docks and to avoid approaching trucks having to wait on public roads. The plan must address the following:
- Allocation of loading spaces.
 - Delivery times.
 - Controls on duration of stays.
 - Controls on placement of skips, pallets, etc.
 - Procedures for tradesman access and parking.
 - Operating times.
 - Truck access routes.
- xvii. The proposed Dynamic Parking Assist System and external signage indicating real-time parking availability is to be fully installed within 90 days from the issue of any Occupation Certificate for parking.
- xviii. The layout of the proposed car parking areas shall be in accordance with the relevant sections of the Council DCP (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) The car parking design shall also acknowledge the requirements of AS 2890.1- 2004, AS2890.6-2009 for general traffic, and AS 2890.2-2002 for heavy vehicle.
- xix. Post development storm water discharge from the subject site into all drainage systems must not exceed the pre-development discharge. All changes to RMS and Council drainage systems will require detailed designs and hydraulic calculations to be submitted to the RMS and to Council for approval, prior to commencement of works. A plan checking fee will be payable and a performance bond will be required before RMS approval is issued.

Conditions relating to External construction

- xx. A Construction Management Plan (CMP) for each stage of works is to be submitted to the RMS and to Council for approval prior to the commencement of that stage of works. The CMP will include referral and consideration to other known construction activities in the Castle Hill CBD, including residential development sites at Crane Rd and at Gay St, the Showground Rd upgrade, and the Sydney Metro station site.
- xxi. A separate Traffic Management Plan (TMP) is to be prepared and submitted to the RMS and Council for approval of any permanent or temporary road closures.
- xxii. Altered traffic arrangements, including temporary line marking for construction purposes, will require resurfacing of the pavement and reinstatement of new line marking on completion of the works.
- xxiii. Castle Towers construction traffic will not be permitted to access the development

via local streets under Council's control. All construction access must be via the main road network using the Castle Hill ring road. However there may be access requirements for individual sections of construction work where heavy vehicles have no other main road options. The Construction Management Plan must detail these situations and a Council permit will be required for construction access along local roads such as the Mainstreet area.

- xxiv. The Applicant will be required to install RMS standard CCTV at the Terminus Street/Crane Road signals (TCS#3075) to allow control of the intersection through the Rosebery Traffic Management Centre during peak demand periods and street events.

Old Castle Hill Road/Eric Felton Street Roundabout

- xxv. A Traffic Management Plan (TMP) is to be submitted to Roads and Maritime for review and approval with regard to the proposed modifications to the roundabout intersection of Old Castle Hill Road/Eric Felton Street.

This condition is required by the RMS or as otherwise agreed by RMS and Council in writing to reflect amendments to the VPA.

44. Consistency with Development Consent 109/2017/JP

The proposed works are to be consistent with the works approved under Development Consent 109/2017/JP.

45. Planning Agreement

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – ALL STAGES

46. 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 for each stage of works.

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.

47. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

48. Construction Management Plan

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

49. Demolition and Construction Noise Management Plan

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

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

50. Security Bond Requirements

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

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

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

51. Stormwater Management

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

The Castle Towers Expansion Project Stormwater Management Strategy by BGE Revision F dated 15/06/2018 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved strategy and accompanying plans/ reports subject to the following additional requirements:

- The criteria relating to OSD and water quality treatment for various parts of the site listed under Sections 4.3 and 5.3 of the report (respectively) only apply to this development application. Further development applications over parts of the site/ areas exempt from stormwater management at this stage as per the may require stormwater management

measures to be included later, depending on the scope and extent of work proposed (in line with the strategy).

