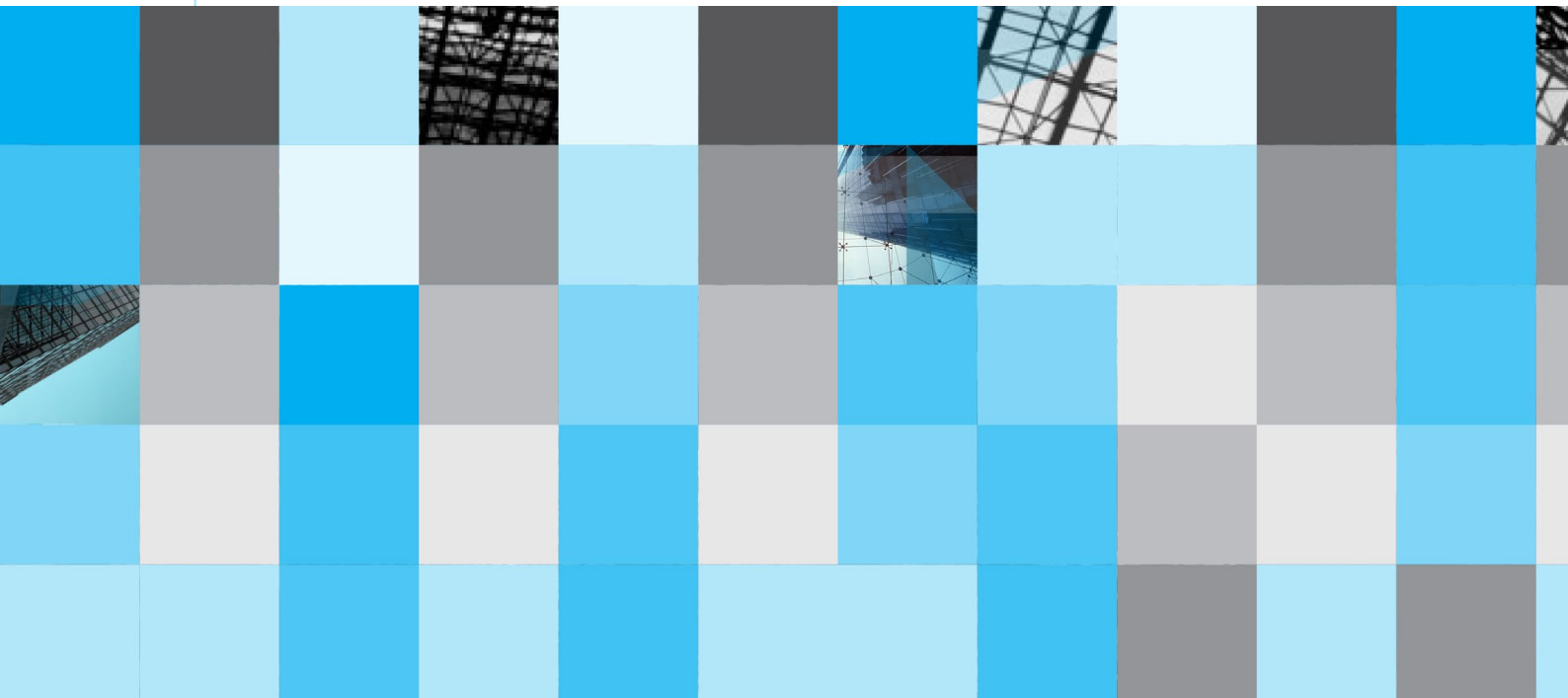




93 -107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill

# Environmental Impact Statement (SSD 78156221)

# Environmental Impact Statement (SSD 78156221)

**93 -107 CECIL AVENUE AND 9-10 ROGER  
AVENUE, CASTLE HILL**

Demolition of existing structures and construction  
of a mixed-use development with a total of 615  
apartments, including 169 affordable dwellings,  
and basement car parking

**March 2025**

Prepared under instructions from  
[GEMI 168 Pty Ltd](#)

by

[Aaron Sutherland](#)  
B Planning UNSW

aaron@sutherlandplanning.com.au  
Tel: 0410 452 371  
PO BOX 814 BOWRAL NSW 2576

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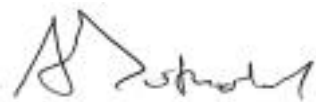
## GLOSSARY AND ABBREVIATIONS

| Abbreviation    | Term                                                  |
|-----------------|-------------------------------------------------------|
| ABCHAR          | Aboriginal Cultural Heritage Assessment Report        |
| ACA             | Access Design Assessment                              |
| AEP             | Annual Exceedance Probability                         |
| AIA             | Arboricultural Impact Assessment                      |
| BCA             | Building Code of Australia                            |
| BC Act          | Biodiversity Conservation Act 2016                    |
| BC Regulation   | Biodiversity Conservation Regulation 2017             |
| CPTED           | Crime Prevention Through Environmental Design         |
| DA              | Development Application                               |
| DCP             | Development Control Plan                              |
| EDC             | Estimated Development Cost                            |
| EIS             | Environmental Impact Statement                        |
| EP&A Act        | Environmental Planning and Assessment Act 1979        |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2021 |
| ESD             | Ecologically Sustainable Development                  |
| FSMS            | Flood and Stormwater Management Strategy              |
| GANSW           | Government Architect New South Wales                  |
| GR              | Preliminary Geotechnical Report                       |
| GTP             | Green Travel Plan                                     |
| NIA             | Noise Impact Assessment                               |
| PMF             | Probable Maximum Flood                                |
| PSI             | Preliminary Site Investigation                        |
| QS              | Quantity Surveyor                                     |
| RAP             | Remediation Action Plan                               |
| SEARs           | Secretary's Environmental Assessment Requirements     |
| SIA             | Social Impact Assessment                              |
| SOHI            | Statement of Heritage Impact                          |
| SEPP            | State Environmental Planning Policy                   |
| SSD             | State Significant Development                         |
| THLEP           | The Hills Local Environmental Plan 2019               |
| THDCP           | The Hills Development Control Plan                    |

| Abbreviation | Term                         |
|--------------|------------------------------|
| TIA          | Traffic Impact Assessment    |
| TMP          | Tree Management Plan         |
| WSUD         | Water Sensitive Urban Design |

# SIGNED DECLARATION

| Project details                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project name:                                                                                                 | Mixed-use development with in-fill affordable housing - Cecil Avenue and Roger Avenue, Castle Hill                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Application number:                                                                                           | SSD-78156221                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Land to be developed<br>Address of the land in<br>respect of which the<br>development application is<br>made: | Lot 27 DP 15399, 93 Cecil Avenue<br>Lot 22 DP 77859; 95 Cecil Avenue<br>Lot 1 DP 531559, 95A Cecil Avenue<br>Lot 21 DP 778595, 95B Cecil Avenue<br>Lot 6 DP 705913, 97 Cecil Avenue<br>Lot 4 DP 531559, 97A Cecil Avenue<br>Lot 5 DP 705913, 97B Cecil Avenue<br>Lot 1 DP 581293, 99 Cecil Avenue<br>Lot 3 DP 581293, 99A Cecil Avenue<br>Lot 2 DP 581293, 101 Cecil Avenue<br>Lot 4 DP 581293, 101A Cecil Avenue<br>Lot 1 DP 547897, 103 Cecile Avenue<br>Lot 2 DP 547897, 103A Cecil Avenue<br>Lot 1 DP 591676, 105 Cecil Avenue<br>Lot 2 DP 591676, 105A Cecil Avenue<br>Lot 20 DP 15399, 107 Cecil Avenue<br>Lot 6 DP 29141, 9 Roger Avenue<br>Lot 5 DP 29141, 10 Roger Avenue |
| Applicant details                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Applicant name:                                                                                               | GEMI 168 Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Applicant address:                                                                                            | 14-16 York St, Sydney 2000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Details of person by whom this EIS was prepared                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Name:                                                                                                         | Aaron Sutherland, Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Address:                                                                                                      | Sutherland & Associates Planning Pty Ltd<br>PO Box 814<br>Bowral NSW 2576                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Professional qualifications:                                                                                  | Bachelor of Town Planning (UNSW)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Declaration by Registered Environmental Assessment Practitioner                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Name:                                                                                                         | Aaron Sutherland                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Registration Number:                                                                                          | 145648                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Organisation Registered<br>With:                                                                              | Planning Institute of Australia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Project details |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Declaration:    | <p>The undersigned declares that this EIS:</p> <ul style="list-style-type: none"> <li>• has been prepared in accordance with Division 5 of Part 8 of the Environmental Planning and Assessment Regulation 2021;</li> <li>• contains all available information that is relevant to the environmental assessment of the proposed development, activity and infrastructure to which the EIS relates;</li> <li>• does not contain information that is false or misleading;</li> <li>• addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project;</li> <li>• identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments;</li> <li>• has been prepared having regard to the Departments State Significant Development Guidelines – Preparing an Environmental Impact Statement;</li> <li>• contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development;</li> <li>• contains a consolidated description of the project in a single chapter of the EIS;</li> <li>• contains an accurate summary of the findings of any community engagement; and</li> <li>• contains an accurate summary of the detailed technical assessment of the impact of the project as a whole.</li> </ul> |
| Signature:      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Date:           | 12 March 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

# SUMMARY

This Environmental Impact Statement (EIS) has been prepared under section 4.12(8) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on behalf of GEMI 168 Pty Ltd in support of a State Significant Development (SSD) Development Application (DA) for the purposes of the staged construction of a mixed use development comprising 8,025 square metres of commercial premises and 615 apartments (including 169 affordable housing apartments) at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill.

Under Schedule 1, Section 26A of the State Environmental Planning Policy (Planning Systems) 2021 'in-fill affordable housing' to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies is identified as State significant development where the residential development component has an estimated development cost of more than \$75 million (for land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region). The Hills Shire is located within the Central River City pursuant to Schedule 9 of the Environmental Planning and Assessment Act 1979. The development includes affordable housing to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies, and the development will have a value in excess of \$75 million. Accordingly, the development is State significant development.

Secretary's Environmental Assessment Requirements (SEARs) for the proposal were issued on 29 November 2024. The EIS has been prepared in response to the SEARS and the relevant requirements in the EP&A Regulation. The EIS has been prepared in accordance with the *State Significant Development Guidelines November 2021*.

The EIS addresses the relevant mandatory considerations and preconditions to the granting of consent for the development and details the proposal's consistency with the relevant strategic planning policies, and compliance against the applicable environmental planning instruments including:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021 – Chapter 2 Part 2 – In-fill Affordable Housing
- State Environmental Planning Policy (Housing) 2021 – Chapter 4 – Design Quality of Residential Apartment Development and the Apartment Design Guide
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- The Hills Local Environmental Plan 2019

The site has been the subject of a Planning Proposal with Gateway Determination granted on 2 November 2016 and gazettal on 17 July 2020 to facilitate a mixed use, multi-storey development on the subject site comprising 460 dwellings and at least 8,025m<sup>2</sup> of commercial floor space. The Planning Proposal also culminated in a site specific Part D Section 21 of The Hills Development Control Plan which establishes land use and built form controls for the site.

The proposed development the subject of this SSD application provides a stepped built form which reflects the site specific DCP site layout and building envelopes, as well as the NSW State Government incentivisation for the delivery of affordable housing, and is for the following works:

- Demolition of existing buildings.
- The staged construction of four, mixed use buildings above two levels of basement car parking.
- The development has a height of 25 and 20 storeys facing Cecil Avenue. The scale of the development gradually reduces to 12-13 storeys to Roger Avenue. A 6-storey building is located on the western

side of the site, adjacent to the site of a heritage item. A 5-storey building is located on the eastern side of the site to provide a transition in scale to the lower density residential development to the south-east along Cecil Avenue.

- The development incorporates 8,025 square metres of non-residential uses on the ground floor, upper ground, Level 1 and Level 2. The non-residential uses include retail premises and office premises.
- A total of 615 apartments are proposed, including 169 (15%) affordable apartments. The proposed unit mix and sizes of the entire development will comply with the requirements of clause 7.11 of THLEP.
- The vehicular entry for residential, visitor, commercial parking and service vehicle parking is from Cecil Avenue.
- The proposal includes a through site link to connect Cecil Avenue with Roger Avenue.
- The built form incorporates extensive landscaping on the ground floor plane within each street setback, within the through site link and on roof tops.

A detailed description of the proposal is provided under Section 3.0 of this EIS, as well as illustrated in the Architectural Drawings prepared by A+ Design Group at **Appendix 5** and the Landscape Plans prepared by Site Image at **Appendix 8**.

This EIS demonstrates that the development is consistent with The Greater Sydney Region Plan, The Central Sydney District Plan, and the Hills LSPS. The built form is based on the massing shown for the site in The Hills Development Control Plan. Having regard to the applicable legislative framework, the proposed development is also consistent with the aims and objectives of the relevant environmental planning instruments, strategies and policies and in particular the recent amendments specifically aimed to increase housing supply in especially affordable housing.

The proposed design of the development responds positively to the emerging character of the locality and the various design objectives which apply to the site. Considerable attention has been given to developing a high-quality architectural design response that delivers a positive contribution to the local skyline, the streetscapes and the public domain and provides an appropriate transition to the surrounding properties and minimises impacts on the amenity on these properties.

A 'Connecting with Country' Strategy has been developed by Everick Heritage in conjunction with Dharug artist Leanne Redpath to reflect on Country and allow it to influence the design. Leanne is a Dharug woman, an artist, educator, knowledge holder and author. She is commonly known in the Aboriginal community as Mulgo, meaning Black Swan and is the daughter of Aunty Edna Watson and Uncle Allan Watson, elders of the Dharug community. The consultation process informed the design with a detailed thematic palette of Country, story, site, colours, textures and form to integrate in design. A comprehensive design response to Country has been integrated into the development, with a particular focus on the ground plane and materiality of the development.

Community and stakeholder engagement has been undertaken which has informed and guided the development of the design. The proponent has consulted with landowners, community groups, Government authorities and service providers. The proposal has been presented to the Hills Shire Council which was generally supportive of the first principles design approach to the site which reflects the site specific DCP.

This EIS identifies the key issues raised during the engagement process in Section 5 and **Appendix 30** and summarises how the design has been influenced by, and amended in response to, issues raised. The technical reports that accompany the application also address key issues raised.

The EIS provides details of the assessment of the potential impacts of the project including in relation to traffic, parking, stormwater management, waste management, heritage, geotechnical, ecological impacts, and amenity

impacts such as noise and vibration, overshadowing, visual amenity, and wind. The EIS and the accompanying technical reports confirm that the proposed development will not result in any unreasonable impacts on the surrounding environment, having regard to the specific design measures incorporated into the development, the implementation of construction and operational management measures and the implementation of the mitigation measures recommended in each report and summarised in this EIS. The required mitigation measures are clearly outlined in Section 6 and **Appendix 4**.

This EIS demonstrates that the application satisfies all relevant planning considerations including all relevant strategic plans and policies and statutory provisions. The EIS demonstrates the environmental impacts of the development have been appropriately assessed and adequate mitigation measures will be put in place. As such, the proposed mixed use development including 15% affordable housing at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill can be approved, subject to appropriate conditions of consent.

## 1.0 INTRODUCTION

This section of the EIS identifies the applicant for the project, provides a simple description of the site project and sets out the background to the project.

### 1.1 Applicant Details

The applicant details are summarised in the following table.

**Table 1:** Applicant Details

| Applicant       | GEMI 168 Pty Ltd           |
|-----------------|----------------------------|
| ABN             | 87638719641                |
| Address         | 14-16 York St, Sydney 2000 |
| Contact         | Karen Chow                 |
| Contact Details | KarenC@aplusdg.com.au      |

Whilst Gemi 168 Pty Ltd is the applicant and developer responsible to the development overall, Alton Property Group is the development manager on behalf of Gemi 168 Pty Ltd, whilst Aplus Architecture Pty Ltd is the architect for the project.

The supporting reports which form part of the application are variously addressed to Gemi 168 Pty Ltd, Alton Property Group, or Aplus Architecture Pty Ltd.

### 1.2 Site Location

The land to which the proposal relates is in the suburb of Castle Hill which is within The Hills Shire local government area. Castle Hill is located approximately 34 kilometres north-west of the Sydney central business district.

Castle Hill is a strategic centre that provides retail and community services to a large population catchment in Sydney's north-west.

The commercial core of Castle Hill is bounded by Pennant Street to the north, north-east and west; Terminus Street to the south; Cecil Avenue and Showground Road to the south-west. Development in the commercial core consists of a mix of retail, business, office, leisure, entertainment, hotel and community uses.

The site is located to the south of the commercial core, in an area which has been identified as a mixed-use precinct.

The site is approximately 650 metres walking distance of the Castle Hill Metro Station and bus stops at the Metro Station. The site is also within walking distance of Castle Mall Shopping Centre and Castle Towers Shopping Centre.

The location of the site is illustrated in Figure 1 below.

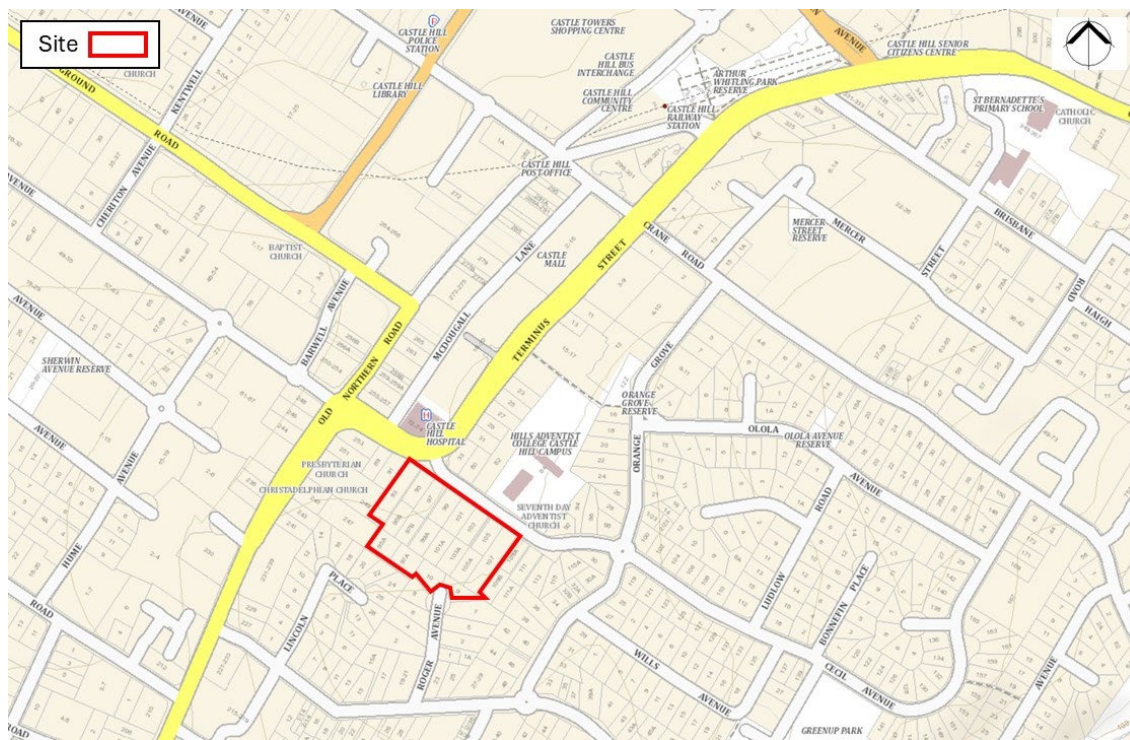


Figure 1:

Site Location: (Source: Google Maps 2024)

### 1.3 Background – Planning Proposal

The site has been the subject of a Planning Proposal with Gateway Determination granted on 2 November 2016 and gazettal on 17 July 2020 to facilitate a mixed use, multi-storey development on the subject site comprising 460 dwellings and at least 8,025m<sup>2</sup> of commercial floor space.

The key amendments to The Hills Local Environmental Plan 2012 were:

- Rezoning the site from R3 Medium Density Residential and R1 General Residential to B4 Mixed Use;
- Removing the maximum building height applicable to the site;
- Applying a 'base' floor space ratio of 1:1 across the entire site and an 'incentivised' floor space ratio of 3.5:1 across the entire site.
- Maximum of 460 dwellings.
- A minimum of 8,025 square metres of commercial floor space.

The Planning Proposal also culminated in a site specific Part D Section 21 of The Hills Development Control Plan which establishes land use and built form controls for the site.

Finally, the site is subject to an executed Voluntarily Planning Agreement to secure the provision of additional local infrastructure to support the proposed residential yield on this land. The core elements of the Voluntary Planning Agreement are:

- grant a public right of way easement for the benefit of the Council over the Land connecting Cecil Avenue to Roger Avenue and public plaza to Cecil Avenue; and
- provision of works embellishing the easement.



