



22 February, 2019

QIC Ltd
GPO Box 2242
BRISBANE QLD 4001

Ref No.864/2015/JP/B
Sydney Central City Planning Panel: 21 February 2019

Dear Sir/Madam

SECTION 4.55 MODIFICATION OF DEVELOPMENT CONSENT

CONSENT NUMBER: 864/2015/JP/B

Pursuant to the provisions of Section 122(1) of the Environmental Planning and Assessment Regulation 2000, notice is hereby given of the determination by the Sydney Central City Planning Panel of the Modification Application described below:

| | |
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| APPLICANT: | QIC Ltd |
| OWNER: | QIC Ltd and Telstra Corporation Limited (Canberra) and The Hills Shire Council |
| PROPERTY: | 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
 Castle Hill

DEVELOPMENT:

Section 4.55 (2) Modification to the Approved
 Stage 3 Expansion of Castle Towers Shopping
 Centre

DATE OF APPROVAL:

21 February 2019

**ENDORSED DATE OF ORIGINAL
 CONSENT:**

27 September 2016

The Section 4.55 application for modification of Development Consent 864/2015/JP be approved as follows:

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 |

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| 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 |

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| 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 |

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| 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 |

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| 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 |

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| 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 |

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| 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 \$94 |
|-----------------------------|--|--|----------------------|
| 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:

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

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

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 | Rate per additional m² of Retail GFA | Sum of Retail GLFA 258.65m² | Total S94 |
|-----------------------------|--|---|--------------------|
| 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.

Pursuant to Clause 122 of the Environmental Planning and Assessment Act Regulations 2000, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objects of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected, and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant heads of consideration under Section 4.15 of the Act 1979 are maintained.

Right of Review

Section 8.2 of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within six (6) months of the determination date and accompanied by a fee as prescribed in clause 257 of the Environmental Planning and Assessment Regulation 2000.

Section 8.2(2) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

- a) A Complying Development Certificate,
- b) Designated Development,
- c) Development referred to in Division 4.6

Right of Appeal

Section 8.9 and 8.10 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months of the endorsed date of determination.

Should you require any further information please contact Kristine McKenzie on 9843 0319.

Yours faithfully



Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION

ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION

PUBLIC NOTIFICATION OF THE DETERMINATION PURSUANT TO ITEM 20(2) (c) AND (d) OF SCHEDULE 1 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

DECISION:

APPROVAL

DATE OF THE DECISION:

21/02/2019

REASONS FOR THE DECISION

1. The Panel is satisfied that the proposed modification is substantially the same as the originally approved development and therefore meets the prescribed tests for a modification (s4.55(2))
2. Given that there is no material change in the modified development, the impacts arising from it are essentially the same as those for the approved development and are satisfactory.
3. The modified development will add further height and floor space but no consequential impacts will arise from this. Notwithstanding the height and FSR breaches, the modified development will be compatible with the emerging character of the area as the existing Height of Building and Floor Space Ratio controls have been effectively abandoned in this locality.
4. Approval of the modification application is in the public interest because it will provide more efficient internal circulation and a better arrangement of retail facilities.
5. The Panel has given careful consideration of the issues raised by objectors, including inspecting the area concerned. The Panel believes the issues raised have been resolved by modifications to original plans and considers that access arrangements will be satisfactory.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Access arrangements

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that the plans were amended to change access arrangements.