- As per the strategy, runoff from Zone 2 must be directed to Castle Street via Pennant Street and not to Les Shore Place via Pennant Street.
- The site storage requirement (SSR) and permissible site discharge (PSD) nominated in the strategy complies with Council's design guidelines based on an average site slope. The actual permitted discharged from certain zones/ catchments will be higher, dictated by the capacity and condition of the downstream stormwater network they are directed to as follows:
- With respect to Zones 2, 3, 4A and 4B this is the stormwater network created by the relocation of the trapped low point/ lowering of Pennant Street approved by 109/2017/JP.
- With respect to Zones 4C and 4D this is the street drainage in Showground Road (which includes any requirements of the RMS relating to stormwater discharge into their network).
- The existing OSD system in Zone 1 relied upon in the strategy needs to be surveyed and information provided to confirm the storage size and discharge from this 3.299 hectare catchment.
- The Old Northern Road/ Castle Street catchment which falls to the trapped low point in Castle Street created by the development must managed in accordance with the strategy and Condition 61 of this development consent (engineering works and design). The relocation of the trapped low point/ lowering of Pennant Street approved by 109/2017/JP will influence the detailed design of these works.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

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

52. Stormwater Pump/ Basement Car Park Requirements

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

53. Works on Adjoining Land

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

PRIOR TO WORK COMMENCING ON THE SITE – ALL STAGES

54. Principal Certifying Authority

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

55. Builder and PCA Details Required

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

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

56. Management of Building Sites – Builder's Details

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

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

57. Consultation with Service Authorities

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

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

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

58. Approved Temporary Closet

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

59. Tree Protection Fencing

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

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

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

60. Tree Protection Signage

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

61. Mulching within Tree Protection Zone

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

62. Trenching within Tree Protection Zone

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

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

63. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier. This condition is to be applied to the relevant construction certificate within the development stage where changes are needed to this system.

64. Public Infrastructure Inventory Report

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

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

65. Traffic Control Plan

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

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

66. Erection of Signage – Supervision of Work

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

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

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

67. Contractors Details

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

68. Notification of Asbestos Removal

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

69. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

70. Site Water Management Plan

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

71. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

72. Demolition Works and Asbestos Management

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

DURING CONSTRUCTION – ALL STAGES

73. Management of Construction Activities

- a. Activities are to be managed during the construction period to ensure that impacts on adjoining roads and properties are minimised. This includes management of workers and construction vehicles.
- b. Parking of workers vehicles associated with the construction works can occur within the existing parking area at Lot 51 Les Shore Place and on the development site. When the proposed parking areas have been constructed and an Occupation Certificate issued, where safe, these parking areas are required to be utilised for parking of workers and construction vehicles.

- c. The use of the site as a 'depot' for construction vehicles and storage of materials is permitted on the development site. These activities are to be undertaken in a manner to ensure that the amenity of residential properties is protected.

74. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

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

75. Roof Water Drainage

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

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

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

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

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

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

77. Standard of Works

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

78. Critical Stage Inspections – Subdivision Works

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

79. Stockpiles

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

80. Asbestos Removal

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority,

identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

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

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

81. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

82. Project Arborist

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

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

83. Rock Breaking Noise

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

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

84. Construction Noise

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

85. Contamination

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

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

86. National Parks and Wildlife Act 1974

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

87. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage must be notified immediately.

88. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage be contacted immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.

89. Protection of Heritage Items during Construction

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

90. Loading Dock and Waste Storage Area Drainage

All drains from waste storage areas and covered loading docks shall be discharged to the sewer in accordance with approval and all requirements of Sydney Water.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE – ALL STAGES

91. Operational Plan of Management

- (a) A Plan of Management must be prepared to address all operational and management procedures to be employed by the managers of the centre, to ensure that the complex operates without unnecessary disturbance to the surrounding locality and provides a basis for the ongoing management of issues that may arise between the centre, Council and the community. The plan must reflect the whole of the operation of the Castle Towers Shopping Centre operations.
- (b) The plan must include but is not restricted to compliance with the requirements of conditions 11, 33, 34, 46, 95, 114, 118 – 120, 122 – 125 of this consent and any other relevant operational matters such as noise; security management; and complaints handling procedures.
- (c) The plan is to be submitted to Council's Group Manager – Planning and Environment for endorsement prior to an Interim Occupation Certificate being issued.
- (d) The existence and implementation of the Plan of Management is to be made known through any of the Centre Management's community liaison initiatives, website or similar means of communication with the community and the centres neighbours.