Figure 2:

Indicative Site Layout and Building Height Plan (Source: Figure 6 - Part D Section 21 of THDCP)

#### 1.4 Project Description

The proposed development the subject of this SSD application provides a stepped built form which reflects the site specific DCP site layout and building envelopes, as well as the NSW State Government incentivisation for the delivery of affordable housing, and is for the following works:

- Demolition of existing buildings.
- The staged construction of four, mixed use buildings above two levels of basement car parking.
- The development has a height of 25 and 20 storeys facing Cecil Avenue. The scale of the development gradually reduces to 12-13 storeys to Roger Avenue. A 6-storey building is located on the western side of the site, adjacent to the site of a heritage item. A 5-storey building is located on the eastern side of the site to provide a transition in scale to the lower density residential development to the south-east along Cecil Avenue.
- The development incorporates 8,025 square metres of non-residential uses on the ground floor, upper ground, Level 1 and Level 2. The non-residential uses include retail premises and office premises.

- A total of 615 apartments are proposed, including 169 (15%) affordable apartments. The proposed unit mix and sizes of the entire development will comply with the requirements of clause 7.11 of THLEP.
- The vehicular entry for residential, visitor, commercial parking and service vehicle parking is from Cecil Avenue.
- The proposal includes a through site link to connect Cecil Avenue with Roger Avenue.
- The built form incorporates extensive landscaping on the ground floor plane within each street setback, within the through site link and on roof tops. The landscaping is designed to soften the building form, create a green outlook for apartments and a higher level of amenity for residents, provide quality communal spaces, connect the built form with the surrounding natural environment, and improve the environmental performance of the building.
- The application proposes the staged construction of the buildings. The proposed staging is shown on the staging plan prepared by A+ Design Group. The stages are as follows:
  - Stage 1 – Buildings A and B
  - Stage 2 – Building C
  - Stage 3 – Building D

#### 1.5 Objectives of the development

The objectives of the development are:

- Deliver a development which balances the vision for the site as established through the Planning Proposal process, whilst taking up the NSW State Government incentivisation for the delivery of affordable housing in a manner that minimises impact to surrounding properties.
- Deliver a significant number of affordable housing dwellings on the site to assist in relieving the shortfall of affordable dwellings in the local government area. The quantum of affordable housing floor space proposed is consistent with the percentage of affordable housing that is incentivised by the provisions of Chapter 2, Part 2, Division 1 of SEPP (Housing) 2021. The SEPP permits additional floor space of up to 30%, where 15% of the total floor space is provided as affordable housing. Approximately 15% of the total floor area or 169 apartments will be affordable housing, managed by a registered community housing provided for at least 15 years.
- Deliver a significant component of commercial floor space to contribute to the diversity of uses within the Castle Hill Strategic Centre and to provide employment opportunities in the area surrounding the commercial core.
- Deliver a vibrant high density residential development within an accessible area in Castle Hill.
- Maximise the supply and diversity of higher density housing close to transport, education, employment, recreation space and entertainment facilities.
- Achieve design excellence with a high-quality built form outcome that will contribute positively to the emerging character of the precinct and maximise the amenity for residents.
- Deliver a unit mix that meets local demand and responds to the local demographics and consistent with Clause 7.11 of THLEP.

#### 1.6 Key strategies adopted to avoid, minimise or offset the impacts of the project

The following key strategies have been adopted to avoid and/or minimise the impacts of the development:

- The design of the development has been guided by the relevant strategic plans and policies and statutory provisions.
- Engagement with The Hills Shire Council and incorporation of feedback into the design.

- Consideration of the building's appearance and visual impact at a macro and micro scale.
- Engagement with the Department of Planning, Housing and Infrastructure.
- Incorporation of ESD principles to manage environmental impacts.
- Incorporation of a 'Connection with Country' strategy.
- The mitigation measures recommended in the technical reports that accompany the application will be implemented.

## 2.0 STRATEGIC CONTEXT

### 2.1 Supporting Strategies, Policies and Plans

#### 2.1.1 NSW State Premier's Priorities

The proposed development aligns with the Premier's and State Priorities as it will deliver much needed housing supply in an ideal location adjacent to a major central business district town centre. The proposal will also deliver on the priority of 'well connected communities with quality local environments' through the provision of quality open space and community facilities. Specifically, the development will provide a pedestrian link connecting Cecil Avenue to Roger Avenue.

#### 2.1.2 Greater Sydney Regional Plan 2018

In March 2018 the Greater Sydney Region Plan - A Metropolis of Three Cities was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The vision for Greater Sydney as a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. Castle Hill is located within the Central River City.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A city supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The Plan provides 38 objectives concerning, Infrastructure and collaboration, Liveability, Productivity and Sustainability which are aimed at achieving the identified directions.

Castle Hill is identified in the Greater Sydney Regional Plan as a metropolitan centre. Metropolitan centres are the economic focus of Greater Sydney, fundamental to growing its global competitiveness and where government actions and investment, including transport, will be focussed. The intent of these centres is to deliver very high levels of development and amenity.

Objective 10 of the Plan is 'Greater housing supply'. The Plan supports the provision of new housing in areas that are served by adequate infrastructure, or where infrastructure upgrades are planned. The Plan identifies housing targets for the Central City District of 53,500 dwellings in Years 0-5 and 207,500 dwellings between 2016-2036.

Objective 11 of the Plan is 'Housing is more diverse and affordable'. The proposed development will deliver affordable housing on the site, in accordance with the provisions of SEPP Housing, which aim to

incentivise the provision of affordable housing. For these reasons the proposed development is consistent with objective 11.

The proposal is consistent with the key directions, objectives and strategies outlined within the Plan. In particular, it will contribute 615 new dwellings to Castle Hill on a site that is within 650 metres of the Castle Hill Metro Station. A range of bus routes can also be accessed from the Castle Hill Metro Station. The proposal will therefore deliver housing choice in a highly accessible location and will accordingly contribute to the goal of achieving a 30-minute city and optimising infrastructure use. The development will include a significant number of affordable dwellings (169 apartments) to assist in addressing the shortfall of affordable housing in the area.

### **2.1.3 Central City District Plan**

The Central City District Plan was released in March 2018 and sets out a 20-year vision for the Central City District. The Central City District includes the Blacktown, Cumberland, Parramatta and The Hills local government areas.

The Central City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan, A Metropolis of Three Cities, at a district level.

The Central City District Plan identifies Castle Hill as a strategic centre. The Plan notes that the Sydney Metro Northwest will facilitate housing and jobs growth around new stations at Castle Hill, Showground, Norwest, Bella Vista, Kellyville and Cudgegong Road.

Consistent with the Greater Sydney Region Plan, the Central City District Plan sets a 5-year housing target for The Hills of 8,550 dwellings. An updated housing target for The Hills has recently been released. The new target is 23,300 completed homes by 2029.

The proposed development is consistent with the planning priorities and actions of the District Plan in that it will provide new housing in a location that is served by existing infrastructure. The significant number of affordable housing dwellings within the development will contribute to the supply of affordable housing. The proposed development contributes to the diversity of housing in the district by providing a range of apartment sizes, adaptable apartments and affordable housing.

### **2.1.4 Hills Future 2036 Local Strategic Planning Statement**

The Hills Local Strategic Planning Statement provides a land use vision for The Hills Shire to 2036.

The Plan seeks to build strategic centres to realise their potential. Three strategic centres have been identified being, Norwest, Castle Hill and Rouse Hill.

The site is located within the Castle Hill Strategic Centre. The site is located outside of the commercial core. The LSPS structure plan shows the site within a mixed-use area. The LSPS indicates that development within and surrounding the centre will incorporate a variety of building heights, including some distinctive or landmark heights.

The LSPS Planning Priorities related to housing are:

- Plan for new housing to support Greater Sydney's growing population.

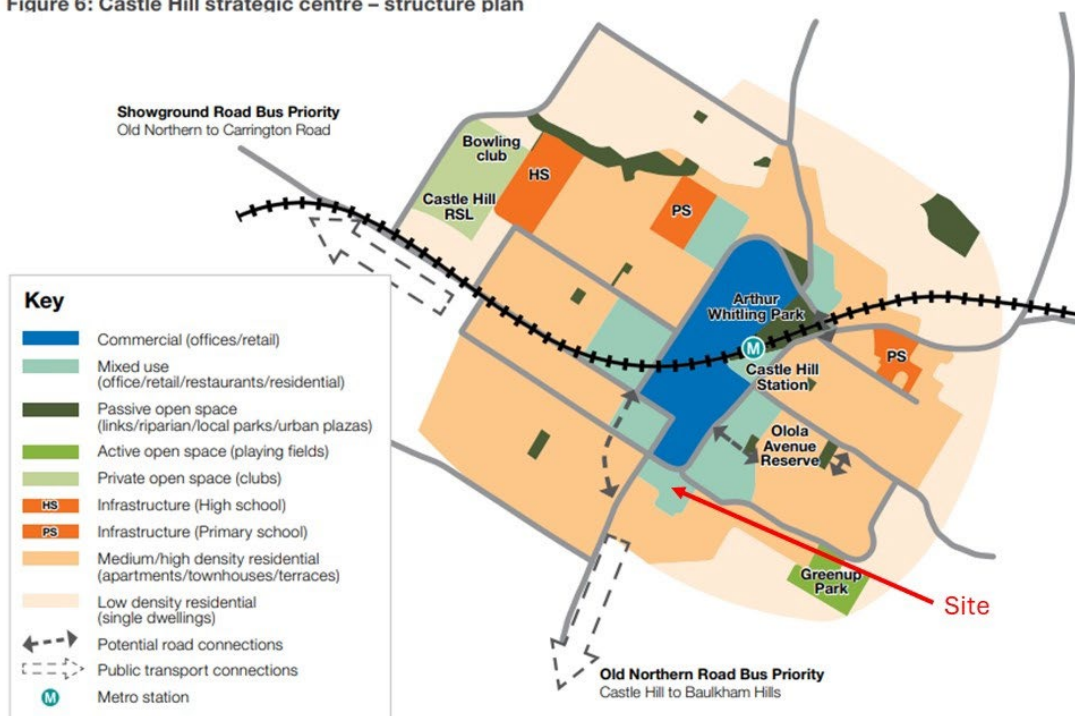
- Plan for new housing in the right locations.
- Plan for a diversity of housing.
- Renew and create great places.
- Provide social infrastructure and retail services to meet residents' needs.

The LSPS acknowledges the need for affordable housing and notes that Council will encourage affordable housing in areas serviced by infrastructure.

The proposed development is entirely consistent with the vision and relevant targets of the LSPS. Specifically:

- The development relies on the infill affordable housing provisions of SEPP Housing which incentivise the provision of affordable housing and address the issues around the feasibility of providing affordable housing. On this basis, approximately 15% of the floor space within the development or 169 apartments will be set aside for affordable housing for 15 years.
- The proposed housing is in the right location, as it is supported by existing infrastructure. The site is located within 650 metres of the Castle Hill Metro Station.
- The site is in close proximity to Castle Towers shopping centre and other retail areas within the commercial core.
- The site is located within close proximity of the commercial core which provides local employment opportunities.

**Figure 6: Castle Hill strategic centre – structure plan**



**Figure 3:**

Extract from the Castle Hill Structure Plan

### 2.1.5 The Hills Housing Strategy

The Hills Shire Council Housing Strategy was adopted by Council on 22 October 2019.

The Strategy notes that the population of The Hills Shire is set to increase from approximately 162,500 people in 2016 to 290,900 people in 2036, which is an 80% increase in population. The Housing Strategy establishes the basis for strategic planning of the residential component of the Shire's urban lands to 2036.

The Housing Strategy is based on five planning priorities which are to:

- Plan for new housing to support Greater Sydney's growing population.
- Plan for new housing in the right locations.
- Plan for a diversity of housing.
- Renew and create great places.
- Provide social infrastructure and retail services to meet residents' needs.

The strategy seeks to match growth with infrastructure and notes that higher density housing must be provided in areas connected to, or with reach or, transport and other urban services.

The Housing Strategy notes that the provision of affordable housing is an issue across Greater Sydney. The Strategy states:

Approximately 6% of households in The Hills suffer rental stress and may be in need of affordable housing options. Most of these households fall within the very low, low and moderate income brackets. Within this group of renters, there is a higher degree of rental stress, as a significant proportion of the properties that are leased at rates suitable for these income brackets are occupied by those who fall within higher income brackets.

This forces residents who need to occupy these properties into rental stress, as they must seek properties that are beyond the 30 per cent threshold of their income.

As detailed above, the proposed development contributes to the supply of housing, within a significant centre that is supported by an existing rail and bus network. The development will also contribute to the supply of affordable housing.

### 2.1.6 Castle Hill Precinct Plan

The Castle Hill Precinct Plan was prepared to set the framework for reinforcing Castle Hill as a vibrant regional destination and to expand the mix of uses in the centre, including increased housing capacity and more employment opportunities. The Plan predicts the Castle Hill Strategic Centre will be the leading shopping and entertainment destination for North West Sydney by 2041. The Castle Hill Precinct Plan was adopted by Council on 11 June 2024.

The adopted Plan identifies future development up to 12 storeys for the north-western adjacent site, and up to 10 storeys for the south-eastern adjacent site. The Plan also suggests that a pedestrian bridge over Cecil Avenue in association with the north-western adjacent site would provide a more direct

connection to Terminus Street West Focus Area, the University of Canberra Campus and the Metro station to improve the overall walkability throughout the Precinct.

The Plan also identifies that new road links, upgraded intersections and the completion of the Ring Road will make it easier for people to travel within and around Castle Hill. The following measures are also suggested:

- reduced parking rates that recognise the accessibility of high frequency public transport services to and from the Centre
- modal shift toward increased public transport usage to access the Strategic Centre (assisted through reduced parking rates, improved access to the Metro Station, the delivery of future regional transport connections and connectivity and public domain improvements)
- upgrades and expansion of certain roads and intersections to increase capacity. This will contain the impact as much as possible, to the walking catchment of each Metro Station, whilst ensuring that traffic continues to flow efficiently.

Notwithstanding the above, the Plan notes the strategic work for the site has been completed, as the site was rezoned in 2020 and the proposed development does not rely on the broader measures identified in the recently adopted Plan. The proposed development is generally consistent with the strategic work done for the site, including the site specific LEP and DCP provisions, with the exception that additional height and FSR is proposed in response to the incentive provisions of SEPP Housing which encourage the provision of affordable housing.

#### **2.1.7 Housing 2041 – NSW Housing Strategy**

Housing 2041 represents a 20-year vision for the delivery of housing as established by the NSW Government. Housing 2041 sets the framework for delivering more housing in the right locations, more diverse housing options that suit diverse demographics, as well as high amenity housing. Housing 2041 establishes four pillars to underpin the future of housing. The proposed development will closely align with each of these pillars in the following manner:

- **Supply:** the proposal will facilitate the delivery of a total of 615 apartments, including approximately 15% of the total gross floor area or 169 affordable housing apartments, which is a significant boost to the supply of both rental and market accommodation.
- **Diversity:** the proposal provides for a balanced mix between apartments for rent and apartments for sale. Moreover, a range of 1-, 2-, 3- and 4-bedroom apartments are proposed to appeal to a broad residential market and ensure that all types of households have a place in the development.
- **Affordability:** the proposal will assist in improving affordability in two primary ways, firstly by providing an increased supply of rental apartments at an affordable rate, which provides downward pressure on rents, and secondly by providing increased supply of market apartments which provides downward pressure on apartment prices.
- **Resilience:** ESD principles will be embedded into the buildings design and future operation.

#### **2.1.8 Future Transport Strategy 2056**

The Future Transport Strategy outlines the 40-year vision of the State Government in regard to the State's transport network and system. The strategy aims to place NSW at the forefront of the country with a sophisticated transport system which will harness the rapidly advancing transport technology. The

strategy outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.

The proposed development is consistent with the relevant State-wide outcomes of the Future Transport Strategy 2056 as it:

- provides an optimal mix of residential and non-residential uses which will achieve a transformational place making outcome for the region (Outcome 1: Successful Places)
- will encourage business and individual investment in the area by contributing towards a critical mass of residential population within the precinct (Outcome 2: Strong Economy)
- encourages the use of public transport by linking residential uses to a transport node (Outcome 6: Sustainability).

The development is located within close proximity of the commercial core of Castle Hill, the Castle Hill Metro Station and bus services available at the Castle Hill Metro Station. Additional residential floor space in this location will assist in maximising the use of existing infrastructure.

#### **2.1.9 NSW Planning Guidelines for Walking and Cycling**

These guidelines function to improve the consideration of walking and cycling and their role in the creation of sustainable neighbourhoods and cities. The proposed development aligns with these guidelines by providing an attractive and interesting pedestrian environment that is highly connected to the surrounding public domain.

The proposal provides a high density mixed use and residential development near the Castle Hill central business district, which means that residents will be able to walk to a broad range of services, facilities, shops, and employment. Castle Hill is also very well served by public transport services which provides connectivity to The Hills region and greater Sydney. In addition, the development is in close proximity to a range of recreational opportunities. The location and nearby facilities are such that the proposal will encourage walking and cycling as a viable transportation method.

#### **2.1.10 Better Placed – An Integrated Design Policy for the Built Environment of NSW**

Better Placed is an integrated design policy for the built environment, prepared by the Government Architect of NSW, to create a transparent approach to ensure good design outcomes are achieved to deliver desired architecture, public places and environments throughout NSW (September 2017). The policy includes seven applicable objectives:

- Objective 1 - Better fit
- Objective 2 - Better performance - sustainable, adaptable and durable
- Objective 3 - Better for the community - inclusive, connected and diverse
- Objective 4 - Better for people
- Objective 5 - Better working - functional, efficient and fit for purpose
- Objective 6 - Better value - creating and adding value
- Objective 7 - Better performance - engaging, inviting and attractive

An assessment of the proposal in relation to the Better Placed objectives is provided in the table below:

**Table 2:** Assessment against Better Placed objectives

| Objective                                                                                                                                                                                                                                                                                                                                                     | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Better fit - contextual, local and of its place</b></p> <p>Good design in the built environment is informed by and derived from its location, context and social setting. It is place-based and relevant to and resonant with local character, heritage and communal aspirations. It also contributes to evolving and future character and setting.</p> | <p>The site specific DCP provides a site layout and distribution of height that has been designed to respond to the existing context around the site. The DCP establishes a framework for an active and walkable neighbourhood with a through site link at its core to create a more permeable and pedestrian friendly urban environment.</p> <p>The subject proposal has adopted and embraced the framework established for the site by the DCP and will deliver a highly connected and permeable neighbourhood.</p> <p>The proposal conforms with the required setbacks, principle of stepped height, deep soil provision, and will provide an opportunity to enhance the public domain with a coordinated landscaped extension around the perimeter of the site. The stepping and modulation of the scale of the buildings achieves an integrated outcome with the existing and emerging character within the area.</p> <p>The proposed site layout and building footprints, setbacks, distribution of uses, street activation and address, common open space, stormwater design, vehicular access, and loading and waste arrangements all achieve an optimised outcome which respects the context of the site to deliver a high quality place-based design outcome.</p> |
| <p><b>Better Performance – sustainable, adaptable and durable</b></p> <p>Environmental sustainability and responsiveness is essential to meet the highest performance standards for living and working. Sustainability is no longer an optional extra, but a fundamental aspect of functional, whole of life design.</p>                                      | <p>The proposal for the site has responded to the site context to achieve a high level of sustainability for the project. The buildings have been designed to maximise solar access and natural cross ventilation, as well as dealing with differing demands for varying orientations of facades.</p> <p>The proposed development has been designed to reflect best practice sustainable building principles to improve environmental performance, in relation to energy and water efficient design, roof top gardens to reduce the urban heat island effect, and deep soil zones coupled with Water Sensitive Urban Design measures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| Objective                                                                                                                                                                                                                                                                                                                                                                        | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                  | The development has been designed in accordance with best practice sustainability practices, including the requirements of BASIX.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Better for Community – inclusive, connected and diverse</b></p> <p>The design of the built environment must seek to address growing economic and social disparity and inequity, by creating inclusive, welcoming and equitable environments. Incorporating diverse uses, housing types and economic frameworks will support engaging places and resilient communities.</p> | <p>The proposal has been designed to provide opportunities for social interaction in the private communal areas, the publicly accessible spaces, and in and around the active uses.</p> <p>The proposal provides a particularly high level of open and accessible spaces throughout the development.</p> <p>In addition to the above, the proposal will deliver much needed additional housing supply, and in particular affordable housing. The development has a good diversity of housing typologies and over 20% Silver Level Livable Housing under the Apartment Design Guide, to meet the needs of the local community now and into the future.</p>                                                                                                                                                                                                                                                   |
| <p><b>Better for People – safe, comfortable, and liveable</b></p> <p>The built environment must be designed for people with a focus on safety, comfort and the basic requirement of using public space. The many aspects of human comfort which affect the usability of a place must be addressed to support good places for people.</p>                                         | <p>The proposal development has been designed to contribute to a walkable and active local centre development with good access to a range of commercial and retail facilities. Active street frontages allows for a vibrant pedestrian experience within the area. A high quality pedestrian link through the development allows for finer grain pedestrian connections within the area.</p> <p>The proposed site layout combined with the design of the buildings with highly activated ground level interfaces and the landscape design have adopted good CPTED principles and practices. There will be a high level of passive surveillance achieved, and the pedestrian network layout provides direct routes to destination points on clearly established desire lines.</p> <p>The common open space designs, are such that they will provide important meeting places for residents and visitors.</p> |
| <p><b>Better Working – functional, efficient and fit for purpose</b></p> <p>Having a considered, tailored response to the program or requirements of a building or place, allows for efficiency and usability with the potential to adapt to change. Buildings and</p>                                                                                                           | <p>The proposed development provides a large range of non-residential tenancies suitable for specialised retail and business use which will provide significant employment generation. The design of the ground floor commercial tenancies ensures that they are also suitable for more general retail use.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Objective                                                                                                                                                                                                                                                                                                                                                                                                                                                | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| spaces which work well for their proposed use will remain valuable and well-utilised.                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Better Value – creating and adding value</b></p> <p>Good design generates ongoing value for people and communities and minimises costs over time. Creating shared value of place in the built environment raises standards and quality of life for users, as well as adding return on investment for industry.</p>                                                                                                                                 | <p>The proposed development achieves the maximum value having regard to its location within 650 metres walking distance of the Castle Hill Metro Station and bus stops at the Metro Station, as well as being within walking distance of Castle Mall Shopping Centre and Castle Towers Shopping Centre.</p> <p>It maximises the benefit of the amenities and facilities within the centre, including the Metro Station, for a large number of new residents. The proposal will also benefit the existing and future community by creating an attractive high density and sustainable urban precinct, with a broad range of future retail services and employment opportunities. The proposal has great public amenity and will create a neighbourhood that people will want to live in.</p>                                                             |
| <p><b>Better Look and Feel – engaging, inviting and attractive</b></p> <p>The built environment should be welcoming and aesthetically pleasing, encouraging communities to use and enjoy local places. The feel of a place, and how we use and relate to our environments is dependent upon the aesthetic quality of our places, spaces and buildings. The visual environment should contribute to its surroundings and promote positive engagement.</p> | <p>The proposal has been designed to ensure that the built form and amenity of the future urban environment results in the creation of useable, enjoyable and attractive buildings and public domain. The design is the culmination of a detailed assessment of the site, the planned site layout, its relationship to its context, the objectives of transit oriented development as well as a range of other design parameters.</p> <p>The detailed design achieves a visually dynamic architectural outcome, with good street activation, high quality landscape, and appropriate architectural detailing and materials and finishes combine to achieve an aesthetically pleasing outcome. The project has been designed with reference to its specific location, including the generous landscape public domain around and throughout the site.</p> |

#### 2.1.11 Connecting with Country Framework

A 'Connecting with Country' Strategy has been developed by Everick Heritage in conjunction with Dharug artist Leanne Redpath to reflect on Country and allow it to influence the design. Leanne is a Dharug woman, an artist, educator, knowledge holder and author. She is commonly known in the Aboriginal community as Mulgo, meaning Black Swan and is the daughter of Aunty Edna Watson and Uncle Allan Watson, elders of the Dharug community. The consultation process informed the design with a detailed thematic palette of Country, story, site, colours, textures and form to integrate in design. A

comprehensive design response to Country has been integrated into the development, with a particular focus on the ground plane and materiality of the development.

#### 2.1.12 Healthy Urban Development Checklist

The Healthy Urban Development Checklist was commissioned by the NSW Department of Health and Sydney South West Area Health Service. The purpose of the Healthy Urban Design Checklist is to assist in ensuring the following questions are considered and addressed at the earliest possible phases of the urban planning and development process:

1. What are the health effects of the urban development policy, plan or proposal?
2. How can it be improved to provide better health outcomes?

Chapters 7 to 16 focus on specific aspects important for healthy urban development. The most relevant chapters to the proposed development are addressed below:

**Table 3:** Assessment against Healthy Urban Development Checklist

| Checklist                               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Physical activity                       | The proposed development will encourage incidental physical activity as it is located near an established central business district and nearby outdoor recreational facilities.                                                                                                                                                                                                                                                                                                                              |
| Housing                                 | The proposed development provides new housing, as well as affordable housing, which will improve housing affordability generally and also provides a good diversity of housing to meet the needs of the community.                                                                                                                                                                                                                                                                                           |
| Transport and physical connectivity     | The proposed development is located near the Castle Hill centre and provides excellent transport and physical connectivity. This will reduce car dependency and encourage active transport.                                                                                                                                                                                                                                                                                                                  |
| Community safety and security           | The design of the buildings with highly activated ground level interfaces and the landscape design have adopted good CPTED principles and practices. There will be a high level of passive surveillance achieved, and the pedestrian network layout provides direct routes to destination points on clearly established desire lines.                                                                                                                                                                        |
| Public open space                       | The development will provide for a through site link which is future public space. The development will also provide extensive public domain throughout the ground floor plane which provides a form of public open space for the community with spaces to gather. Additionally, the proposal will deliver housing in close proximity to a range of public open space areas within the locality, as well as the pedestrian and cycling network connecting the site with the nearby beaches and coastal walk. |
| Social cohesion and social connectivity | The proposed development will significantly enhance the opportunity for social interaction and connection amongst the community and the design of the development, with high quality connections, a large public domain offering within the ground floor plane with the new                                                                                                                                                                                                                                  |

| Checklist              | Comment                                                                                                                                                                                            |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | through site link which will promote a strong sense of community and attachment to place.                                                                                                          |
| Environment and health | The proposed development ensures a healthy environment with Water Sensitive Urban Design measures ensuring water quality, remediation of the land during construction, and acceptable air quality. |

## 2.2 Key Features of Site and Surrounds

### 2.2.1 Site Description

The subject site is situated within The Hills Local Government Area in the suburb of Castle Hill, only approximately 650 metres walking distance of the Castle Hill Metro Station and bus stops at the Metro Station. The site is also within walking distance of Castle Mall Shopping Centre and Castle Towers Shopping Centre.

The development site comprises 18 allotments and is known as 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill.

The site is legally described as follows:

**Table 4:** Legal description of site

| Address           | Lot/DP           |
|-------------------|------------------|
| 93 Cecil Avenue   | Lot 27 DP 15399  |
| 95 Cecil Avenue   | Lot 22 DP 77859  |
| 95A Cecil Avenue  | Lot 1 DP 531559  |
| 95B Cecil Avenue  | Lot 21 DP 778595 |
| 97 Cecil Avenue   | Lot 6 DP 705913  |
| 97A Cecil Avenue  | Lot 4 DP 531559  |
| 97B Cecil Avenue  | Lot 5 DP 705913  |
| 99 Cecil Avenue   | Lot 1 DP 581293  |
| 99A Cecil Avenue  | Lot 3 DP 581293  |
| 101 Cecil Avenue  | Lot 2 DP 581293  |
| 101A Cecil Avenue | Lot 4 DP 581293  |
| 103 Cecil Avenue  | Lot 1 DP 547897  |
| 103A Cecil Avenue | Lot 2 DP 547897  |
| 105 Cecil Avenue  | Lot 1 DP 591676  |
| 105A Cecil Avenue | Lot 2 DP 591676  |

| Address          | Lot/DP          |
|------------------|-----------------|
| 107 Cecil Avenue | Lot 20 DP 15399 |
| 9 Roger Avenue   | Lot 6 DP 29141  |
| 10 Roger Avenue  | Lot 5 DP 29141  |

The site is currently burdened by a series of easements for inter-allotment drainage, as well as various rights of carriageways. These easements predominantly serve the various allotments which currently comprise the site and will be extinguished as part of the development. An easement for drainage also benefits the northern adjacent site. The new stormwater design facilitates an overland flow for drainage along the perimeter of the site.

The site is an irregular shaped allotment with an area of 17,623.6 square metres. The site has 160.925 metre frontage to Cecil Avenue and a 35.92 metre frontage to Roger Avenue. The site has a fall of approximately 15 metres from the north (93 Cecil Avenue) to the south (9 Roger Avenue).

Each lot is currently occupied by a detached dwelling, with many properties also having a detached garage or outbuilding on the allotment. Vegetation on the site consists of scattered trees, shrubs and ground covers. An aerial view of the site and surrounds is included as Figure 4.



Figure 4:

Aerial view of the site (Six Maps 2024)



Photograph 1:

93 Cecil Avenue

Photograph 2:

95 Cecil Avenue and the  
driveway to 95A and  
95B Cecil Avenue



Photograph 3:

View showing the  
frontage of the site  
along Cecil Avenue  
(right)

Photograph 4:

97 Cecil Avenue and the  
driveway to 97A and  
97B Cecil Avenue



Photograph 5:

99 Cecil Avenue



Photograph 6:

101 Cecil Avenue





Photograph 7:

View of 103A and 105A Cecil  
Avenue

Photograph 8:

105 Cecil Avenue



Photograph 9:

107 Cecil Avenue

Photograph 10:

9 & 10 Roger Avenue



Photograph 11:

9 & 10 Roger Avenue

#### Topography

The site is particularly steep and has a fall of approximately 15 metres from the north (93 Cecil Avenue) to the south (9 Roger Avenue). This fall is the equivalent of approximately 4 storeys.

#### Flora and Fauna

A Biodiversity Development Assessment Report for the site prepared by Narla Environmental accompanies this application at **Appendix 27**. That report found as follows:

This vegetation community consists of a mix of planted native and exotic species within garden beds typical of an urban environment. All species are commonly used in landscaping across the Sydney metropolitan area. The canopy layer includes a range of exotic species such as *Cinnamomum camphora*, *Jacaranda mimosifolia*, and *Cupressus* spp., among others. Native species include *Brachychiton acerifolius*, *Eucalyptus microcorys*, *Eucalyptus scoparia*, *Grevillea robusta*, *Lophostemon confertus*, and *Ficus rubiginosa*. These native species, while originating from within Australia, are not locally occurring natives for this area and do not conform to any locally occurring Plant Community Type (PCT).

A threatened flora and habitat survey was undertaken in accordance with Surveying threatened plants and their habitats (DPIE 2020) and

no threatened species or threatened ecological communities were identified with the Subject Site.

Microbat specific surveys did not detect the presence of any microbats, and any potential habitat was deemed unlikely to be used by microbat species.

The Biodiversity Development Assessment Report was reviewed by DPHI who was satisfied that the proposal would not result in any adverse biodiversity impacts.

A Biodiversity Assessment Development Report Waiver granted by DPHI accompanies this submission at **Appendix 27**.

### Trees

There are a range of trees on and around the site which are identified in the Arboricultural Impact Assessment (AIA) prepared by Plateau Trees (**Appendix 17**). The proposed development requires extensive excavation which will necessitate the removal of 107 of 129 trees within and around the site. However, only 3 of these trees are identified as being of high retention value, 123 trees were found to have a moderate retention value, and 3 trees were found to have a low retention value. Notwithstanding, where trees are beyond the identified building envelope in the DCP, they have predominantly been retained.

Whilst the trees proposed to be removed provide some amenity for the site, the reasonable development of the site in accordance with the new vision for the area is not possible with the retention of these trees, particularly having regard to the required excavation. Notwithstanding this, the redevelopment of the site will include a coordinated landscaping regime with more suitable tree species which will achieve a high quality landscaped treatment for the site as illustrated in the landscape plans prepared by Site Image landscape architects which accompany this application.

### Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Everick Heritage accompanies this application at **Appendix 26**. The ACHAR has been prepared in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2011)*.

The ACHAR identifies the following:

A desktop assessment and subsequent archaeological survey were conducted within the Project Area. These efforts confirmed that no Aboriginal objects or sites have been identified. The significant historical disturbances resulting from prior development activities have compromised the landscape's integrity, concluding that the Project Area does not hold specific Aboriginal cultural values.

The ACHAR provides the following recommendations:

#### Recommendation 1: Unexpected finds

Unexpected Aboriginal objects remain protected by the NPW Act. If any such objects, or potential objects, are uncovered in the course of the activity, work in the vicinity must cease, and Heritage NSW, and Deerubbin LALC be contacted for advice.

#### Recommendation 2: Discovery of human remains

If suspected human remains are discovered and/or harmed in, on or under the land within the Project Area, the following actions must be undertaken:

- The remains must not be harmed/further harmed
- Immediately cease all works at that particular location
- Secure the area to avoid further harm to the remains
- Notify the NSW Police and the Environment Line (Heritage NSW) on 131 555 as soon as practicable and provide any details of the remains and their location
- Do not recommence any work at that particular location unless authorised in writing by Heritage NSW.

#### Recommendation 3: Continued consultation with the Registered Aboriginal stakeholders

As per the 2010 Consultation Requirements (DECCW 2010b), the proponent should provide a draft report with Aboriginal stakeholders and take into account any feedback received. The proponent should also maintain consultation and keep these groups updated on the management of Aboriginal cultural heritage sites in the study area for the duration of the project.

#### European Heritage

The subject site is not listed as an individual heritage item, nor is it located within a heritage conservation area. The subject site is however within the vicinity of the following locally listed heritage items:

- 'St Paul's Cemetery', No. 247 Old Northern Road, Item no. I61
- 'Christadelphian Church', No. 245 Old Northern, Item no. I62.

A Statement of Heritage Impact prepared by Weir Phillips Heritage accompanies this application at **Appendix 25**. The Statement confirms that the proposed demolition of the existing structures on the site and erection of the replacement building will not result in any adverse impact to the heritage significance of those items, primarily due to the fact that the heritage items do not depend on the presence of the buildings on the subject site for their significance, and that there is no impact to view corridors to the items.



**Figure 5:**

Location of adjacent heritage items  
(Source: Figure 15 - Part D Section 21 of THDCP)

#### Access

The site is highly accessible from the surrounding road network. The site is bounded by Cecil Avenue along its north-eastern boundary which is a local road which provides access to the Old Northern Road, which is a major arterial linking with Baulkham Hills to the south, the Castle Hill centre to the north, and Showground Road which connects to the north-west centres of Showground and Norwest.

#### Public and Active Transport

The Site is highly accessible being adjacent to the Castle Hill centre with multiple interconnecting bus services and the Castle Hill Metro Station.

#### Services and Drainage

Investigations have confirmed that all urban utility services are available and can be readily augmented to meet the needs of the development.

### 2.2.2 Surrounding Development

93 Cecil Avenue adjoins 91 Cecil Avenue and 249 Old Northern Road to the west. 91 Cecil Avenue is occupied by building used as a temporary exhibition home with an associated office. 249 Old Northern Road is occupied by the St Columbia's Presbyterian Church.

95A Cecil Avenue, and the rear of 93 Cecil Avenue, adjoins 247 Old Northern Road which is occupied by the Castle Hill Christadelphians Church. St Paul's Cemetery and Christadelphian Church which are local heritage items (item no. I61 and I62, respectively) under The Hills Shire Local Environmental Plan 2019 (THLEP).

Development to the east and south generally consists of low-density residential development.

### Photograph 12:

91 Cecil Avenue (Source:  
Google Maps 2024)



### Photograph 13:

249 Old Northern Road  
(left) & 245-247 Old  
Northern Road (right)

### Photograph 14:

109 Cecil Avenue





Photograph 15:

Castle Hill Private  
Hospital to the north-  
west of the site

Photograph 16:

Development to the north  
of the site



Photograph 17:

View of 80 Cecil Avenue  
opposite the site

**Photograph 18:**

Development along the northern side of Cecil Avenue at 84-88 Cecil Avenue



**Photograph 19:**

Development along the northern side of Cecil Avenue

### 2.3 Cumulative Impacts with Future Projects

In accordance with the Cumulative Impact Assessment Guidelines for State Significance Projects dated November 2021 the cumulative impacts of the development have been considered in the EIS and in the various accompanying technical reports.

The impacts associated with the proposal are those that can reasonably be expected given that the proposed development is consistent with the base planning controls plus the incentive height and FSR controls for the provision of 15% affordable housing under SEPP Housing.

In summary, the technical studies supporting the EIS have assessed cumulative impacts within the context of the proposal and its surrounds as follows:

- Predicted noise impacts are cumulative in that they account for background noise emissions, to which predicted noise levels emanating from the proposal were added. A comparison of predicted noise emissions from the proposal against measured daytime, evening and night time noise levels at representative residences and other receivers shows that proposed development would not significantly increase cumulative noise generation.

- The traffic assessment considers cumulative impacts by undertaking baseline traffic counts combined with an analysis of existing and predicted vehicle movements associated with the development. The traffic assessment concludes that vehicle movements associated with the proposal would not have a significant impact on the levels of service or capacity of the existing road network indicating that cumulative impacts would be minor and acceptable.
- The proposal generally provides ADG complaint setbacks which ensures that an adequate level of visual privacy is achieved.
- The development has been modulated to ensure that the incentivised height does not result in any unacceptable overshadowing from the proposal which is generally consistent with that envisioned by the planning controls which apply to the site. The shadow does not result in an unacceptable impacts and must be balanced with the dire need to optimise housing supply on an ideal amalgamated site adjacent to an established central business district, including much needed affordable housing.
- The design of the stormwater system manages cumulative impact and achieves an improvement for the local catchment when compared with the existing situation. The proposed development does not increase flooding depths on downstream or upstream properties.

The proposed development on its own or in conjunction with other development in the locality, does not give rise to any cumulative environmental impacts that cannot be appropriately managed through the implementation of the mitigation measures that are identified within **Appendix 4**.

#### 2.4 Feasible Alternatives

Table 5 provides an analysis of alternatives that have been considered.

**Table 5:** Analysis of Alternatives

| Alternative                                      | Analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consequences of not carrying Out the Development | <p>The consequence of not proceeding with the proposed State Significant Development is the loss of additional housing supply, including affordable housing, within an ideal location where affordable housing is urgently needed.</p> <p>If the development were to not proceed, the site would fail to fulfill its identified environmental capacity under the site specific DCP and the incentivised provisions of SEPP Housing which would have a significant adverse impact upon housing supply with the locality and the ability to accommodate future population growth and opportunities to increase housing supply and diversity, which is a key objective in both National and State government strategic policies.</p> |
| Use of the site for an alternative purpose       | <p>The site is suitable for residential use noting the zone, and any alternative purpose would simply undermine the supply of housing which is a critical need at this point in time.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Alternative Designs                              | <p>The design of the project has been largely informed by the site specific DCP indicative site layout, which establishes the built form parameters to guide the future development of the site.</p> <p>An extensive and comprehensive site analysis process and exploration of alternatives for the distribution of the incentivised floor space has been undertaken by A+ Design Group. This process is detailed in a Design</p>                                                                                                                                                                                                                                                                                                |

| Alternative | Analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | <p>Report prepared by A+ Design Group that supports this EIS at <b>Appendix 7.</b></p> <p>The proposed distribution of built form and massing of the buildings across the site is the result of the framework established by Part D Section 21 of THDCP and the considered analysis of the context of the site by A+ Design Group to minimise overshadowing impact and to respect the identified hierarchy and distribution of scale.</p> <p>The proposal ensures a highly activated ground floor plane and the design of the proposal achieves a highly modulated built form outcome which serves to reduce the apparent bulk and mass of the development and deliver a visually dynamic outcome.</p> <p>The proposal is a high-quality, transit orientated development that will provide both housing choice in a location that enjoys exceptional access to the Castle Hill centre and associated amenities.</p> |

## 3.0 PROJECT DESCRIPTION

### 3.1 Project area

The land on which the project will be located has a street address of 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill as shown in Figure 4.

The project area comprises eighteen allotments that are legally described in Table 5 with a site area of 17,623.6 square metres.

### 3.2 Project Overview

The proposal is for a staged mixed use redevelopment of the site comprising the following:

- Demolition of existing buildings and bulk excavation.
- Erection of 4 buildings above two common basement levels as follows:
  - Stage 1:
    - Building A – 5 storey building at the eastern edge of the site to provide a transition in scale to the lower density residential development to the south-east along Cecil Avenue containing 9 apartments
    - Building B – 12-20 storey building to the east of the through site link containing 255 apartments
    - Through site link
  - Stage 2:
    - Building C – 13-25 storey building to the west of the through site link containing 340 apartments
  - Stage 3:
    - Building D - 6 storey building at the western edge of the site to provide a transition in scale to the adjacent heritage item, containing 11 apartments
- Buildings B and C are separated by a generous centrally located publicly accessible through site link from Cecil Avenue to Roger Avenue, whilst a lower plaza separates Buildings A and B. The proposal provides a total of 2,723 square metres of publicly accessible area.
- The proposed development provides a further 6,926 square metres of private common open space distributed throughout the development which is the equivalent of 39% of site area. In addition, the proposal provides a further 1,100 square metre of internal common rooms.
- The development incorporates 8,025 square metres of non-residential tenancies as follows:
  - Ground floor of Building D
  - Upper ground floor of Buildings A (street level with Cecil Avenue), B and D
  - Level 1 of Buildings B (street level with Cecil Avenue), C and D
  - Level 2 of Building C (street level with Cecil Avenue)
- The future non-residential uses are intended to comprise retail premises and office premises, however, individual uses will be the subject of future fitout and use development applications.
- A total of 615 apartments are proposed, including 169 (15%) affordable apartments. The proposed unit mix and sizes of the entire development will comply with the requirements of clause 7.11 of THLEP.
- The vehicular entry for residential, visitor, commercial parking and service vehicle parking is from Cecil Avenue.
- Car parking is provided within two full basement levels, as well as the below ground areas on the Lower Ground, Ground, and Upper Ground levels. The proposal provides 332 commercial parking spaces, 524 resident spaces, and 123 visitor spaces.