92. Landscaping Prior to Issue of Occupation Certificate

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

93. Landscaping

Landscaping of the building podiums is required to be completed prior to the issue of the Occupation Certificate.

94. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au

and then refer to Water Servicing Co-ordinator under “Developing Your Land” or telephone 13 20 92 for assistance.

95. Litter Bins

Adequate litter bins and specialised bins for cigarette butts are to be provided to any open area where people may congregate and at exits including exits to the car park areas. The bins are to be adequately serviced to minimise the likelihood of the bins overflowing with rubbish. The area around the bins is to be maintained free of litter and any overflow of rubbish including cigarette butts is to be removed as soon as possible.

96. Completion of Engineering Works

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

97. Public Infrastructure Inventory Report - Post Construction

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

98. Pump System Certification

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

99. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issue of the last substantive Occupation Certificate for each stage.

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

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

100. Water Sensitive Urban Design Certification

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

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

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

101. Works as Executed Plans

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

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

102. Performance/ Maintenance Security Bond

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

103. Confirmation of Pipe Locations

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

104. Building Adjacent to Proposed Boundary

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

105. Building Services

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

106. Creation of Restrictions/ Positive Covenants

Before an Occupation Certificate is issued the following matters must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:

a) Easement – Public Stormwater Drainage

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

b) Easement – Private Stormwater Drainage

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

c) Restriction/ Positive Covenant – Onsite Stormwater Detention

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

d) Restriction/ Positive Covenant – Water Sensitive Urban Design

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

e) Positive Covenant – Stormwater Pump

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

Where an existing similar equivalent restriction or covenant already exists on title, the need to recreate this again can be waived subject to the submission of a title search and survey plan demonstrating this is not necessary.

107. Stormwater CCTV Recording

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

108. Public Asset Creation Summary

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

109. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

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

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

110. Occupational Hygienist Report for Asbestos Removal

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

111. Dynamic Parking Assist System

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

- Installation of bay sensors over parking spaces to indicate whether the space is available or occupied;

- External and internal signage which advises of the number of available carparking spaces within a particular zone.

Final details of the dynamic parking system are to be endorsed by Council's Manager Infrastructure and Transport Planning prior to installation. The system is to be installed within 90 days from the issue of any Occupation Certificate for parking.

112. Acoustic Compliance Report

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

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

113. Loading Dock Stormwater and Wastewater Compliance Report

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

THE USE OF THE SITE

114. Noise to Surrounding Area

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

115. Lighting

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

116. Operation of Regulated Water Cooling/Warm Water Systems

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

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

117. Final Acoustic Report

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

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

118. Hours of operation of the loading dock

Delivery of goods shall be restricted to the following times;

Monday to Sunday – 7.00am to 10.00pm

119. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area, which includes provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage.

120. Waste and Recycling Collection

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

121. Future Use of the Heritage Buildings

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

122. Restrict Access to all loading docks after hours

Access to the all of the loading docks shall be restricted to the loading dock operation times by the installation of lockable bollards/ boom gates or other similar means to the satisfaction of Council and the NSW Fire Brigade. The lockable bollards/ boom gates shall be under the control of centre management.

123. Operational Noise Level

The operational noise limits for Castle Towers Shopping Centre shall be in accordance with the noise limits as specified in Table 3.1 Summary of Project Specific Noise Criteria, of the submitted Acoustic Report, referenced as Castle Towers Redevelopment Stage 3 Section 96 Acoustic Assessment prepared by WSP Parsons Brinckerhoff dated September 2017.

124. Garbage Storage Area – Odour Control

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

125. Hours of Operation

The hours of operation being restricted to the following: -

General Shopping Centre

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

New Piazza and Heritage Restaurant Precinct

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

Cinemas

Open to 12.30am seven (7) days per week

Supermarkets and Major Tenancies

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

126. Future Use of the Roof Top Areas in East Village

Development Approval is required for the future use of all roof top areas in East Village.