- The development requires extensive excavation which will necessitate the removal of 107 of 129 trees within and around the site. However, the development incorporates extensive landscaping on the ground floor plane within each street setback, within the through site link and on roof tops. The landscaping is designed to soften the building form, create a green outlook for apartments and a higher level of amenity for residents, provide quality communal spaces, connect the built form with the surrounding natural environment, and improve the environmental performance of the building.

A separate development application will be lodged for stratum subdivision of the development which will include the necessary easements to facilitate the development.



Figure 6:

Proposed built form prepared by A+ Design Group

The proposed development is discussed further in the following subsections and also detailed in:

- the Architectural Drawings prepared by A+ Design Group and included at **Appendix 6**
- the Design Verification Statement and Design Report prepared by A+ Design Group and included at **Appendix 7**
- the Landscape Drawings prepared by Site Image and included at **Appendix 8**

**Table 6:** Summary of Key Elements of the Development

| Element                    | Proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site Area                  | 17,623.6 square metres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Permissible GFA/FSR        | 80,187.38sqm / 4.55:1 (including 30% for affordable housing)                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Proposed Resi GFA          | <ul style="list-style-type: none"> <li>• Building A: 1,231 square metres</li> <li>• Building B: 30,548 square metres</li> <li>• Building C: 38,783 square metres</li> <li>• Building D: 1,600 square metres</li> </ul>                                                                                                                                                                                                                                                                                 |
| Component                  | <ul style="list-style-type: none"> <li>• Non-residential floor space: 8,025 square metres</li> <li>• Residential floor space: 72,162 square metres</li> </ul>                                                                                                                                                                                                                                                                                                                                          |
| Height                     | <ul style="list-style-type: none"> <li>• Building A – 5 storeys, max RL 141.1, approx 19.77m</li> <li>• Building B – 12-20 storeys, max RL 192.90, approx 68m</li> <li>• Building C – 13-25 storeys, max RL 214.60, approx 85.82m</li> <li>• Building D – 6 storeys, max RL 147.40, approx. 20.25m</li> </ul>                                                                                                                                                                                          |
| Total Apartments           | <ul style="list-style-type: none"> <li>• Studio – 1 (0.2%)</li> <li>• 1 bed – 65 (10.5%)</li> <li>• 2 bed – 420 (68.3%)</li> <li>• 3 bed – 127 (20.7%)</li> <li>• 4 bed – 2 (0.3%)</li> <li>• Total – 615</li> </ul>                                                                                                                                                                                                                                                                                   |
| Apartment Mix Per Building | <ul style="list-style-type: none"> <li>• Building A: <ul style="list-style-type: none"> <li>• 2 bed – 5 (56%)</li> <li>• 3 bed – 4 (44%)</li> </ul> </li> <li>• Building B: <ul style="list-style-type: none"> <li>• Studio – 1 (0.4%)</li> <li>• 1 bed – 12 (5%)</li> <li>• 2 bed – 177 (69%)</li> <li>• 3 bed – 63 (24%)</li> <li>• 4 bed – 2 (0.8%)</li> </ul> </li> <li>• Building C <ul style="list-style-type: none"> <li>• 1 bed – 53 (16%)</li> <li>• 2 bed – 238 (70%)</li> </ul> </li> </ul> |

| Element               | Proposed                                                                                                                                                                                                                                                                      |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | <ul style="list-style-type: none"> <li>• 3 bed – 49 (14%)</li> <li>• Building D:</li> <li>• 3 bed – 11 (100%)</li> </ul>                                                                                                                                                      |
| Affordable Housing    | <ul style="list-style-type: none"> <li>• Managed by Cubic Real Estate</li> <li>• 15% of total Gross Floor Area (12,032sqm)</li> <li>• 169 apartments: <ul style="list-style-type: none"> <li>• Studio – 1</li> <li>• 1 bed – 65</li> <li>• 2 bed – 103</li> </ul> </li> </ul> |
| Deep Soil             | 1,624.8 square metres – 9.2%                                                                                                                                                                                                                                                  |
| Communal Open Space   | <ul style="list-style-type: none"> <li>• Through site link + lower plaza: 2,723 square metres</li> <li>• Ground Level: 3,405 square metres</li> <li>• Rooftop: 3,521 square metres</li> <li>• Total: 9,649 square metres or 55%</li> </ul>                                    |
| Communal indoor space | <ul style="list-style-type: none"> <li>• 1,100 square metres</li> </ul>                                                                                                                                                                                                       |
| Solar access          | 2 hours: 71%<br>No sun: 15%                                                                                                                                                                                                                                                   |
| Cross Ventilation     | 60.5%                                                                                                                                                                                                                                                                         |
| Car Parking           | 979 spaces comprising: <ul style="list-style-type: none"> <li>• 524 residential spaces</li> <li>• 123 residential visitor spaces</li> <li>• 332 commercial spaces</li> </ul>                                                                                                  |
| EDC (inc GST)         | \$419,352,294.00                                                                                                                                                                                                                                                              |
| Jobs                  | <ul style="list-style-type: none"> <li>• 2,472 new jobs across the construction phase</li> <li>• 101 new jobs across the operational phase</li> </ul>                                                                                                                         |

### 3.3 Built Form and Urban Design

The urban design framework for the proposed development has been established by the site specific DCP which provides the site layout, building footprints, and distribution of scale across the site.

The built form of the proposed development is consistent with the established site layout and building footprints, including, setbacks, location of deep soil, building separation and location of commercial uses.

The proposed distribution of built form and massing across the site as a result of the incentivised increase in floor space for the provision of affordable housing is the result of a considered analysis of the constraints of the site combined with context of the site. The proposed distribution of built form has also resulted from a desire to deliver a positive urban design outcome which adheres to the principles of height hierarchy, whilst also

minimising shadow impacts to surrounding properties. Figures 7 and 8 below illustrates a comparison between the anticipated number of storeys under the DCP, and the proposed number of storeys.

The proposal ensures a highly activated ground floor plane and the design of the proposal achieves a highly modulated built form outcome which serves to reduce the apparent bulk and mass of the development and deliver a visually dynamic outcome.

Finally, the proposal delivers the important public benefit of the publicly accessible through site link from Cecil Avenue to Roger Avenue.

The Design Report by A+ Design Group demonstrates that the proposal achieves a high level of amenity and compatibility with the surrounding site context.

The proposal is a high quality transit orientated development that will provide both housing choice and employment floor space in a location that enjoys exceptional access to the Castle Hill centre and other amenities within the wider Castle Hill area.

The building exhibits a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression that will contribute positively to the built form quality of the building stock located in Castle Hill.

A varied palette and materiality are used to provide a clear identity for the development. The varied architectural language generates a high level of visual interest.

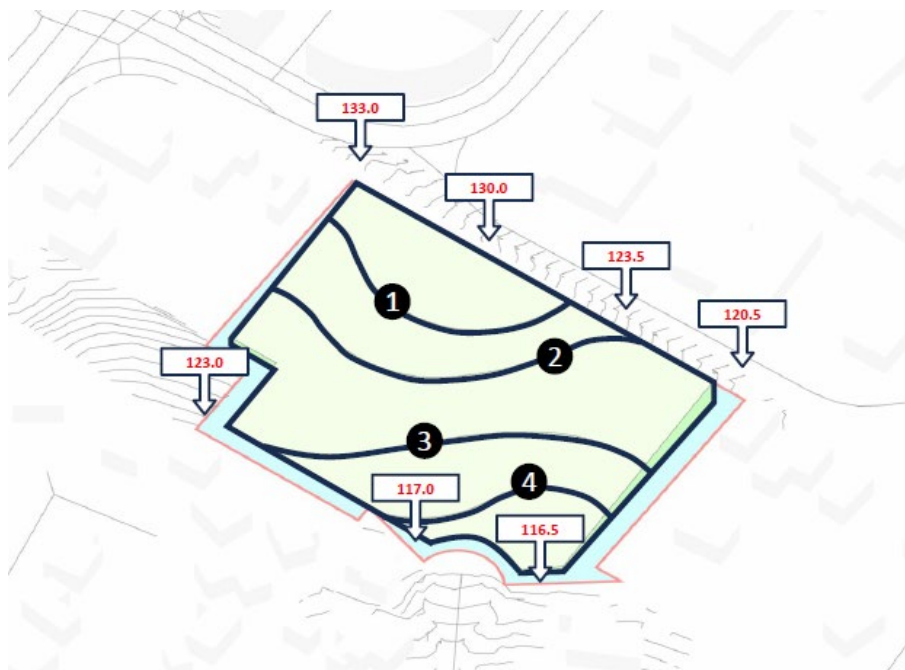


Figure 7:

Design  
Evolution –  
Ground Plane  
(Source: A+  
Design Group)

Figure 8:

Design  
Evolution –  
Solar Plane  
(Source: A+  
Design Group)

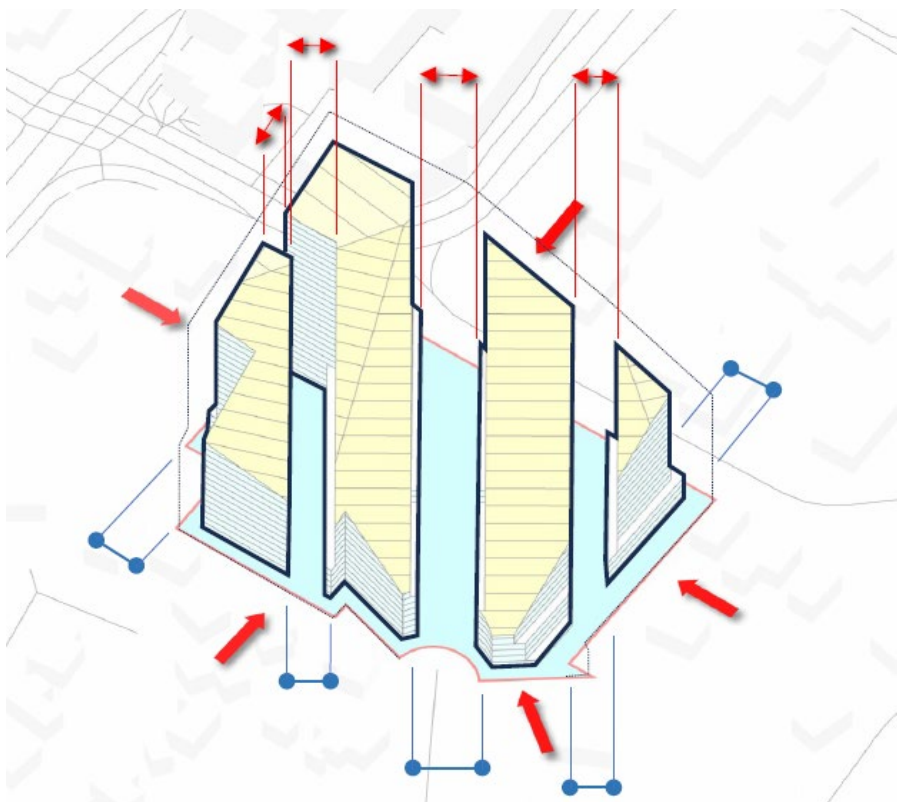
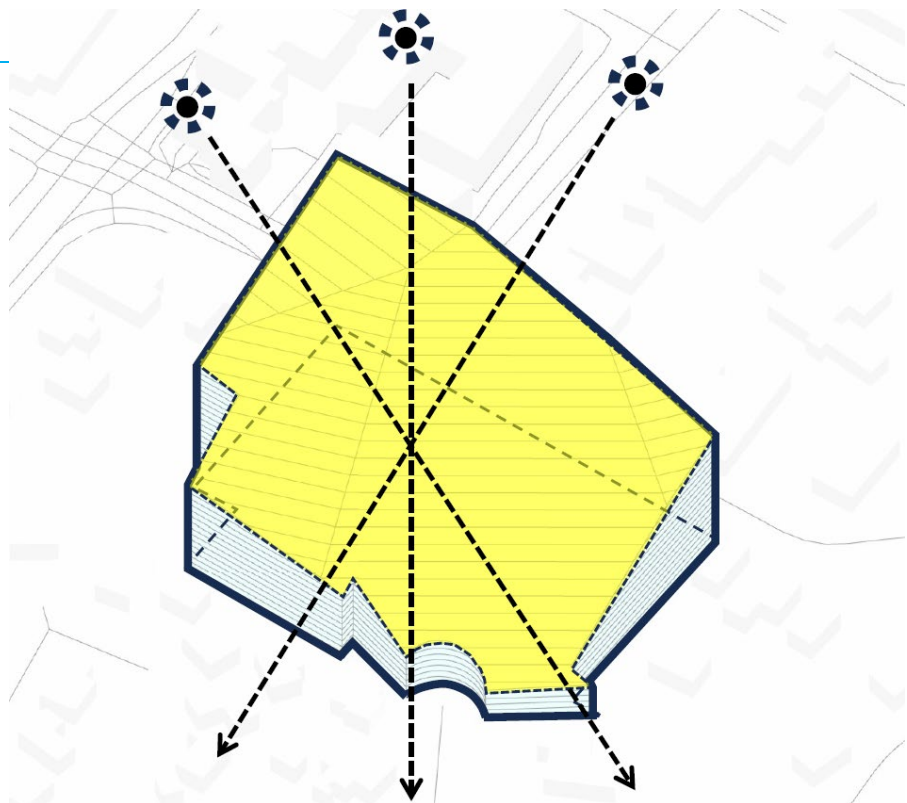


Figure 9:

Design  
Evolution –  
Setbacks and  
Separation  
(Source: A+  
Design Group)

Figure 10:

Design  
Evolution –  
Human Scale  
and Wayfinding  
(Source: A+  
Design Group)

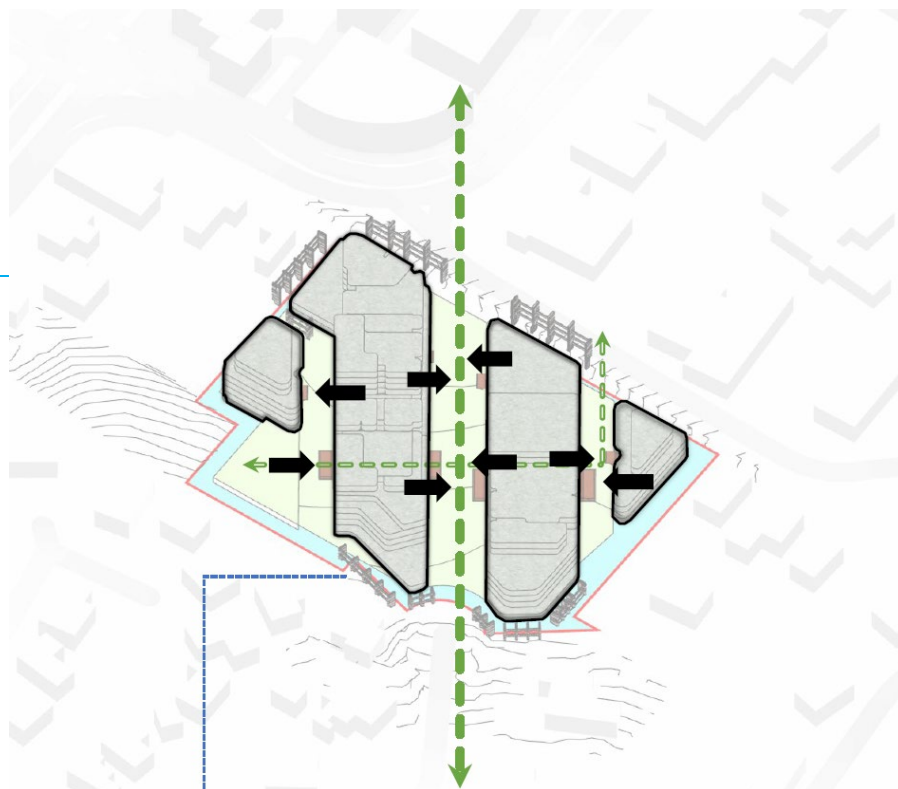


Figure 11:

Design Evolution  
– Tower Modules  
(Source: A+  
Design Group)

Figure 12:

Design  
Evolution –  
Height and  
Scale (Source:  
A+ Design  
Group)

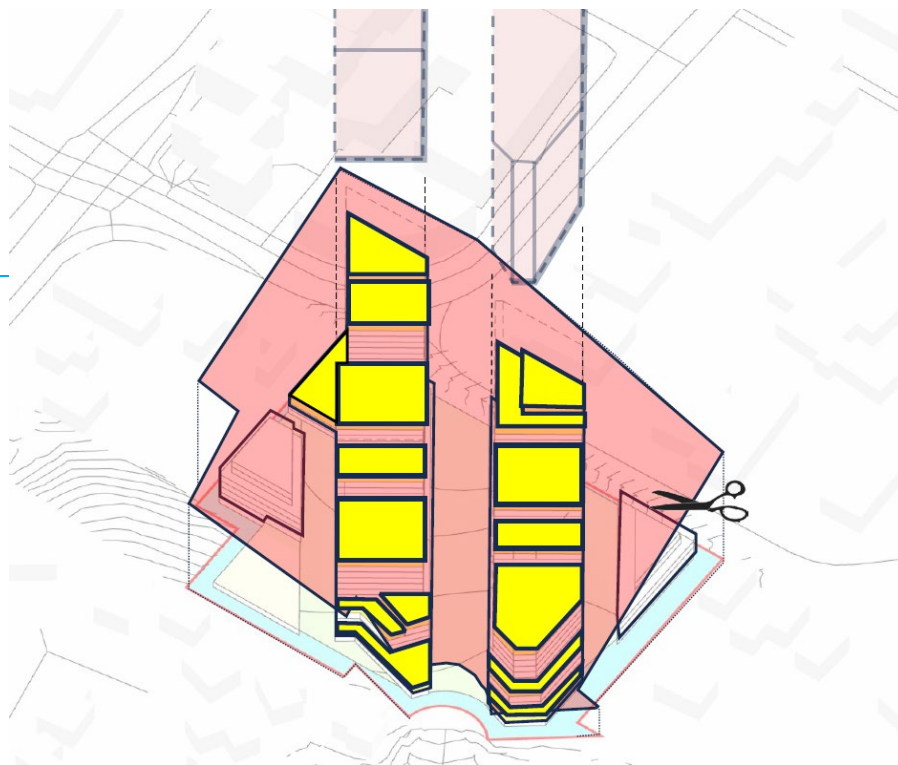


Figure 13:

Design Evolution  
– Greening and  
Connectivity  
(Source: A+  
Design Group)

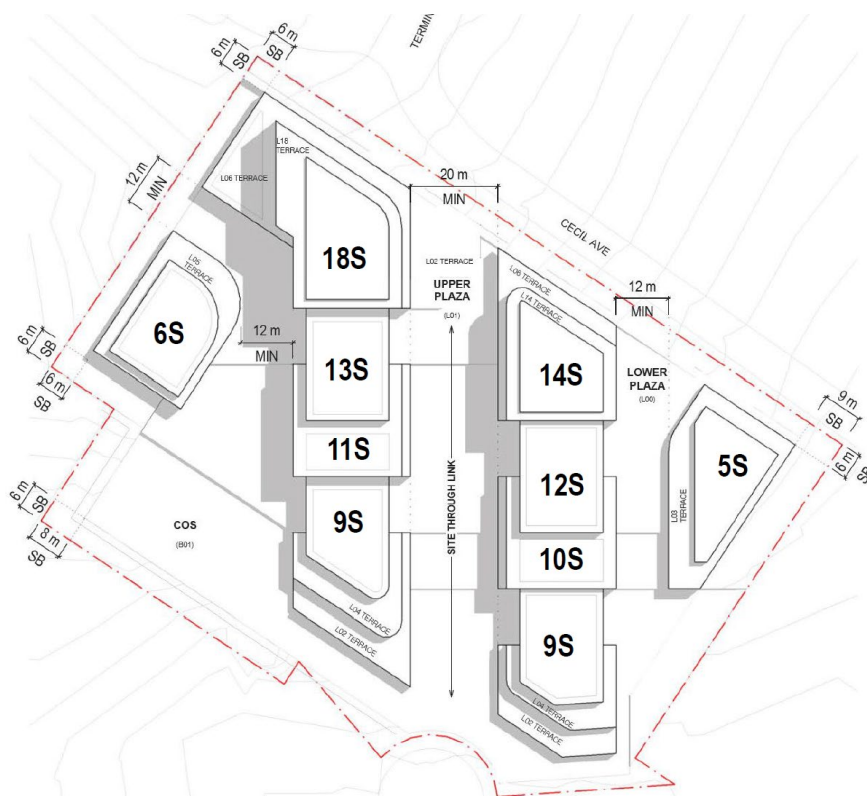


Figure 14:

DCP site layout and number of storeys



Figure 15:

Proposed site layout and number of storeys



Figure 16:

CGI of proposal



Figure 17:

CGI of proposal

### 3.4 Connecting with Country and Public Art

A 'Connecting with Country' Strategy has been developed by Everick Heritage in conjunction with Dharug artist Leanne Redpath to reflect on Country and allow it to influence the design, which is provided at **Appendix 23**. Leanne is a Dharug woman, an artist, educator, knowledge holder and author. She is commonly known in the Aboriginal community as Mulgo, meaning Black Swan and is the daughter of Aunty Edna Watson and Uncle Allan Watson, elders of the Dharug community. The consultation process informed the design with a detailed thematic palette of Country, story, site, colours, textures and form to integrate in design. A comprehensive design response to Country has been integrated into the development, with a particular focus on the ground plane and materiality of the development.