CONDITIONS RELATING TO PHASE 1A (STAGE 1) WORKS

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 1A (STAGE 1)

127. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

DISCOUNTED RATE – AS PER DEED OF AGREEMENT

Development Category	Rate per additional m² of Retail GFA	Sum of Retail GLFA 6,511m²	Total S94
Civic Improvements	\$ 15.15	\$ 98,641.65	\$ 98,641.65
Commercial Studies	\$ 1.15	\$ 7,487.65	\$ 7,487.65
Total	\$ 16.30	\$ 106,129.30	\$ 106,129.30

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated quarterly.

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

This condition has been imposed in accordance with Contributions Plan No 9 and the Voluntary Planning Agreement (VPA) between QIC Limited, Roads and Maritime Services (RMS) and The Hills Shire Council in relation to Showground Road upgrade works.

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

128. Surrender of Previous Consents

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

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE – PHASE 1A (STAGE 1)

129. RMS Requirements

Prior to the issue of an Occupation Certificate, a Dock Management Plan must be prepared to the satisfaction of Council to promote safe and efficient operation of the proposed loading docks and to avoid approaching trucks having to wait on public roads. The plan must address the following:

- Allocation of loading spaces.
- Delivery times.
- Controls on duration of stays.

- Controls on placement of skips, pallets, etc.
- Procedures for tradesman access and parking.
- Operating times.
- Truck access routes.

130. Licence from Sydney Metro

Prior to the issue of a Construction Certificate, a licence must be obtained from Sydney Metro to locate any discrete foundations in Sydney Metro land.

131. Photographic Archive

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

- "Photographic Recording of Heritage Items Using Film or Digital Capture" (Heritage Office, 2006); and

- "How to prepare archival records of heritage items" (Department of Planning and Heritage Council of NSW, 1998).

The record is to include as a minimum:

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

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

132. Existing Colours and Materials

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – PHASE 1B (STAGE 1)

133. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

DISCOUNTED RATE – AS PER DEED OF AGREEMENT

Development Category	<i>Rate per additional m² of Retail GFA</i>	<i>Sum of Retail GLFA 258.65m²</i>	<i>Total S94</i>
Civic Improvements	\$ 15.15	\$ 3,918.55	\$ 3,918.55
Commercial Studies	\$ 1.15	\$ 297.45	\$ 297.45
Total	\$ 16.30	\$ 4,216.00	\$ 4,216.00

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FULL RATE – AS PER CP9

Development Category	Rate per additional m² of Retail GFA	Sum of Retail GLFA 40,837.35m²	Total S94
Capital	\$ 173.61	\$ 7,089,772.33	\$ 7,089,772.33
Land	\$ 24.70	\$ 1,008,682.55	\$ 1,008,682.55
Administration	\$ 6.09	\$ 248,699.46	\$ 248,699.46
Total	\$ 204.40	\$ 8,347,154.34	\$ 8,347,154.34

Following the execution of a Voluntary Planning Agreement (VPA) between QIC Limited, Roads and Maritime Services (RMS) and The Hills Shire Council in relation to Showground Road upgrade works required pursuant to this Development Consent, the Section 7.11 contribution can be reduced by \$2,340,000.00, being the value of these 'Excluded Works' funded under Contributions Plan No. 9 (52%).

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated quarterly.

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

This condition has been imposed in accordance with Contributions Plan No 9 and the Voluntary Planning Agreement (VPA) between QIC Limited, Roads and Maritime Services (RMS) and The Hills Shire Council in relation to Showground Road upgrade works.

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

134. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Engineering works can be classified as either "subdivision works" or "building works". Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.