The design development of the project has evolved with careful consideration and recognition to the importance of the First Nations historic and ongoing care of Country.



Figure 18:

Connecting with Country - recommendation for each building to incorporate tree inspired design (Source: Connecting with Country Report)

### 3.5 Materials and Finishes

The proposed development provides a broad range of materials and finishes, but with familial elements to achieve architectural variety throughout the project, but also to ensure that a cohesive visual outcome is also achieved. The materials incorporated into the buildings have also been selected based on the environmental performance and sustainability requirements for the materials and the building.

The proposed materials and finishes are detailed in the architectural plans provided by A+ Design Group.

### 3.6 Commercial Uses and Signage

The proposal is a mixed use development which provides a series of commercial tenancies at the ground floor, upper ground level, Level 1 and Level 2.

The current zoning of the site is MU1 Mixed Use zone pursuant to THLEP and the permissible forms of non-residential use are broad and include commercial premises. This provides for retail premises, business premises and office premises. The design of the commercial component of the development supports the occupation of the non-residential tenancies for these purposes with appropriately designed tenancies and loading and services facilities.

Careful consideration has been given to the design and location of the commercial components of the project to ensure the achievement of a vibrant and active street edge for the development as well as connectivity and functionality within the site.

Consent is not sought within this application for the specific use and fitout of each tenancy, and this will be the subject of future fitout and use applications. No formal consent is sought for signage within this application as the detailed arrangement of signage will be subject to market demand and leasing arrangements, and accordingly signage will be addressed in a subsequent development application.

### 3.7 Site Preparation Works

Site preparation works are proposed in order to facilitate preparation for the proposed built form. This includes demolition, tree removal, and earthworks as outlined below:

#### 3.7.1 Demolition

The proposed development seeks the demolition and removal of all structures on the site.

#### 3.7.2 Tree Removal

There are a range of trees on and around the site which are identified in the Arboricultural Impact Assessment (AIA) prepared by Plateau Trees (**Appendix 17**). The proposed development requires extensive excavation which will necessitate the removal of 107 of 129 trees within and around the site. However, only 3 of these trees are identified as being of high retention value, 123 trees were found to have a moderate retention value, and 3 trees were found to have a low retention value. Notwithstanding, where trees are beyond the identified building envelope in Part D Section 21 of THDCP, they have predominantly been retained.

Whilst the trees proposed to be removed provide some amenity for the site, the reasonable development of the site in accordance with the new vision for the area is not possible with the retention of these trees, particularly having regard to the required excavation. Notwithstanding this, the redevelopment of the site will include a coordinated landscaping regime with more suitable tree species which will achieve a high quality landscaped treatment for the site as illustrated in the landscape plans prepared by Site Image landscape architects which accompany this application.

### 3.7.3 Earthworks

Bulk earthworks are required to grade the site, excavate proposed basement structures and provide platforms for the future buildings. The proposed earthworks are generally constructed to the footprints of the proposed buildings.

## 3.8 Public and Private Open Space

The proposed development provides 9,649 square metres of common open space distributed throughout the development which is the equivalent of 55% of site area and compliant with the minimum requirement under the Apartment Design Guide. In addition, the proposal provides a further 1,100 square metre of internal common rooms, resulting on a total communal provision equivalent to 61% of the site area.

The common open space areas are comprised of ground level spaces, the centrally located through site link, and, various rooftop spaces for all buildings.

The variety of common open space areas ensure that there are many outdoor opportunities for future residents with differing attributes and qualities. The ground level spaces between Buildings A-B and C-D and rooftop areas will provide for a more private setting exclusively for residents and will be used for a range of activities and will include, raised turf areas, outdoor seating, community gardens, and BBQ pavilions.

The development provides balconies for all apartments with a range of sizes which are generally greater than the size requirements of the Apartment Design Guide.

## 3.9 Parking and Access

### 3.9.1 Pedestrian and Vehicle Access

Pedestrian access is provided to the residential apartments via multiple entries from the adjacent streets, as well as the central through site link.

The development rationalises the number of existing vehicular crossings and improves pedestrian and traffic safety, by removing the existing vehicular crossings which currently serve the site.

All vehicular access into the development is provided via a single driveway into the site at the eastern end of the Cecil Avenue frontage. This is considered an improvement upon Part D Section 21 of THDCP which suggest that vehicle access could also be provided from Roger Avenue.

### 3.9.2 Parking

The proposal provides a total of 979 spaces comprising:

- 524 residential spaces
- 123 residential visitor spaces
- 332 non-residential spaces

### 3.10 Servicing and Waste Removal

Two loading docks are provided at the basement level for on-site garbage collection as well as loading for the site. The loading bay designs are capable of accommodating Council's waste collection trucks and enabling them to manoeuvre on site to collect waste.

A detailed discussion in relation to the design of the loading docks, bins storage and location, and methods for collection is included in the Operational Waste Management Plan prepared by Elephants Foot which accompanies this application at **Appendix 15**.

### 3.11 Stormwater

A detailed stormwater management and drainage plan has been prepared and accompanies this application. The plans detail the provision for onsite stormwater detention and various control measures across the site. The proposed development is unlikely to disrupt or negatively impact on neighbouring land uses or structures with adequate measures proposed to mitigate against potential instability during the construction of the basement car parking.

The stormwater design is discussed in detail within the Water Management Report at **Appendix 20** prepared by Stellen which supports this application.

### 3.12 Sustainability

The proposed development has been designed to reflect best practice sustainable building principles to improve environmental performance in relation to energy efficiency, water conservation and thermal comfort. An ESD Report has been prepared by Credwell and included at **Appendix 28**, which details the sustainability initiatives that have been achieved and/ or embedded within the design, construction and operation of the proposed development to promote sustainability.

### 3.13 Services

All required services will be provided to the site. Refer to the Infrastructure Management Plan prepared by Neuron at **Appendix 32**.

### 3.14 Construction Details

#### 3.14.1 Construction Management Plan

A preliminary Construction Traffic Management Plan prepared by CJP is included at **Appendix 40**. A condition of consent can be imposed requiring the preparation of a Construction Management Plan prior to release of the Construction Certificate which addresses the following matters:

- Material management;
- Construction traffic management;
- Health and safety;
- Equipment/materials staging and parking;
- Construction Noise management;
- Dust control measures; and

### 3.14.2 Construction Hours

The proposed development will be constructed within the following hours as per the relevant guidelines:

- Monday to Friday: 7:00am to 6:00pm
- Saturdays: 8:00am to 3:00pm
- No work on Sunday and Public Holidays

### 3.15 Affordable Housing

The proposal provides the equivalent of 15% of the total floor space, which equates to 169 apartments, as affordable housing apartments as defined under *State Environmental Planning Policy (Housing) 2021*, with this housing stock to be managed by a Registered Community Housing Provider for a minimum of 15 years from the date of occupation.

Cubic Real Estate is a Registered Community Housing Provider.

The following distribution of the affordable housing units in the development is proposed as follows:

**Table 7:** Affordable housing apartments

| Apartments | Number    |
|------------|-----------|
| Studio     | 1         |
| 1 bed      | 65        |
| 2 bed      | 103       |
| Total      | 169 (15%) |

The affordable housing apartments are all delivered in the first two stages of the development, with the delivery proposed as follows in those stages:

- Stage 1: 43 apartments, or 16% of total apartments in this stage
- Stage 2: 126 apartments, or 37% of total apartments in this stage

The delivery of affordable apartments is commensurate with, or exceeds, the 15% of the development per stage.

It is anticipated that conditions will be imposed by the consent authority to the effect that:

- for 15 years from the date of the issue of the occupation certificate:
  - the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
  - all accommodation that is used for affordable housing will be managed by a registered community housing provider, and

a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.

### 3.16 Staging and Timing

The application proposes the staged construction of the buildings. The proposed staging is shown on the staging plans prepared by A+ Design Group, which is also illustrated in Figures 19, 20 and 21 below. The stages are as follows:

- Stage 1 – Demolition of all structures and bulk excavation within the Stage 1 area, construction of Buildings A and B including basement levels beneath those buildings
- Stage 2 – Demolition of all structures and bulk excavation within the Stage 2 area, construction of Building C including basement levels below this building
- Stage 3 – Demolition of all structures and bulk excavation within the Stage 3 area, construction of Building D including basement levels beneath this building

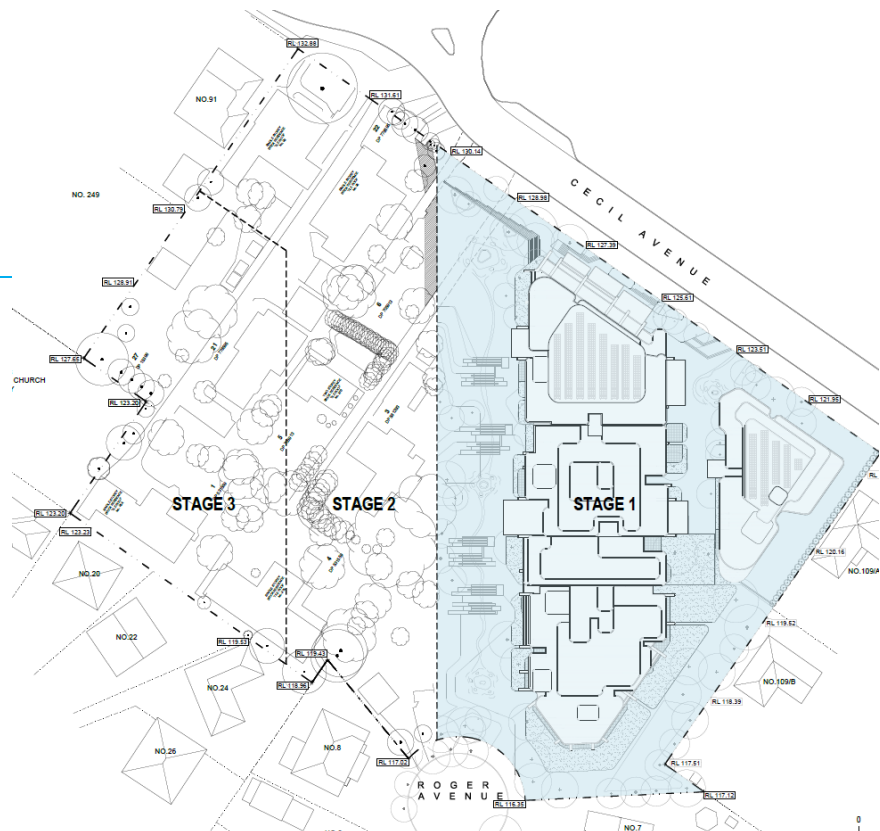
A separate development application will be lodged for stratum subdivision of the development which will include the necessary easements to facilitate the overall development.

The anticipated construction timing for Stage 1 is below:

- Demolition commencement – Late 2025
- Basement bulk excavation – Late 2025
- Superstructure commencement – Early 2026
- Anticipated project completion – Late 2026

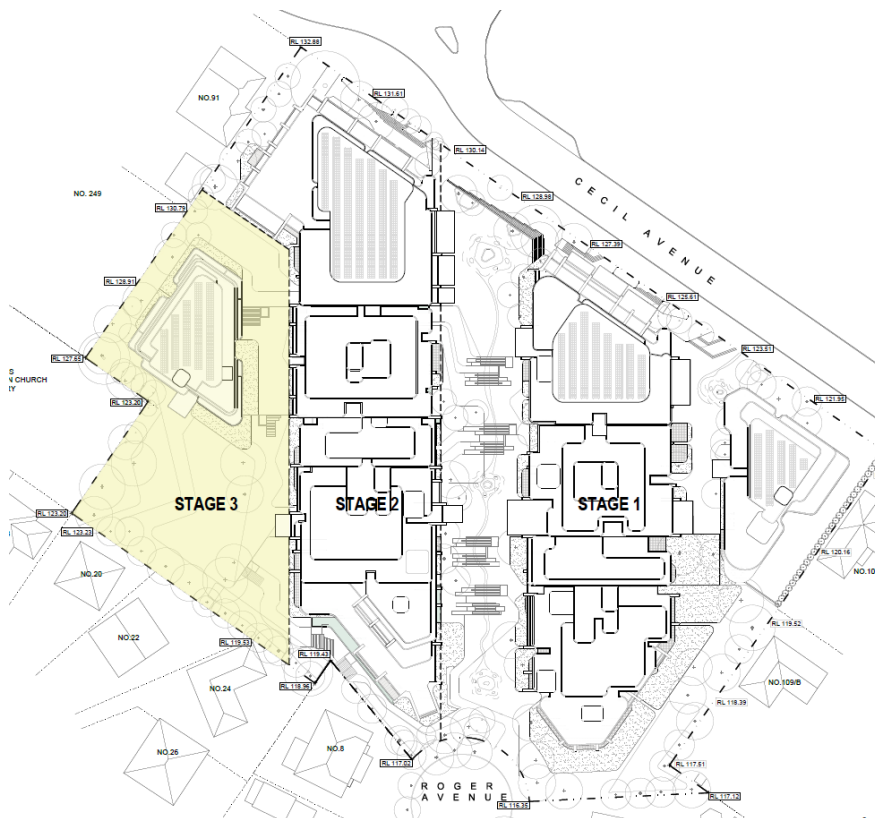
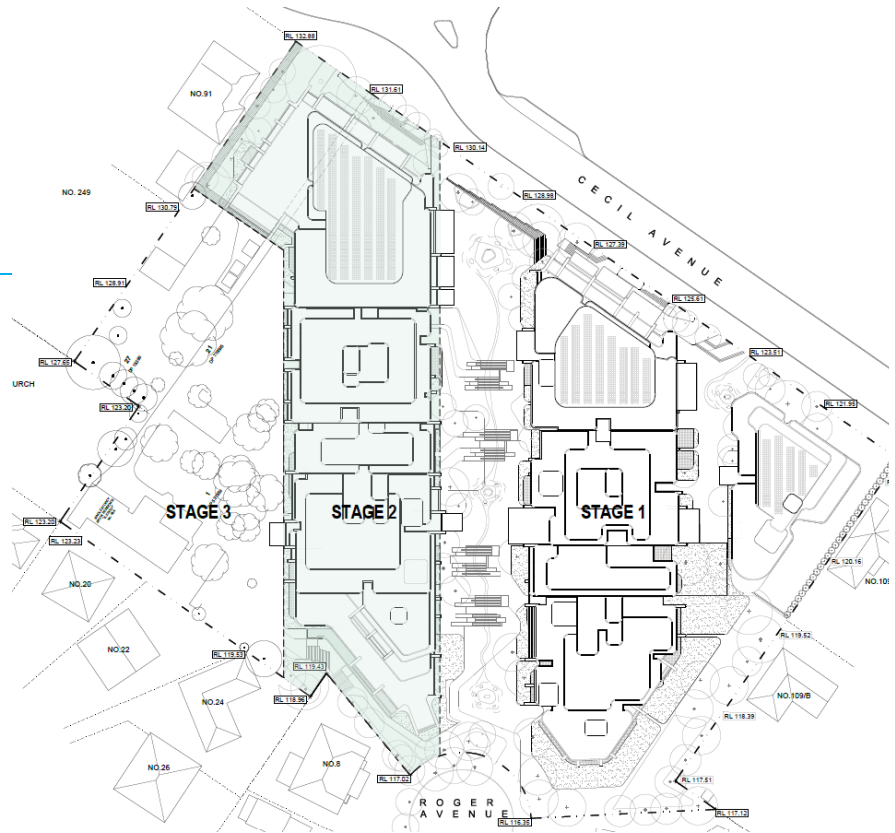
**Figure 19:**

Stage 1 (Source:  
A+ Design Group  
Drawing A106-1)



**Figure 20:**

Stage 2 (Source:  
A+ Design Group  
Drawing A106-2)



**Figure 21:**

Stage 3 (Source:  
A+ Design Group  
Drawing A106-3)

## 4.0 STATUTORY CONTEXT

### 4.1 Relevant Statutory Requirements

This section of the EIS identifies the statutory requirements that are relevant to the justification and evaluation of the project.

The relevant statutory context includes the following Acts, Regulations, environmental planning instruments and draft environmental planning instruments:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021 – Chapter 2 – Affordable Housing
- State Environmental Planning Policy (Housing) 2021 – Chapter 4 – Design Quality of Residential Apartment Development and the Apartment Design Guide
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- The Hills Local Environmental Plan 2019

In accordance with the *State significant development guidelines – preparing an environmental impact assessment* this section includes the following:

- Power to grant approval
- Permissibility
- Other approvals
- Preconditions table
- Mandatory considerations table

The detailed assessment against the relevant statutory requirements is provided in Section 6 of the EIS and the Statutory Compliance Table which is included as **Appendix 2** of this report.

#### 4.1.1 Power to grant approval

The legislative pathway under which the consent is sought, why the pathway applies, and the relevant consent authority is outlined in Table 8 below.

**Table 8:** Power to Grant Consent

| Matter                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Power to grant approval | <b>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</b><br>Section 4.36(1) of the EP&A Act identifies State Significant Development as being development 'declared' under that section to be State significant development. Subsection (2) of the same section provides that a State environmental planning policy may declare any development "or any class or description of development" to be State significant development. |

| Matter                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          | <p><b>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</b></p> <p>Part 2.2 of Ch 2 of State Environmental Planning Policy (Planning Systems) 2021 (the SEPP) contains provisions directed to State significant development. Clause 2.6, within Pt 2.2, relevantly provides:</p> <p><i>"2.6 Declaration of State significant development: section 4.36</i></p> <p><i>(1) Development is declared to be State significant development for the purposes of the Act if -</i></p> <p><i>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without consent under Part 4 of the Act, and</i></p> <p><i>(b) the development is specified in Schedule 1 or 2."</i></p> <p>Schedule 1, Clause 26A of the State Environmental Planning Policy (Planning Systems) 2021 states that the following development is considered to be SSD –:</p> <p><i>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i></p> <p><i>(a) the part of the development that is residential development has a capital investment value of—</i></p> <p><i>(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or Note— The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.</i></p> <p><i>(ii) for development on other land—more than \$30 million, and</i></p> <p><i>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</i></p> <p>The proposal:</p> <ul style="list-style-type: none"> <li>• Is located in the Central River City of the Six Cities Region</li> <li>• Has a capital investment value (CIV) greater than \$75 million for the residential component, and</li> <li>• Does not involve development prohibited under an EPI applying to the land.</li> </ul> <p>Therefore, the development is SSD in accordance with section 26A of the Planning Systems SEPP.</p> |
| <b>Consent authority</b> | <p>Section 4.5 of the EP&amp;A Act and Section 2.7 of the Planning Systems SEPP stipulates that the consent authority is the Minister for Planning (or the Department of Planning and Environment as their delegate) unless the development triggers the matter set out in Section 2.7(1) in which case the consent authority will be the Independent Planning Commission.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

#### 4.1.1 Permissibility

The permissibility of the proposed development considering the proposed land use/s and land zoning is outlined in **Table 9** below.

**Table 9:** Permissibility

| Matter         | Description                                                                                                                                                      |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Zoning    | <b>The Hills Local Environmental Plan 2019</b><br>The site is located within the MU1 Mixed Use zone pursuant to The Hills Local Environmental Plan 2019 (THLEP). |
| Proposed use   | The application seeks consent for a mixed-use development which includes commercial premises, shop top housing and a residential flat building.                  |
| Permissibility | Pursuant to the Land Use Table of the THLEP, the proposed uses are permitted with consent.                                                                       |

#### 4.1.2 Other approvals

There are no other approvals that are required for the carrying out of the proposed development, with the exception of approvals required from the relevant suppliers for proposed infrastructure upgrades.

#### 4.1.3 Pre conditions

The following table identifies the pre-conditions to exercising the power to grant approval for the project. These include the mandatory conditions that must be satisfied before the consent authority may grant approval.

**Table 10:** Pre conditions table

| Statutory reference                                                                       | Pre-condition                                                                                                                                                                                                                                                                                                                                                 | Relevance                                                                                                                                                                                              | Section in EIS                        |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Biodiversity Conservation Act 2016 – Clause 7.9                                           | Section 7.9 applies to an application for development consent under Part 4 of the EP&A Act for SSD. In accordance with clause 7.9(2) any such application is to be accompanied by a BDAR under the Planning Agency Head and Environment Agency Head determine that the proposed development is not likely have any significant impact on biodiversity values. | As the application is for SSD, the clause applies. A BDAR waiver has been granted by the Planning Agency Head and Environment Agency Head at <b>Appendix 27</b> and therefore a BDAR is not required.. | Section 6.10 and <b>Appendix 27</b> . |
| State Environmental Planning Policy (Resilience and Hazards) 2001 – Clause 4.6(1) and (3) | A consent authority must not grant consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated the consent authority is to be satisfied that the land is suitable in its                                                                                                                | The EIS is accompanied by a PSI.                                                                                                                                                                       | Section 6.15 and <b>Appendix 9</b> .  |

| Statutory reference                                                     | Pre-condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Relevance                                                                                                                         | Section in EIS                                                  |
|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
|                                                                         | <p>contaminated state, or will be suitable after remediation, for the purpose for which the development is proposed to be carried out.</p> <p>Clause (3) provides that:</p> <p>The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority....</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                   |                                                                 |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | <p><b>Clause 2.122 Traffic Generating Development</b></p> <p>Clause 2.122(4) provides that</p> <p>(4) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p> <p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> | <p>Clause 2.122 applies as the development has access to a road and a car park with more than 200 or more car parking spaces.</p> | <p>Section 6.9 and <b>Appendix 11</b> which contains a TIA.</p> |

| Statutory reference                                | Pre-condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Relevance                                                                                   | Section in EIS                         |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------|
|                                                    | <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p> <p>(5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</p>                                                                                                                                                                                                                                                                                                                              |                                                                                             |                                        |
| State Environmental Planning Policy (Housing) 2021 | <p><b>Clause 21 Must be used for affordable housing for at least 15 years</b></p> <p>Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development –</p> <p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>(b) the affordable housing component will be managed by a registered community housing provider.</p> | The development proposes 15% of floor space as affordable housing for a period of 15 years. | Section 6.1.1 and <b>Appendix 34</b> . |
|                                                    | <p><b>Clause 147 Determination of development applications and modification applications for residential apartment development</b></p> <p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following –</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design</p>                                                                                                 | The proposal is subject to Chapter 4 of SEPP Housing                                        | <b>Appendix 3.</b>                     |

| Statutory reference | Pre-condition                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Relevance                                                                                                     | Section in EIS                         |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------|
|                     | principles for residential apartment development set out in Schedule 9,<br>(b) the Apartment Design Guide,<br>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.                                                                                                                                                                                  |                                                                                                               |                                        |
| The Hills LEP 2019  | <b>Clause 7.7</b><br>Clause 7.7(3) of The Hills LEP 2019 states that Development consent must not be granted to development involving the erection of a new building over 25 metres unless the consent authority considers that the development exhibits design excellence.                                                                                                                                                                                                 | The proposed buildings are over 25 metres in height.                                                          | Section 6.2<br><b>Appendix 7.</b>      |
|                     | <b>Clause 7.18 Development at 93–107 Cecil Avenue and 9 and 10 Roger Avenue, Castle Hill</b><br>Clause 7.18 applies to the subject site. Clause 7.18 (2) and (3) state the following:<br>(2) Development consent must not be granted to development that results in more than 460 dwellings on the subject land.<br>(3) Development consent must not be granted to development that results in less than 8,025 square metres of commercial floor space on the subject land. | A clause 4.6 request accompanies this EIS at Appendix 42 to address the proposed variation to Clause 7.18(2). | Section 6.3 and<br><b>Appendix 42.</b> |

#### 4.1.4 Mandatory Considerations table

The following table identifies the matters that the consent authority is required to consider in deciding whether to grant approval.

**Table 11: Mandatory Considerations**

| Statutory reference                         | Mandatory consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Section in EIS                                              |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Considerations under the Act and Regulation |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                             |
| Section 1.3                                 | <p>Relevant objects of the Act</p> <ul style="list-style-type: none"> <li>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</li> <li>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</li> <li>to promote the orderly and economic use and development of land</li> <li>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                          | Appendix 2                                                  |
| Section 4.15                                | <p>Relevant environmental planning instruments</p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Housing) 2021 – Chapter 2– Affordable Housing</li> <li>State Environmental Planning Policy (Housing) 2021 – Chapter 4– Design Quality of Residential Apartment Development and the Apartment Design Guide</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> </ul> <p>Development control plan</p> <p>Section 2.10 of the Planning Systems SEPP provides that development control plans do not apply to state significant development</p> <p>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.</p> <p>the suitability of the site for the development</p> | <p>Appendix 2 and Section 6</p> <p>N/A</p> <p>Section 6</p> |

| Statutory reference                                                                                                                                | Mandatory consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Section in EIS                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
|                                                                                                                                                    | the public interest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                           |
| Mandatory relevant considerations under EPIs                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                           |
| State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land                                                  | <p>Clause 4.6(2) provides:</p> <p><i>Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p>                                                                                                                                                                                                                                    | Section 6.16 and <b>Appendix 9</b>        |
| State Environmental Planning Policy (Housing) 2021 – Chapter 4– Design Quality of Residential Apartment Development and the Apartment Design Guide | <p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide,</p> <p>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</p> | Section 6.3 and 6.4 and <b>Appendix 7</b> |
| State Environmental Planning Policy (Sustainable Buildings) 2022                                                                                   | A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Appendix 14</b>                        |
| The Hills Local Environmental Plan 2019                                                                                                            | Clause 2.3(2) – Zone objectives and Land uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Section 6.1.2 and <b>Appendix 2</b>       |
|                                                                                                                                                    | Clause 4.4 – Floor Space Ratio                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Section 6.1.2 and <b>Appendix 2</b>       |
|                                                                                                                                                    | Clause 7.2 Earthworks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Section 6.1.2 and <b>Appendix 2</b>       |
|                                                                                                                                                    | The Hills Local Environmental Plan 2019 – Clause 7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Section 6.1.2 and <b>Appendix 2</b>       |
|                                                                                                                                                    | Clause 9.1 Minimum lot sizes for residential flat buildings and shop top housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Section 6.1.2 and <b>Appendix 2</b>       |

## 5.0 ENGAGEMENT

Community engagement was undertaken in accordance with the engagement requirements of the SEARs and the 'Undertaking Engagement Guidelines for State Significant Projects' (The Engagement Guidelines).

The Engagement Guidelines provide the following guidance with Proponents:

- Plan early
- Engage as early as possible
- Ensure engagement is effective
- Ensure engagement is proportionate to the scale and impact of the project
- Be innovative
- Be open and transparent about what can be influenced

In accordance with the Guidelines, a community engagement program was developed and undertaken as soon as possible after commencing the project. The community engagement program undertaken by the applicant and its consultants included the following engagement activities:

- Meetings with Council
- The surrounding community including residents and businesses
- NSW Police
- Deerubbin Local Aboriginal Land Council
- Chamber of Commerce

The following sections of this EIS provide details of the authorities and community consultation undertaken.

### 5.1 Authority Consultation

#### 5.1.1 Consultation with The Hills Shire Council

A meeting was held with The Hills Shire Council on 8 November 2024 to introduce the proposal. The majority of the Council feedback was factual in nature with reference to ensuring the proposal is permissible and achieves compliance with the relevant development standards and delivers the commitments of the Voluntary Planning Agreement. The various matters identified by the Council are addressed on this EIS and the supporting documentation.

#### 5.1.2 Consultation with GANSW

The proponent initially requested a meeting with the SDRP in August 2024, however, at that time the proponent was not offered a meeting until March 2025. The proponent subsequently progressed the design of the proposal towards lodgement. Notwithstanding, consultation with the GANSW was facilitated in accordance with the requirements of the SEARs, with an SDRP meeting made available on 19 February 2025 to discuss the proposed development.

The presentation to the SDRP demonstrated various built form configurations that were tested in addition to the building envelopes established for the site by the DCP. The SDRP felt that there could be design benefits by introducing some east-west openings through the site, reducing the number of steps in the buildings to rationalise the rooftop open space offering, and increasing the heights of Buildings A and D.

The proponent is willing to consider this feedback holistically with any other feedback received following assessment of the proposal. A detailed response to the SDRP feedback is provided in the Design Report at **Appendix 7**.

### 5.1.3 Department of Planning, Housing and Infrastructure

Consultation has been undertaken with the Department of Planning, Housing and Infrastructure as part of the SEARs process.

## 5.2 Community Engagement

A Community Engagement Report has been prepared by Sarah George Consulting and is included at **Appendix 30**.

The community consultation adopted for the proposed development comprised:

- Letter box drop: 160 notices were distributed to properties within close proximity to the site. The notice included an overview of the proposal, details on who to contact for more information, and noting that a webinar would be held to provide further information.
- Community Information Webinar: A community webinar was undertaken on 18 November 2024 and used a PowerPoint presentation to present participants with information about:
  - the applicant;
  - the subject site and its context;
  - information on the broader planning context in respect of the NSW housing crisis and lack of affordable housing;
  - information on what affordable housing is and isn't and why the subject site is suitable for this type of housing;
  - an outline of the objectives of the proposal;
  - discussion on design considerations that informed the subject application;
  - question and answer session at the end of the presentation; and
  - provision of information on the next steps and avenues for the provision of feedback.

Eighteen registered parties attended the webinar. The feedback from the community consultation is detailed in **Appendix 30**, however, in summary the following issues were raised:

- Traffic
- Increased demand on infrastructure
- Height and overshadowing
- Affordable rental housing
- Property values
- Construction impact
- Character and visual impact

## 6.0 ASSESSMENT OF IMPACTS

This section details how the key issues identified in the SEARs have been addressed. Many of the issues have been addressed through the preparation of specialist technical reports which are included as appendices to this EIS. Key issues identified in these reports are highlighted as are the recommended mitigation measures.

### 6.1 Statutory Context

The SEARS require the EIS to address all relevant legislation, Environmental Planning Instruments, plans, policies and guidelines. Section 4 of this EIS addresses the power to grant approval, permissibility, preconditions and mandatory considerations. Appendix 3 also contains a detailed assessment against all relevant Environmental Planning Instruments.

Notwithstanding, the assessment below specially addresses Chapter 2 Infill affordable housing of SEPP Housing, as well as key development standards within The Hills Local Environmental Plan 2019.

#### 6.1.1 State Environmental Planning Policy (Housing) 2021 – Chapter 2 Affordable Housing

Chapter 2 of State Environmental Planning Policy (Housing) 2021 applies to the State and aims to provide a consistent planning regime for the provision of affordable housing. The provisions of the SEPP seek to facilitate the effective delivery of new affordable rental housing by providing incentives including height and floor space ratio bonuses and non-discretionary development standards.

The SEPP prevails over any other environmental planning instrument (whether made before or after the commencement of the Policy) to the extent of the inconsistency.

The proposed development seeks to provide 15% of the total floor space of the development as affordable housing apartments for 15 years.

#### Development to which Division applies

Clause 15C of the SEPP states:

- (1) This division applies to development that includes residential development if—
  - (a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and
  - (b) the affordable housing component is at least 10%, and
  - (c) all or part of the development is carried out—
    - (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or
    - (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.

In relation to subclause (1)(a), the site is located within the MU1 Mixed Use zone pursuant to the THLEP.

The application seeks consent for development that is permitted within consent in the THLEP.

In relation to subclause (1)(b), the affordable housing component is 12,032 square metres which is 15% of the total floor space of the development.

In relation to subclause (1)(c), the development is located within an accessible area with the site being within 650 metres of Castle Hill Metro Station.

#### Remaining Provisions

The remaining provisions of Chapter 2 are addressed in the table below:

**Table 12:** SEPP Housing assessment

| Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Comment                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>16 Affordable housing requirements for additional floor space ratio</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                              |
| (1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).                                                                                                                                                                                                                                                                                                                                                                      | The maximum floor space ratio for residential development on the site is 3.5:1 based on the incentive floor space ratio provisions in clause 7.11 of THLEP. A floor space bonus of up to 1.05:1 is therefore permitted giving a total FSR of 4.55:1. The proposed development has a compliant FSR of 4.55:1. |
| (2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—<br><br>Affordable housing component = additional floor space (as a percentage) divided by 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | The proposal will provide 15% affordable housing.                                                                                                                                                                                                                                                            |
| (3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).<br><br>Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing. | There is no height control for the site.                                                                                                                                                                                                                                                                     |
| (4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | N/A                                                                                                                                                                                                                                                                                                          |
| <i>19 Non-discretionary development standards – the Act, s4.15</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                              |

| Control                                                                                                                                                                                                                                                                                                                                                                                                                        | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Note: See section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i>                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| (1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with. | Noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| (2) The following are non-discretionary development standards in relation to the residential development to which this division applies —<br>(a) a minimum site area of 450m <sup>2</sup>                                                                                                                                                                                                                                      | The site area exceeds 450sqm.                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (b) a minimum landscaped area that is the lesser of—<br>(i) 35m <sup>2</sup> per dwelling, or<br>(ii) 30% of the site area                                                                                                                                                                                                                                                                                                     | The definition of landscaped area in the Dictionary to the SEPP includes areas not occupied by a building, but also with exceptions including areas used for open-air recreation.<br><br>Therefore, the common open space provided by the development also meets the definition of landscaped area.<br><br>The proposal provides a total of 9,649 square metres or the equivalent of 55% of the as landscaped area, which exceeds the 30% requirement. |
| (c) a deep soil zone on at least 15% of the site area, where—<br>(i) each deep soil zone has minimum dimensions of 3m, and<br>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site                                                                                                                                                                                                       | Not applicable – Refer to 19(3) below                                                                                                                                                                                                                                                                                                                                                                                                                  |
| (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid- winter,                                                                                                                                                                                                                                                                  | Not applicable – Refer to 19(3) below                                                                                                                                                                                                                                                                                                                                                                                                                  |
| (e) the following number of parking spaces for dwellings used for affordable housing—<br>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,                                                                                                                                                                                                                                                               | The SEPP provides that if the development incorporates a minimum of 78 car parking spaces for the affordable housing apartments and 510 car parking spaces for the market                                                                                                                                                                                                                                                                              |

| Control                                                                                                                                                                                                                                                                                                                                                        | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,<br>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,                                                                                                                                                                                                 | apartments, that the proposal cannot be refused on the basis of car parking provision.<br><br>The proposal provides 78 car parking spaces for the affordable housing apartments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| (f) the following number of parking spaces for dwellings not used for affordable housing—<br>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,<br>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,<br>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,                          | However, the site specific Part D, Section 21 of THDCP only requires 1 space per apartment, which is less than the rate in the SEPP for the market apartments. The application of this rate only requires 446 car spaces for the market apartments instead of the 510 spaces under the SEPP. The proposal provides 446 car spaces for the market apartments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development                                                                                                                                                                                                                                         | Each apartment exceeds the minimum area requirement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| (3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies                                                                                                                                                                                                                                                                           | Noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <i>20 Design Requirements</i>                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—<br>(a) the desirable elements of the character of the local area, or<br>(b) for precincts undergoing transition—the desired future character of the precinct. | The site was the subject of a Planning Proposal process which resulted in planning controls which support a density and scale of development which is substantially greater than the surrounding sites. Whilst it is anticipated that the surrounding sites will also eventually benefit from increased height and density due to their close proximity to the Castle Hill Metro Station, in the meantime there is a clear distinction in scale difference between the subject and surrounding sites.<br><br>The proposed increase in height and density therefore is not responsible for the difference in built form on the site and its context. However, the proposal has been designed to adhere to the principle of height distribution and stepping of scale from north to south. In particular, there is no change in height proposed for Buildings A and D compared with the DCP heights, and the majority of the height increase occurs at the northern end of the site near Cecil Avenue.<br><br>Having regard to the anticipated increase in scale for the subject site, the proposed development provides a design which achieves |

| Control                                                                                                                                                                                                                                                                                                                                                                                      | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                              | <p>a compatible outcome with the emerging context surrounding the site.</p> <p>The proposal also provides an acceptable response to the existing variety of built form surrounding the site as it has been designed to minimise the amenity impacts on the nearby properties. In particular, the stepped design minimises shadow impacts.</p> <p>For these reasons the development is considered to be compatible with the current and future desired character of the location. Accordingly, the proposed additional height is not inconsistent or incongruous with the desired future character for this locality.</p> |
| <i>21 Must be used for affordable housing for at least 15 years</i>                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development –</p> <p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> | <p>It is anticipated that a condition of consent will be applied which requires that the affordable apartments are retained as affordable housing for 15 years from the issue of the Occupation Certificate and managed by a registered community housing provider.</p>                                                                                                                                                                                                                                                                                                                                                  |
| <p>(b) the affordable housing component will be managed by a registered community housing provider.</p>                                                                                                                                                                                                                                                                                      | <p>Cubic Real Estate is the registered Community Housing Provider. Refer to supporting letter.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

### 6.1.2 The Hills Local Environmental Plan 2019

#### Zoning and Permissibility

The site is located within the MU1 Mixed Use zone pursuant to THLEP. An extract of the Land Zoning Map is included as Figure 22.

The application seeks consent for a mixed-use development which includes commercial premises, shop top housing and a residential flat building. Pursuant to the Land Use Table of the THLEP, the proposed uses are permitted with consent.

Clause 2.3(2) of the THLEP provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the MU1 Mixed Use zone are:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.

- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.
- To provide for high density housing that is integrated with civic spaces.

The proposed development provides a mixture of compatible uses comprising commercial and residential apartments above and will contribute to the vibrancy of the area. The current site circumstance does not contribute positively to the location and the proposed development will deliver a new facility for commercial activity and employment. The additional residential density on the site will also contribute positively to patronage and success of the commercial tenancies on the subject and the nearby Castle Hill centre.

The nature of the future commercial uses on the site are unlikely to result in any adverse impact to the operation of existing surrounding uses, the amenity of nearby residents, and will not have an unacceptable impact to the performance and operation of the surrounding road network.

The architecture of the development with buildings addressing the street frontages and the through site link, combined with ground floor commercial tenancies will result in activated and vibrant places that are used both during the day and evening, increasing safety. For the reasons given the proposal is considered to be consistent with the objectives of the MU1 Mixed Use zone.

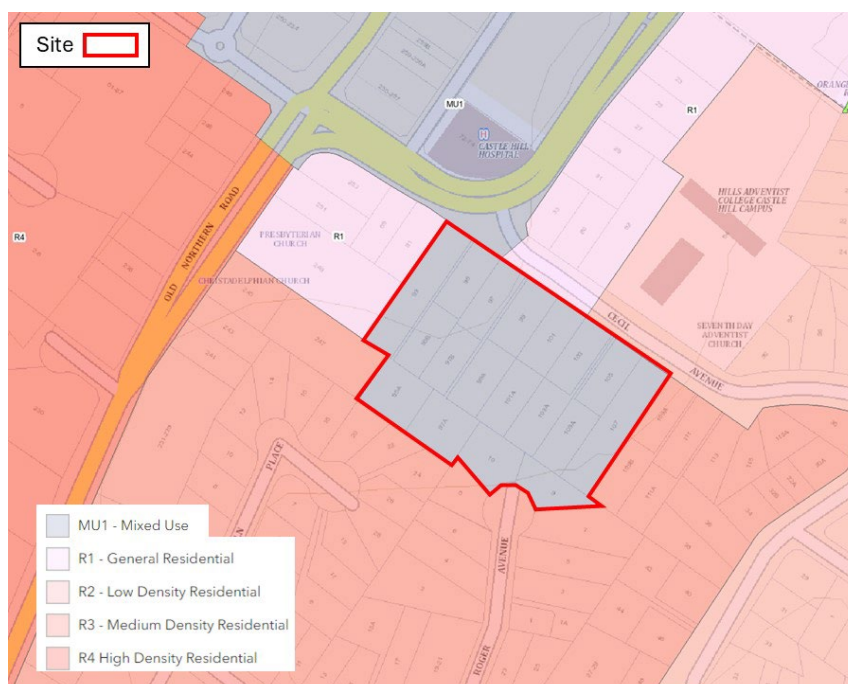


Figure 22:

Extract from the  
THLEP  
Land Zoning Map

### Subdivision

Clause 2.6 of the THLEP states that Land to which this Plan applies may be subdivided, but only with development consent. The application proposes site consolidation which requires consent.

### Demolition

Clause 2.7 of the THLEP requires development consent to be granted for and prior to the demolition of a building or work. The application proposes the demolition of the existing structures on the site.

### Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings

Clause 4.1A of the THLEP requires a minimum lot size for residential flat buildings in the MU1 zone of 4,000 square metres. The subject site is 17,623.60 square metres and complies with this requirement.

### Height

In accordance with clause 4.3 'Height of Buildings' the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. There is no height control for the site pursuant to THLEP.

### Floor Space Ratio

Clause 4.4(2) of the THLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. A 1:1 FSR applies to the site.

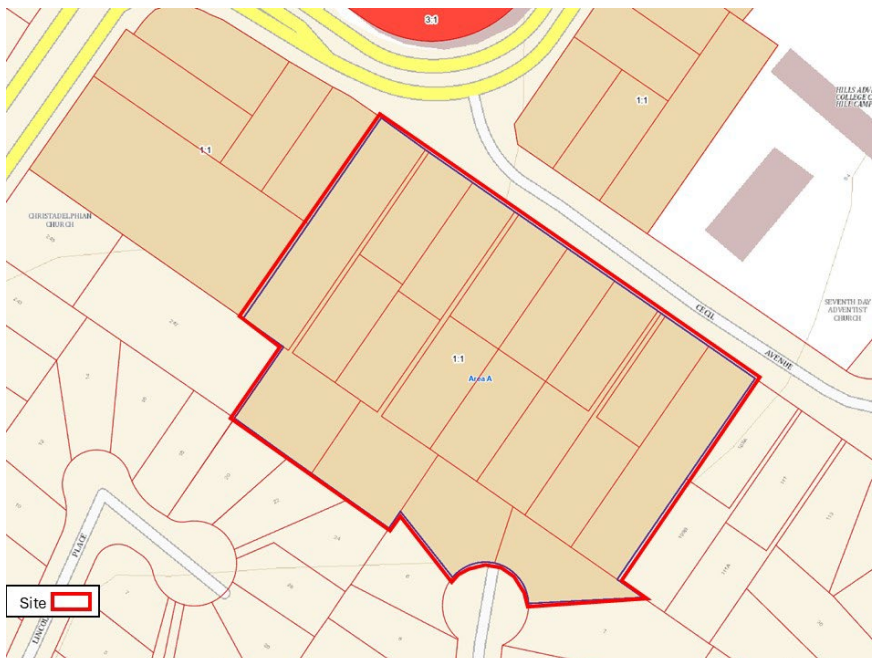


Figure 23:

Excerpt from  
THLEP FSR map

Notwithstanding, the site is located within "Area A" on the Floor Space Ratio Map. Clause 7.11 states that despite clause 4.4, the consent authority may consent to development to which this clause applies with a floor space ratio that does not exceed the increased floor space ratio identified on the Floor Space Ratio Incentive Map, if the consent authority is satisfied in relation to certain matters. The compliance of

the proposal with these matters is discussed under Clause 7.11. The Floor Space Ratio Incentive Map provides a potential maximum FSR of 3.5:1.