The following road works are required to facilitate the development. Where relevant the design and construction of these works must be carried out in accordance with the requirements of the RMS and/ or Sydney Trains:

- a) Showground Road widening/ upgrade. The subdivision works Construction Certificate for Stage 1B needs to include this work which will need to be completed before an Occupation Certificate is issued for the building works in Stage 1B, as per Condition 96 included earlier in this consent.
- b) Showground Road frontage works/ verge formation (public domain works).
- c) Old Northern Road frontage works/ verge formation (public domain works).
- d) Old Castle Hill Road frontage works/ verge formation (public domain works). This extends to any required work at the intersection between Old Castle Hill Road/ Pennant Street/ McMullen Avenue.
- e) Pennant Street regrading/ reconstruction and Castle Grand frontage works (as separately approved by Development Consent 109/2017/JP).
- f) Pennant Street vehicular tunnel/ underpass connecting Site A and Site B.

- g) The reconstruction of the signalised intersection at Pennant Street/ Castle Street and the closure of Castle Street west of Castle Place. This extends to the widening in Castle Street on the eastbound approach required by the RMS.
- h) The reconstruction of Castle Street between Castle Place and Old Northern Road. This includes the turning head at the western extent of these works and the non-standard stormwater network draining Old Northern Road/ Castle Place to Pennant Street detailed below.
- i) Castle Place closure.
- j) Kentwell Avenue closure and Kentwell Avenue/ Showground Road intersection reconstruction leading to the Pennant Street vehicular tunnel/ underpass connecting Site A and Site B.
- k) Kentwell Avenue closure and construction of a 19m diameter (minimum) cul-de-sac turning head at the new southern extent fronting/ extending into Site B.
- l) The new and amended service/ loading dock accesses to/ from Pennant Street (constructed to Council's heavy duty crossing standard and any separate requirements of the RMS).

The following stormwater works/ requirements relating to the public street drainage network are also required:

- m) Where new or existing street drainage is required all pits and pipes must align with the kerb and gutter. This will necessitate the relocation of existing pits and pipes where the kerb and gutter is realigned.
- n) The existing stormwater pits and pipes that convey runoff from the Old Northern Road/ Castle Street catchment draining through the site to Pennant Street must be removed and relocated to Castle Street and under the proposed building on Site A generally in accordance with the concept detail prepared by BGE and the Castle Towers Expansion Project Stormwater Management Strategy by BGE Revision F dated 15/06/2018 provided with the development application (as amended) and in accordance with the following additional requirements of Council:
 - The pits and pipes must be designed to convey the total flow volume associated with the 100 year design storm.
 - Emergency flood storage must be provided at the end of Castle Street above these pits and pipes, with an appropriate freeboard to both the retail units adjacent and also the existing driveway servicing the Telstra site adjacent. Calculations relating to this requirement must accompany the detailed design.
 - The piped drainage under the building must be constructed using stack work attached to the underside of either basement level, reducing the depth of the drop in the first pit upstream of the proposed building.
 - Downstream of the proposed building, the piped drainage must tie into the existing street drainage in Pennant Street/ Castle Street.
 - The design and construction must consider access and maintenance, specifically for the stack work in the basement, along with the energy generated in the first (very deep) pit upstream of the building.
 - The design must be accompanied by a maintenance/ management schedule relating to this non-typical drainage element, the terms of which must be agreed to by Council.

135. Consolidation of Site A Allotments

All lots which are part of Site A must be consolidated into a single lot before an Occupation Certificate is issued for Stage 1B. A copy of the registered plan must be submitted to Council.

136. RMS Requirements

The three eastbound approach lanes on Castle Street are required to be provided at Stage 1B of the development.

- a. The proposed modifications to the signalised intersection of Pennant Street/Castle Street (including three eastbound approach lanes on Castle Street) shall be designed and constructed in accordance with AUSTROADS, Roads and Maritime's requirements, Roads and Maritime's Traffic Signal Design Manual, Australian Standards and endorsed by a suitably qualified practitioner.

The certified copies of civil design plans, TCS plans and swept path plans shall be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works for the stage 1 of the development.