However, as the proposal provides at least 15% of the total floor space as affordable housing, Clause 16(1) of Chapter 2 of State Environmental Planning Policy (Housing) 2021 increases the 3.5:1 FSR control by 30% to 4.55:1. The proposal has an FSR of 4.55:1 which is compliant.

#### Heritage conservation

The subject site is not listed as an individual heritage item, nor is it located within a heritage conservation area. The subject site is however within the vicinity of the following locally listed heritage items:

- 'St Paul's Cemetery', No. 247 Old Northern Road, Item no. I61
- 'Christadelphian Church', No. 245 Old Northern, Item no. I62.

A Statement of Heritage Impact prepared by Weir Phillips Heritage accompanies this application at **Appendix 25**. The Statement confirms that the proposed demolition of the existing structures on the site and erection of the replacement building will not result in any adverse impact to the heritage significance of those items, primarily due to the fact that the heritage items do not depend on the presence of the buildings on the subject site for their significance, and that there is no impact to view corridors to the items.

#### Earthworks

Clause 7.2 of the THLEP relates to earthworks and requires that before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, flooding or drainage patterns and soil stability in the locality of the development,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The extent of proposed earthworks are unlikely to result in a significant or adverse disruption of drainage patterns at the site. A detailed stormwater management and drainage plan has been prepared by Stellen and accompanies this application at **Appendix 19** and **20**. The plans detail the provision for onsite

stormwater detention and various control measures across the site. The proposed development is unlikely to disrupt or negatively impact on neighbouring land uses or structures with adequate measures proposed to mitigate against potential instability during the construction of the basement car parking.

The proposed earthworks will achieve a positive outcome for the area because they will result in basement levels with minimal protrusion above existing ground level, serving to reduce the apparent mass and scale of the development and provide an improved relationship between the buildings and surrounding public domain.

Waste from the site will be disposed of appropriately. It is not expected that relics will be unearthed given the site has previously been developed. The site is not significant in terms of its contribution to habitat nor is it environmentally sensitive. All reasonable measures will be taken to avoid, minimise or mitigate the impacts of the development.

It is noted that this level of excavation is representative of other development recently approved by Council.

#### Design Excellence

Clause 7.7 of the THLEP applies to development for the erection of a new building over 25 metres in height and provides that development consent must not be granted unless in the opinion of the consent authority the proposed development exhibits design excellence.

The proposed development is considered to exhibit design excellence for the reasons identified under Section 6.2 below.

Clause 7.7(4)(g) states that the consent must have regard to:

- (g) the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.

The proposal was considered by the State Design Review Panel on 19 February 2025 to discuss the proposed development. (It is noted that the proponent initially requested a meeting with the SDRP in August 2024, however, at that time the proponent was not offered a meeting until March 2025. The proponent subsequently progressed the design of the proposal towards lodgement, and so the presentation to the SDRP was for a completely developed design).

The presentation to the SDRP demonstrated various built form configurations that were tested in addition to the building envelopes established for the site by the DCP. The SDRP felt that there could be design benefits by introducing some east-west openings through the site, reducing the number of steps in the buildings to rationalise the rooftop open space offering, and increasing the heights of Buildings A and D.

The proponent is willing to consider this feedback holistically with any other feedback received following assessment of the proposal. A detailed response to the SDRP feedback is provided in the Design Report at **Appendix 7**.

#### Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor

Clause 7.11(2) states that this clause applies to development that involves the erection of one or more buildings that contain dwellings on land identified as "Area A" on the Floor Space Ratio Map. The site is identified as "Area A" on the Floor Space Ratio Map.

Clause 7.11(3) provides:

Despite clause 4.4, the consent authority may consent to development to which this clause applies with a floor space ratio that does not exceed the increased floor space ratio identified on the Floor Space Ratio Incentive Map, if the consent authority is satisfied that:

- (a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be studio or 1 bedroom dwellings, or both, and
- (b) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be 3 or more bedroom dwellings, and
- (c) at least 40% of all 2 bedroom dwellings contained in the development will have a minimum internal floor area of 110 square metres, and
- (d) at least 40% of all 3 bedroom dwellings contained in the development will have a minimum internal floor area of 135 square metres, and
- (e) if the development is on land identified as "Area A" on the Floor Space Ratio Map, the following minimum number of car parking spaces are to be provided for the development—:
  - (i) for each dwelling—1 car parking space, and
  - (ii) for every 5 dwellings—1 car parking space, in addition to the car parking space required for the individual dwelling.

In relation to (a), (b), (c) and (d) the proposal provides for the following:

**Table 13:** Compliance with Clause 7.11(3)

| Element                                                           | Total Number of apartments | Percentage of total apartments |
|-------------------------------------------------------------------|----------------------------|--------------------------------|
| Studio and 1 Bedroom                                              | 66 of 615                  | 10.7%                          |
| 3 or more Bedroom                                                 | 129 of 615                 | 21%                            |
| 2 bed apartments with an internal floor area of 110m <sup>2</sup> | 172 of 420                 | 41%                            |
| 3 bed apartments with an internal floor area of 135m <sup>2</sup> | 51 of 127                  | 40.1%                          |

The proposal provides 1 car parking space per dwelling for the market housing in addition to one car parking space for every 5 dwellings satisfying criteria (e).

#### Clause 7.18 - Development at 93–107 Cecil Avenue and 9 and 10 Roger Avenue, Castle Hill

Clause 7.18 applies to the subject site and provides the following:

- (2) Development consent must not be granted to development that results in more than 460 dwellings on the subject land.

(3) Development consent must not be granted to development that results in less than 8,025 square metres of commercial floor space on the subject land.

The proposal provides 8,025 square metres of commercial floor space and satisfies Clause 7.18(3).

In relation to Clause 7.18(2), the proposal seeks to take up the incentivised increase in FSR provided by Clause 16 of SEPP Housing in exchange for the provision of 15% of the floor space as affordable housing and accordingly provides 615 apartments which exceeds the 460 apartments by 155 or 33.69%.

Strict compliance with the 460 apartment development standard is considered to be unreasonable and unnecessary under the circumstances for the following reasons:

- SEPP Housing includes specific provisions for increased density in exchange for the inclusion of affordable housing, precisely to incentivise the delivery of additional market and affordable housing. In this instance, all of the additional apartments (and some of the 460 cap) are affordable housing apartments. Strict application of the 460 dwelling development standard would profoundly constrain the application of SEPP Housing and the incentive for providing affordable housing on the site, which result in the direct loss of 169 affordable housing apartments on the site.
- The incentive provisions within SEPP Housing came into effect on 15 November 2023 which was after the introduction of Clause 7.18 into THLEP on 17 July 2020. Therefore, the dwelling cap was introduced at a time when it was not possible to anticipate the bonus GFA permitted by SEPP Housing.
- The site is within close proximity to the Castle Hill Metro Station and the Castle Hill centre and therefore is ideally located to accommodate additional dwellings.
- The site has been demonstrated to have the environmental capacity to absorb the additional density resulting from the departure from the dwelling cap. In particular, the additional density does not result in any unacceptable traffic impact, and the development has been carefully designed to minimise adverse impacts to the adjacent sites by maintaining the same scale at the eastern and western site interfaces. The shadow impact is acceptable with all surrounding properties still enjoying at least 3 hours solar access in mid winter.
- The development achieves an appropriate contextual fit which is compatible with the future adjoining development and the future streetscape, notwithstanding the dwelling non-compliance.

The dwelling limit in Clause 7.18(2) is plainly a development standard. It is a provision of an Environmental Planning Instrument which specifies a requirement or fixes a standard in respect of an aspect of the development and therefore falls within the definition in the *Environmental Planning and Assessment Act 1979*.

Clause 4.6(2) of the THLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the THLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and

- there are sufficient environmental planning grounds to justify contravening the development standard.

A request for an exception to the dwelling cap at Clause 7.18(2) of THLEP, prepared on behalf of the applicant, is included at **Appendix 42** which demonstrates that strict application of the development standard, in the absence of any unreasonable impact, would be unreasonable and without basis.

## 6.2 Design Quality

The proposed development is considered to exhibit design excellence for the following reasons:

- The built form of the proposed development is consistent with the established site layout and building footprints under the site specific DCP, including, setbacks, location of deep soil, building separation and location of commercial uses.
- The proposed distribution of built form and massing across the site as a result of the incentivised increase in floor space for the provision of affordable housing has been specifically crafted to maintain the principles of height hierarchy across the site, and in particular to preserve solar access to the adjacent properties which all maintain at least 3 hours solar access in mid winter.
- The proposal provides a very high level of diversity of scale which generates a high level of visual interest with modulation to the skyline.
- The proposed ground floor plane has been designed to respond to the very steep topography of the site and is stepped to achieve an engaged and activated ground floor plane to the street edges as well as the publicly accessible through site link.
- The buildings exhibit a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression.
- The proposed materials and finishes are of a high quality and will contribute positively to the locality, noting that they have been informed by a Connecting with Country strategy.
- The proposal will provide greater housing choice, including 15% affordable housing, for occupants in an ideal location adjacent to the Castle Hill centre.
- The proposed development does not adversely impact view corridors from the public domain.
- The proposal will not have an adverse impact on the heritage significance of any nearby heritage items.
- The proposed development has maximised internal amenity having regard to the constraints of the site, and in particular noting the proposal provides over double the minimum required common open space area.
- The proposal achieves the principles of ecologically sustainable development.
- The proposed development will not result in any significant adverse impacts (existing or proposed) on the same site or on neighbouring sites in terms of solar access, separation, setbacks, amenity and urban form.
- The proposal will have a compatible built form relationship within surrounding development, noting that the eastern and western buildings (Buildings A and D) are maintained at the height anticipated by Part D Section 21 of THDCP.
- The proposal provides for cycle, vehicular and service access and is designed to comply with relevant Australian Standards in terms of circulation and access requirements.
- The redevelopment of the site will deliver substantial public benefits for the community with upgrades to the public domain enhancing the amenity and liveability for residents, workers and visitors. The proposal includes a new publicly accessible through site link centrally through the site. A number of existing

vehicular crossings will become redundant resulting in additional space for on-street parking in both Cecil Avenue and Roger Avenue.

- The proposed development includes a comprehensive design for the landscaping of the site and all public domain areas surrounding the site. The proposal will result in a mixed use development within a suitably landscaped setting having regard to the urban context of the site. The landscaping proposed represents an integral element in ensuring the development has an appropriate contextual fit and will positively contribute to the forthcoming character of Castle Hill.
- The proposal will deliver a range of larger apartment sizes in accordance with Council's objectives for appropriate housing for the community in this locality.
- The proposal provides the necessary car parking, motorcycle and bicycle parking and suitable manoeuvring areas. Compliant waste servicing arrangements have been provided, with all waste to be managed from within the site. Provision has also been made for loading facilities within each stage along with adequate vehicular manoeuvring areas.

### 6.3 Built Form and Urban Design

#### 6.3.1 Layout, Bulk and Scale

The fundamental principles of the built form are established and informed by the site specific DCP which is highly prescriptive and defines the site structure and layout, as well as establishing a hierarchy of height across the site.

The evolution of the design whilst having regard to this framework is addressed in detail in the Design Report at **Appendix 7** prepared by A+ Design Group.

The proposed distribution of built form and massing across the site beyond the DCP heights as a result of the incentivised increase in floor space for the provision of affordable housing is the result of a considered analysis of the constraints of the site combined with context of the site. The proposed distribution of built form and height adheres to the principles of height hierarchy, whilst also minimising shadow impacts to surrounding properties.

The proposal ensures a highly activated ground floor plane and the design of the proposal achieves a highly modulated built form outcome which serves to reduce the apparent bulk and mass of the development and deliver a visually dynamic outcome.

Finally, the proposal delivers the important public benefit of the publicly accessible through site link from Cecil Avenue to Roger Avenue.

The Design Report by A+ Design Group demonstrates that the proposal achieves a high level of amenity and compatibility with the surrounding site context.

The proposal is a high quality transit orientated development that will provide both housing choice and employment floor space in a location that enjoys exceptional access to the Castle Hill centre and other amenities within the wider Castle Hill area.

#### 6.3.2 Separation

The separation distances within the site and from the site boundaries are generally consistent or exceed those suggested in the Apartment Design Guide.

The layout of apartments throughout the development also ensure that there are acceptable privacy outcomes between various apartments within the development with the use of angled louvres and façade treatments to maximise privacy.

Overall the design of the development ensures a high level of privacy for the residents within the proposal and for the adjacent buildings.

### **6.3.3 Setbacks**

The proposal provides all of the setbacks as identified in Section 2.4 and Figure 8 of the Part D Section 21 of THDCP, including a 6 metre setback from Cecil Avenue for lower levels and 10 metres above Level 4. The proposal also provides the following setbacks from side boundaries:

- 8 metres to St Paul's Cemetery;
- 6 metres to the western boundary;
- 6 metres to the southern boundary; and
- 9 metres to the eastern boundary for a maximum of (4) storeys.
- 12 metres to the eastern boundary for storeys 5 to 8.
- 15 metres to the eastern boundary for 9 storeys (25m) and above.

### **6.3.4 Façades**

Each building is provided with a unique and differing architectural language and façade in order to deliver architectural diversity throughout this large site. The façades will be viewed from both at a distance and close up and therefore needs to be legible and interesting at both a micro and macro scale.

The façade designs have been strongly guided by the principles of sustainability, relationship to context, Connecting to Country, scale and character as detailed in the Design Verification Statement and Design Report at **Appendix 7**.

### **6.3.5 Materials**

The materials incorporated into the building design for the building have been selected based on the Connecting to Country strategy, environmental performance and sustainability requirements for the materials and the building, and the durability of the materials and ability to withstand the conditions.

Materials Schedules has been included in the architectural package at **Appendix 6**.

### **6.3.6 Accessibility**

An Access Review Report has been prepared by Ergon at **Appendix 18**, which provides advice and strategies to maximise reasonable provisions for people with disabilities. The design of the proposed development has been assessed under relevant provisions of the Disability Discrimination Act, BCA, Australian Standards and Disability (Access to Premises-Building) Standards 2010. Consideration has also been given to the relevant accessibility provisions contained in THDCP, as well as other additional advisory standards and relevant guidelines such as the universal design principles.

The proposed development achieves the required accessible outcomes in relation to ingress and egress, paths of travel and facilities and amenities, subject to the recommendations of this report being

implemented into the design at a later stage. Ergon will work with the project team as the development progresses to ensure that appropriate outcomes are achieved both in terms of building design and external public domain. Compliance with the relevant provisions for access can also be conditioned as part of any consent.

10% adaptable apartments have been provided. Each of these adaptable apartments has been allocated an accessible car parking space in the basement. 23% apartments have been designed as silver level liveable units in accordance with the objectives and design guidance for universal design that is contained within the ADG.

## 6.4 Environmental Amenity

### 6.4.1 Solar Access

The internal planning of the development has been designed to maximise solar access for apartments and to minimise no-sun apartments.

The ADG requires that living rooms and private open spaces of at least 70% of apartments in a building receive at least 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Regional. The ADG also requires no more than 15% of apartments receive no direct sunlight in this time.

The solar access diagrams and sun eye views prepared by A+ Design Group at **Appendix 6** of this EIS demonstrate that 71% of all apartments receive adequate solar access, whilst only 15% of total apartments do not receive any direct sunlight. The proposal development complies with the solar access requirements contained within the ADG.

The ADG also requires that developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm at mid-winter. Usable communal open space shadow diagrams have been prepared by A+ Design Group at **Appendix 6**, which demonstrate that the principal useable parts of the proposed communal open space areas receive well in excess of the of the minimum 50% solar access that is required by the ADG.

### 6.4.2 Natural Ventilation

The ADG requires that at least 60% of apartments are naturally cross ventilated in the first nine storeys. Apartments that are ten storeys above are deemed to be naturally cross ventilated.

The cross ventilation diagrams prepared by A+ Design Group at **Appendix 6** of this EIS demonstrate that the development exceeds the 60% requirement and satisfies the ADG requirements for natural cross-ventilation through locating openings in significantly different pressure regions.

### 6.4.3 Visual Privacy

The proposed development seeks to maximise visual privacy within the site and to future neighbouring developments. This has been achieved through the provision of setbacks and building separation distances that comply with the ADG requirements.

#### 6.4.4 Lifts

The application is accompanied by a Lift Analysis prepared by Elev8tor Company which includes an assessment against the relevant Australia Standard (AS 1735) and confirms that the lift design provides sufficient lifting capacity and will provide a safe, efficient, and comfortable experience for all occupants and visitors to the buildings.

#### 6.4.5 Common Open Space

The proposed development provides a variety of common open space areas for the residents, comprised of both ground level spaces and also roof top common open space.

The proposed development provides 9,649 square metres of common open space distributed throughout the development which is the equivalent of 55% of site area and compliant with the minimum requirement under the Apartment Design Guide.

The communal open space areas will be used for a range of activities and will include barbeques, playground, soft landscaping and outdoor seating.

#### 6.4.6 Views

The proposed development will not result in any unreasonable impacts on scenic views available from the surrounding public domain or significant properties, beyond that which is anticipated as a result of the site specific DCP. The impact on views is addressed in the Visual Impact Assessment prepared by A+ Design Group at **Appendix 38**.

The proposed development will provide an enhanced setting comparatively and aims to activate the site via the provision of a new internal public domain network through the site which will enable a visual connection through the site from Cecil Avenue to Roger Street.

#### 6.4.7 Shadow Impacts

Shadow diagrams have been prepared and are included by A+ Design Group at **Appendix 6**.

Due to the orientation and topography of the site, the management of shadow impacts is a challenging aspect of the project. The site specific DCP establishes a built form which was specifically designed to minimise shadow impact to the adjacent properties, and creates a benchmark of anticipated shadow impact.

The addition of further height and density as incentivised by SEPP Housing for the delivery of affordable housing, creates a design challenge in order to balance shadow impacts with the delivery of much needed affordable housing on an ideally located site. In response to this challenge, the proposal does not result in any additional height to Buildings A and D at the sensitive edges of the site, and steps the additional height up the site to Cecil Avenue.

The proposed design and distribution of height ensures that all adjacent properties retain at least 3 hours solar access between 9am and 3pm in mid winter, as provided in Table 14 below:

**Table 14:** Solar access to adjacent properties

| Property          | Solar Access 9am-3pm 21 June |
|-------------------|------------------------------|
| 20 Lincoln Place  | 4.5 hours                    |
| 22 Lincoln Place  | 4 hours                      |
| 24 Lincoln Place  | 3.5 hours                    |
| 5 Roger Avenue    | 4.5 hours                    |
| 7 Roger Avenue    | 3.5 hours                    |
| 6 Roger Avenue    | 3.5 hours                    |
| 8 Roger Avenue    | 3 hours                      |
| 109A Cecil Avenue | 6 hours                      |
| 109B Cecil Avenue | 4.5 hours                    |

The above table demonstrates that a very high level of solar access has been retained for the adjoining properties and therefore that the incentivised height does not result in any unacceptable overshadowing from the proposal which is generally consistent with that envisioned by the planning controls which apply to the site.

#### **6.4.8 Wind Impacts**

The potential impacts associated with impacts on the façade caused by the wind and wind impacts on the surrounding public domain has been considered by Vipac in the Environmental Wind Impact Study at **Appendix 31**.

Vipac have confirmed that due to the arrangement of the public domain areas around the site, the building designs and the prevailing wind direction there is not a significant risk of wind impacting the public domain areas of the project. The results of the study indicate that wind conditions for all trafficable outdoor locations within and around the development will be suitable for their intended uses, subject to incorporation of the suggested recommendations.

#### **6.4.9 Reflectivity**

The proposed development does not include any significant areas of glazing, noting that reflected solar glare from concrete, brickwork, timber, etc. is negligible at less than 1% normal specular reflectance, whilst solar glare from any painted or powder-coated metallic surfaces on the exterior façade of the development is also acceptable with a normal specular reflectance of visible light in the range of 1% to 5%.