- b. The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans and TCS plans.

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

137. Land Acquisition and Leasing

All land acquisition and leasing arrangements with The Hills Shire Council are to be finalised to the satisfaction of the General Manager prior to the issue of the Construction Certificate.

138. Castle Street Road Closure/ Acquisition

The applicant/ developer will be responsible for all costs required under the Lease Agreement associated with the closure of the portion of Castle Street between Pennant Street and Old Northern Road which is to be amalgamated into the development site.

NOTE: The extent of the closure and the resultant location of the road reserve/ private property boundary at both ends of Castle Street must consider the following:

- (a) The applicant/developer creates an easement over the access road to the carpark at the intersection of Pennant Street and Castle Street to the satisfaction of Roads and Maritime.
- (b) The provision of a legal point of access to the public road network for the adjoining properties currently reliant on Castle Street for the same.

139. Commercial/ Private Lease Agreement – Structures and/ or Buildings in the Public Road Reserve

A commercial and/ or private lease agreement between Council and the applicant/ owner must be entered into for the buildings and structures (such as the driveway access from Kentwell Avenue) within the public road reserve.

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

140. Public Art

The design and installation of two public artworks is required. The final location and design of the public artworks is to be endorsed by Council's Group Manager – Planning and Environment prior to issue of the Construction Certificate.

141. Public Domain Works

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

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

142. Shopping Trolley Management

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

143. Dilapidation Survey

A dilapidation survey shall be completed by an experienced and qualified Structural Engineer for the 1880s schoolhouse and the former Police Station with a view to identifying the current state of the structure, materials and finishes and identifying items of the above which may be prone to damage or decay during the construction period. The survey shall include recommendations for the protection of these heritage items. A copy of the survey is to be submitted both to Council and the property owner.

PRIOR TO WORK COMMENCING – PHASE 1B (STAGE 1)

144. RMS Requirements

Pennant St Underpass

- i. The Applicant is to submit design drawings and documents relating to the excavation of the site and support structures to the RMS for assessment, in accordance with Technical Direction GTD2012/001, at least six (6) weeks prior to commencement of construction, and is to meet the full cost of the assessment by the RMS. Any excavation below the level of the base of the footings of the adjoining roadways will require the relevant contractor acting on the consent to ensure that the RMS and Council are given at least seven (7) days' notice of the

intention to excavate below the base of the footings. The notice is to include complete structural details of the work.

- ii. The Applicant is to be responsible for the operation and maintenance of the proposed tunnel under Pennant Street in perpetuity. Section 138 (Roads Act) agreements are to be in place between RMS Sydney Asset Management to provide for the maintenance and operation of the tunnel / bridge link. The agreement is to include lighting, ventilation, fire safety, traffic barriers, traffic management, drainage and other systems associated with the tunnel / bridge link. The agreement is also to include inspection, monitoring and reporting to RMS requirements.
- iii. The Applicant is to submit an Incident Response Management Plan (IRMP) for the management of traffic flows in the local area should there be a major problem/emergency occur to the tunnel works within Pennant Street. This IRMP must be submitted to the Traffic Management Centre and Council's Local Traffic Committee for approval prior to the commencement of any roadworks.
- iv. The Sydney Metro Northwest will be adjusting high voltage utilities along Pennant Street for plant and equipment associated with the Tunnel Boring Machine. Should the Pennant Street tunneling works require further adjustment of these utilities then the Applicant must liaise with Metro Northwest.

Showground Road

- v. The design of the proposed vehicle entry to the basement level car park off Showground Rd between Kentwell Ave and Pennant St is to incorporate an accredited safety audit resolving the conflict with pedestrians walking along Showground Rd to the satisfaction of Council's Manager – Infrastructure Planning.

Pennant Street/Castle Street

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

145. Engagement of a Project Arborist

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

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

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

146. Adjoining Property Dilapidation Report

A dilapidation report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on Lot 12 SP 73533 and Lot 1 DP 1073392, 'Castle Grand' and 'Horizons' within the likely zone of influence from any excavation, dewatering or construction induced vibration.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.¹⁰⁰

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE – PHASE 1B (STAGE 1)

147. Legal Agreement – Drainage Easement Encroachment

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

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

This matter relates to the existing stormwater pits and pipes that convey runoff from the Old Northern Road/ Castle Street catchment draining through the site to Pennant Street which are to be removed and relocated to Castle Street and under the proposed building on Site A as part of the approved works conditioned above.

148. Compliance with BCA Upgrade Strategy

The person with the benefit or their representative is to provide to the Principal Certifying Authority (PCA) a written statement verifying that the upgrade works to the existing shopping centre as relevant to Stage 1B have been carried out in accordance with the BCA upgrade strategy by Philip Chun & Associates, dated 20/06/18, report reference 16-207005_CTSC_Updated FSU Strategy_20180620.

149. Shopping Trolley Management Plan

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

- Install a geospatial fenced trolley containment plan. All new trolleys are to be fitted with a wheel lock that is enabled before leaving a geospatial area (no access to public land).
- Provide to The Hills Shire Council a list of contacts for the store;
- Ensure that all trolleys are easily identifiable by Council staff;
- Ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Ensure that trolleys reported as posing risk or nuisance are collected immediately on notification;
- Ensure that all trolleys reported are collected within the time frame agreed by Council;

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

150. Adjoining Property Dilapidation Report Post Construction

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

CONDITIONS RELATING TO STAGE 2 WORKS

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2

151. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

FULL RATE – AS PER CP9

Development Category	Rate per additional m² of Retail GFA	Sum of Retail GLFA 31,840m²	Total S94
Capital	\$ 173.61	\$ 5,527,742.40	\$ 5,527,742.40
Land	\$ 24.70	\$ 786,448.00	\$ 786,448.00
Administration	\$ 6.09	\$ 193,905.60	\$ 193,905.60
Total	\$ 204.40	\$ 6,508,096.00	\$ 6,508,096.00

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated quarterly.

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

This condition has been imposed in accordance with Contributions Plan No 9 and the Voluntary Planning Agreement (VPA) between QIC Limited, Roads and Maritime Services (RMS) and The Hills Shire Council in relation to Showground Road upgrade works.

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

152. Conservation Management Plan

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

153. Final Colours & Materials

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

154. Public Domain Works

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

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

PRIOR TO WORK COMMENCING – STAGE 2

155. Engagement of a Project Arborist

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

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

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

DURING CONSTRUCTION – STAGE 2

156. Final Dilapidation Survey

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

157. Conservation Architect

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

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

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

158. Storage of Historic Building Materials

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

159. Replacement of Damaged Building Materials

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

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE – STAGE 2

160. Maximum Capacity Signage to be Displayed in the Premises

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

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

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

Maximum Capacity of Venue

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

Facility	Floor level	Proposed maximum population
Standard/Premium Cinema	Level 5	2600
Gold Class	Level 5A	300
Total seats		2900

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

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

Note:

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

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

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

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

Owner/Manager's Name:

Tel:

Mob:

161. Entertainment Venue – Compliance with Prescribed Conditions

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

1. Nitrate film

An entertainment venue must not screen a nitrate film.

2. Stage management

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

3. Proscenium safety curtains

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

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

4. Projection suites

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

5. Emergency evacuation plans

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

162. Conservation Works

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

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

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

164. Interpretive Signage

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

165. Adjoining Property Dilapidation Report Post Construction

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

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Location of Works
4. Height Comparison Plan - Pennant Street Elevation
5. LEP Height Plan
6. 24 Hour Pedestrian Access
7. East Village Plan (Level 3)
8. Section Showing Link Between Castle Towers and Rail
9. Proposed Phase A and B Works (Level 3)
10. Original Report to JRPP dated 18 August 2016
11. Further Report to the JRPP dated 27 September 2016