To avoid any adverse glare to motorists and pedestrians on the surrounding streets, occupants of neighbouring buildings, it is recommended that all glazing and materials used on the external façade of the development should have a maximum normal specular reflectance of visible light of 20% and subject to the glazing not exceeded the recommended maximum normal specular reflectance of visible light of 20%, the proposed building materials will not lead to hazardous, undesirable or uncomfortable glare to pedestrians, motorists or occupants of surrounding buildings.

#### 6.4.10 Acoustic Privacy

The potential acoustic impacts to the future residents have been considered in the Noise Impact Assessment prepared by Rodney Stevens Acoustic which is located at **Appendix 12**.

The report has identified the relevant noise criteria and includes recommendation measures to be incorporated into the construction of the development in order to meet the internal noise criteria.

### 6.5 Visual Impact

A Visual Impact Assessment has been prepared by A+ Design Group at **Appendix 38**.

The visual impact assessment provides images of the proposal as viewed from key vantage points. The visual impact assessment demonstrates that the proposed development is generally compliant with the prevailing statutory controls and zoning of the area. It is therefore considered that the proposed form is consistent with the desired future character of the area. The architecture is well articulated and the materiality proposed is of high quality and sympathetic to the surrounding context.

The visual impact assessment demonstrates that a favourable visual impact is achieved. Overall, the proposed scale conforms to the expected parameters outlined in the building height control, ensuring a harmonious integration into the evolving context of the site.

### 6.6 Public Space

#### 6.6.1 Integration with the Public Domain

The design of the proposed buildings properly defines the public domain of the road frontages of the site and significantly enhances the activation and engagement with the existing public domain with direct street entries to the residential lobbies as well as commercial tenancies which address Cecil Avenue in particular.

The north-south through site link also activates and engages with the street edge and is designed to invite pedestrians into the site.

The landscape design (**Appendix 8**) incorporates a Connecting with Country strategy and also maximises the landscape quality of the setback areas to positively contribute to the quality of the public domain.

#### 6.6.2 Crime Prevention Through Environmental Design Principles

Crime prevention through environmental design (CPTED) seeks to influence the design of buildings and places by:

- increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture
- increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended
- reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'
- removing conditions that create confusion about required norms of behaviour

There are four principles that need to be used in the assessment of development applications to minimise the opportunity for crime:

- Surveillance
- Access Control
- Territorial Reinforcement
- Space Management.

The proposal will achieve a significant improvement in relation to crime prevention by introducing active edges to both Cecil Avenue and Roger Avenue.

The proposal incorporates:

- Architecturally designed common areas that promote resident interaction and a responsibility of users for the area;
- Entrance design to residential pathways and buildings which provide a clear demarcation between public and semi-private space;
- Clear design cues associated which delineate spaces and identify who they are to be used by; and
- A high level of passive surveillance of the public and private domain.

The proposal is supported by a CPTED report at **Appendix 34** which provides a detailed assessment.

## 6.7 Trees and Landscaping

### 6.7.1 Impacts on existing trees

There are a range of trees on and around the site which are identified in the Arboricultural Impact Assessment (AIA) prepared by Plateau Trees (**Appendix 17**). The proposed development requires extensive excavation which will necessitate the removal of 107 of 129 trees within and around the site. However, only 3 of these trees are identified as being of high retention value, 123 trees were found to have a moderate retention value, and 3 trees were found to have a low retention value. Notwithstanding, where trees are beyond the identified building envelope in the DCP, they have predominantly been retained.

Whilst the trees proposed to be removed provide some amenity for the site, the reasonable development of the site in accordance with the new vision for the area is not possible with the retention of these trees, particularly having regard to the required excavation. Notwithstanding this, the redevelopment of the site will include a coordinated landscaping regime with more suitable tree species which will achieve a high quality landscaped treatment for the site as illustrated in the landscape plans prepared by Site Image landscape architects which accompany this application.

### 6.7.2 Proposed Landscaping

Landscape Plans and a Landscape Report have been prepared by Site Image and are included at **Appendix 8**.

A planting schedule for the proposed landscaping for the project is included within the Landscape Report. This schedule details the size, species and spacing of plantings proposed in each landscaped area. The

planting palette has been carefully selected in response to the site conditions and design principles. In particular, the plant species selection is a fundamental element in the Connecting with Country strategy and to connect with the local environment. As such the landscape plan incorporates all indigenous species. Due to the variety of the buildings within the overall development, there will be differing micro climates occurring around the site allowing a variety to the species list in response to this micro-climate.

The urban setting of the site and its surrounds has also been considered in the proposed landscaping through the integration of the development with the existing landscaping in the public domain.

## 6.8 Ecologically Sustainable Development

The proposed development has been designed to reflect best practice sustainable building principles to improve environmental performance, in relation to energy and water efficient design and technology and use of renewable energy. An ESD report prepared by Credwell accompanies the subject application which details how ESD principles have been incorporated in the design and construction of the project and are intended to be incorporated in the ongoing operation of the development.

The *Environmental Planning & Assessment Act 1979* adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The 4 principles are addressed below:

### Precautionary principle

The precautionary principle requires careful evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment. The proposed development is accompanied by multiple environmental studies and technical reports which conclude that there are no environmental constraints that preclude the development of the site in accordance with the proposal, subject to appropriate management in construction and operational strategies. The mitigation measures outlined in this Statement detail the methods by which environmental impacts will be managed on the site.

### Inter-generational equity

The proposal will ensure that the health, diversity and productivity of the environment is enhanced for the benefit of future generations as it represents a sustainable use of the site which will take advantage of the existing infrastructure and make more efficient use of the site. The re-development of this site will also have positive social, economic and environmental impacts. The location of new residential and commercial uses on a site with excellent access to public transport and other facilities and employment will enable residents to make sustainable travel choices which will protect the environment for future generations.

### Conservation of biological diversity and ecological integrity

The principle of biological diversity upholds that the conservation of biological diversity and ecological integrity should be a fundamental consideration. The proposed development will not have any significant effect on the

biological diversity and ecological integrity of the site and in fact provides the opportunity to introduce planting and landscaping to provide for habitat and to assist in rain water absorption.

#### Improved valuation, pricing and incentive mechanisms

The principles of improved valuation and pricing of environmental resources requires consideration of all environmental resources which may be affected by a proposal, including air, water, land and living things. The development of the site will not produce excessive waste or result in pollution emanating from the site. All efforts will be made to ensure that materials are reused, recycled or disposed of in a sensitive manner. The life cycle of products and their robustness has been considered in the process of material and finish selection.

### 6.9 Traffic, Transport and Accessibility

A Traffic and Parking Assessment Report prepared by CJP accompanies the application at **Appendix 11** to address the potential impacts of the development on transport infrastructure and to address the accessibility of the site.

#### 6.9.1 Traffic

The Planning Proposal for the site was supported on the basis that the traffic modelling for the concept demonstrated an acceptable impact to the performance of the surrounding road network. The Planning Proposal traffic modelling provided for 212 and 193 peak hour trips during the morning and afternoon peak hours respectively.

The subject proposal will generate slightly more traffic with 242 and 216 peak hour trips during the morning and afternoon peak hours respectively. Therefore, the proposal is expected to result in a theoretical nett increase of just 30 vehicle trips during the weekday AM peak and a nett increase of just 23 vehicle trips during the weekday PM peak period.

The increase in traffic movements compared to previous conditions is relatively minor equating to 1 additional vehicle trip approximately every 2.0-2.6 minutes during the peak periods, and accordingly the proposal is consistent with what has been assessed in the past, is not expected to result in any unacceptable traffic implications on the surrounding road network, nor are any further road or infrastructure upgrades required.

#### 6.9.2 Car Parking

SEPP Housing also contains parking rates, that if complied with, the proposal cannot be refused on the basis of parking. SEPP Housing provides different parking rates for market and affordable housing.

In addition, the site specific DCP also specifies a specific residential car parking rate, as well as commercial rates

**Table 15:** SEPP Housing and DCP car parking rates

| Use                   | SEPP Housing                                             | DCP rate              |
|-----------------------|----------------------------------------------------------|-----------------------|
| Residential dwellings | 0.5 car space per 1 bedroom<br>1 car space per 2 bedroom | 1 space per apartment |

| Use                 | SEPP Housing                                                                            | DCP rate                                                      |
|---------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------|
|                     | 1.5 car space per 3 bedroom                                                             |                                                               |
| Affordable Housing  | 0.4 car space per 1 bedroom<br>0.5 car space per 2 bedroom<br>1 car space per 3 bedroom |                                                               |
| Residential visitor | Not specified                                                                           |                                                               |
| Commercial          | N/A                                                                                     | Retail: 1 space per 18.5sqm GLFA<br>Office: 1 space per 25sqm |

Application of these minimum residential rates are presented in Table 16 below.

**Table 16:** Car parking compliance

| Use                   | Units/GFA                                           | SEPP Housing | DCP        | Proposed   |
|-----------------------|-----------------------------------------------------|--------------|------------|------------|
| Residential dwellings | 317 x 2 bedroom<br>127 x 3 bedroom<br>2 x 4 bedroom | 510.5        | 446 spaces | 446 spaces |
| Affordable Housing    | 1 x studio<br>65 x 1 bedroom<br>103 x 2 bedroom     | 78           | 169        | 78 spaces  |
| Visitor               | 615                                                 | 0            | 123 spaces | 123 spaces |
| Retail/Office         | 814sqm/7,211sqm                                     | N/A          | 332        | 332 spaces |

The development provides 524 residential spaces, 123 residential visitor spaces and 332 commercial spaces or a total of 979 car spaces.

The parking provision is compliant with the Housing SEPP and the DCP requirements.

### 6.9.3 Access

Pedestrian access is provided to the residential apartment lobbies via multiple entries throughout the site, either from the adjacent streets, or the through site link.

The development rationalises the number of existing vehicular crossings and improves pedestrian and traffic safety, with only a singular vehicular crossing from Cecil Avenue.

The Traffic and Parking Assessment Report at **Appendix 11** confirms that the access driveway has been designed in accordance with Australian Standards AS2890.1 with respect to widths and gradients.

#### **6.9.4 Service vehicle movements and access arrangements**

Two loading docks are provided at the basement level for on-site garbage collection as well as loading for the site. The loading bay designs are capable of accommodating Council's waste collection trucks and enabling them to manoeuvre on site to collect waste.

Vehicle swept paths have been undertaken to confirm the suitability of the loading docks from a manoeuvrability perspective.

### **6.10 Biodiversity**

A Biodiversity Development Assessment Report Waiver Request including an assessment of the impacts of the proposed development on Biodiversity Values identified in the BC Act and Regulation, was submitted to the Department of Planning, Housing and Infrastructure. The waiver request was considered by the Secretary of the Department of Planning, Housing and Infrastructure and the Secretary within the Environment and Heritage Group. It was determined that the proposed development is not likely to have any significance impact on biodiversity values and that a BDAR is not required to accompany the application. As such a BDAR waiver was granted under section 7.9(2) of the BC Act on 14 January 2025. The waiver is included at **Appendix 27**.

### **6.11 Noise and Vibration**

#### **6.11.1 Noise Attenuation for Future Residents**

The potential acoustic impacts to the future residents have been considered in the Noise Impact Assessment prepared by Rodney Stevens Acoustic which is located at **Appendix 12**.

The report has identified the relevant noise criteria and includes recommendation measures to be incorporated into the construction of the development in order to meet the internal noise criteria.

#### **6.11.2 Noise Emissions from Development**

The Noise and Vibration Impact Assessment prepared by Rodney Stevens Acoustic at **Appendix 12** identifies the following noise sources generated by the proposed development:

- Mechanical Plant
- Communal Spaces
- Loading Dock

In order to address noise impacts from these sources, the report includes a number of recommendations, including that noise emissions from all mechanical services to the closest residential and industrial receivers should comply with the identified noise criteria of the report, with detailed acoustic review to be undertaken at CC stage to determine acoustic treatments to control noise emissions to satisfactory levels.

#### **6.11.3 Construction Noise and Vibration**

Construction noise and vibration will be addressed as part of a Construction Management Plan to be prepared prior to the commencement of works on site.

The following table summarises the recommended mitigation measures to address adverse impacts associated with construction noise.

**Table 17:** Mitigation measures to address construction noise

| Measure                                     | Recommended Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Construction Hours                          | <p><b>High noise emission</b></p> <p>The operation of high noise emission appliances, plant, machinery and high noise power tools shall be restricted to the hours of:</p> <p>Monday to Friday: 09:00 –17:00 With a respite period of one (1) hour at midday each day.</p> <p><b>All other activities</b></p> <p>Monday to Friday: 07:00 – 18:00</p> <p>Saturday: 08:00 – 13:00</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Selection of Alternate Appliance or Process | Where a particular activity or plant and equipment is found to generate noise levels that exceed the management levels, it may be possible to select an alternative approach or plant and equipment. For example; the use of excavator mounted hydraulic hammers of the site may potentially generate high levels of noise. By carrying this activity by using concrete saws or smaller plant here practical, construction noise levels and/or length of exposure to construction noise levels may be reduced                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Acoustic Screens                            | <p>The placement of barriers at the source is generally only effective for static plant. Placing barriers at the source cannot effectively attenuate equipment which is on the move or working in rough or undulating terrain.</p> <p>The degree of noise reduction provided by barriers is dependent on the amount by which the line of sight can be blocked by the barrier. If the receiver is totally shielded from the noise source reductions of up to 15 dB(A) can be effected. Where only partial obstruction of line of sight occurs, noise reductions of 5 to 8 dB(A) may be achieved.</p> <p>Where the barrier does not obstruct line of sight, generally no noise reduction will occur. Barriers are used to provide shielding and do not act as an enclosure. The material they are constructed from should have a noise reduction performance which is approximately 10dB(A) greater than the maximum reduction provided by the barrier screening. In this case, the use of a material such as 15mm plywood (or equivalent material) would be acceptable for the barriers.</p> |
| Silencing Devices                           | Where construction methodologies or plant and equipment permit, investigate the use of silencing devices. These may take the form of engine shrouding, or special industrial silencers fitted to exhausts, for example                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Treatment of specific equipment             | In certain cases it may be possible to specially treat a piece of equipment to dramatically reduce the sound levels emitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Establishment of site practices             | This involves the formulation of work practices to reduce noise generation. This includes investigating the possibility of locating fixed plant items as far as                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Measure      | Recommended Mitigation Measures                                                                                                                                                                |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | possible from residents as well as rotating plant and activities to provide respite to receivers.                                                                                              |
| Notification | Notification of affected receivers of the progress of works, particularly when short-term activities likely to create higher noise levels occur, can in many cases minimise community reaction |

### 6.12 Ground and Water Conditions

A Preliminary Geotechnical Report prepared by EI Australia accompanies the application and is included as **Appendix 10**.

Erosion and Sediment Control measures are identified in the Civil Plans prepared by Stellen that supports this report at **Appendix 19** to minimise land disturbance and sediment pollution control of downstream waterways. The erosion and sediment control measures that are proposed for the construction phase include:

- Sediment and security fencing around the perimeter of the site;
- Stabilised site entrance and wash down location;
- Installation of mesh filters for pits within dish drains; and
- Installation of mesh and gravel inlet filters on nearest downstream pits.

### 6.13 Public Domain Works and Water Management

The following documentation supports the proposed development and addresses public domain works as well as water management at **Appendix 19 and 20**:

- Civil Plans by Stellen
- Water Management Report by Stellen

The civil works to the Cecil Avenue and Roger Avenue frontages have been designed to minimise disturbance. The road widening and roundabout design in Roger Avenue outlined in the site specific DCP Part D Section 21 was omitted because access is now solely from Cecil Avenue and no additional vehicle traffic will be generated by the development in Roger Avenue. In relation to Cecil Avenue frontage, works comprise replacement of redundant driveways, new singular driveway, new footpath and street trees. In relation to the Roger Avenue frontage, works comprise replacement of redundant driveways.

The stormwater management system has been designed in accordance with Council's requirements. The stormwater system comprises water collection via the internal building drainage system and directed to the on-site detention (OSD) systems. Water is ultimately conveyed from the OSD system to existing drainage infrastructure located the surrounding streets.

The stormwater system incorporates a Water Sensitive Urban Design (WSUD) strategy to support the proposed development and ensure it complies with Council's pollution reduction targets.

### 6.14 Flooding Risk

The site is not identified as "Flood planning area" on the Flood Planning Map land.

The application is supported by an Overland Flow Assessment prepared by Stellen at **Appendix 21**, which confirms that the site has been assessed to have no flood risk across all events up to and including the Probable Maximum Flood.

#### 6.15 Contamination

The application is accompanied by a Preliminary Site Investigation at **Appendix 9** prepared by EI Australia which identifies that the site was formally vacant/vegetated prior to being developed for residential purposes in circa 1943. The site is free from statutory notices issued under the *Contamination Land Management Act 1997* and *Protection of the Environment Operations Act 1997*. Furthermore, there is no evidence of underground petroleum storage systems, or any other form of contamination. Based on this, EI Australia conclude that there is a low risk of contamination at the residential site and that the site can be made suitable subject to the recommendations in Section 6 of the Report, which essentially include the requirement for a hazardous materials survey and an unexpected finds protocol.

Based on the above, it is considered that the consent authority can therefore be satisfied that the site is suitable for the proposed development subject to appropriate conditions of consent which reflect the recommendations in Section 6 of the Preliminary Site Investigation.

#### 6.16 Waste Management

##### 6.16.1 Construction Waste

A Construction and Demolition Waste Management Plan prepared by Elephants Foot accompanies the application **Appendix 16**. The Waste Management Plan addresses Construction Waste.

##### 6.16.2 Operational Waste

An Operational Waste Management Plan prepared by Elephants Foot accompanies the application **Appendix 15**. The Waste Management Plan addresses the provisions of the SEARs and the THDCP.

Waste and recyclables generation estimates for the proposed development are detailed within the appended OWMP and have informed the design of the various waste holding areas throughout the development.

A detailed discussion in relation to the waste disposal and collection procedures for the proposed development are included within the WMP prepared by Elephants Foot.

The waste management procedures for the future operation of the proposed development are based on basic waste principles that include waste avoidance, recovery and the reuse of discarded materials. The OWMP identifies targets to quantify and measure this sustainable approach to waste management, including maximising diversion of residential municipal solid waste from landfill.

#### 6.17 Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared by Everick Heritage at **Appendix 26** to identify and describe the Aboriginal cultural values that exist across the whole area, assess any impact the proposed development may have on these values and identify any conservation outcomes and

measures to mitigate impacts. The report was written in accordance with the *Aboriginal Cultural Heritage Consultation Guidelines for Proponents 2010*.

The preparation of the ACHAR involved a review of Aboriginal ownership and use of the land around the Castle Hill area, an assessment of the environmental characteristics of the land, a review of the archaeological investigations in the area, an inspection of the site and consultation with Registered Aboriginal parties (RAP).

The ACHAR notes that no Aboriginal objects or evidence or Aboriginal occupation were observed on the site, and that an Aboriginal Heritage Information Management System (AHIMS) search identified no Aboriginal objects and/ or places are located within the site.

Based on these conclusions the ACHAR assessment concludes that the site had nil to low potential for Aboriginal archaeological sites and places, and therefore any proposed works are unlikely to impact upon Aboriginal archaeological remains or heritage.

The ACHAR provides recommendations as identified in Section 2.2.1 of this EIS.

#### 6.18 Environmental Heritage

The subject site is not listed as an individual heritage item, nor is it located within a heritage conservation area. The subject site is however within the vicinity of the following locally listed heritage items:

- 'St Paul's Cemetery', No. 247 Old Northern Road, Item no. I61
- 'Christadelphian Church', No. 245 Old Northern, Item no. I62.

A Statement of Heritage Impact prepared by Weir Phillips Heritage accompanies this application at **Appendix 25**. The Statement confirms that the proposed demolition of the existing structures on the site and erection of the replacement building will not result in any adverse impact to the heritage significance of those items, primarily due to the fact that the heritage items do not depend on the presence of the buildings on the subject site for their significance, and that there is no impact to view corridors to the items..

#### 6.19 Social Impact Assessment

A Social Impact Assessment has been prepared by Sarah George Consulting at **Appendix 29** which has been prepared in accordance with the NSW Department of Planning's Social Impact Assessment Guidelines for State Significant Projects (February 2023) and the supporting Technical Supplement.

The assessment considers the potential impacts to people's way of life, community, accessibility, culture, health and wellbeing, livelihoods, surroundings, and the extent to which people have had a say in the decision-making process for the project. For the purposes of the assessment, 'people' refers to individuals, households, groups, communities, organisations and other stakeholders.

The assessment also includes data on the existing social baseline of the community in which the site is located, and of potentially affected communities and groups in the projects identified social locality and assesses the potential social impacts and benefits of constructing and operating the proposed development, and includes recommended measures to enhance, mitigate and manage the identified social impacts.

Based on the assessment in this report, the key social impacts of the proposal are:

- Way of life, wellbeing, accessibility, community, health and well being in respect of the provision of a range of dwelling sizes, types and costs; employment generation during construction in addition to

ongoing employment for maintenance of the premises, and management of the affordable housing units; accessibility to public transport and services; opportunities for community participation and cohesion; health and wellbeing benefits to existing and future residents through the provision of open spaces.

- Way of life impacts for existing residents during construction and on completion in respect of noise and vibration, dust and traffic related to construction; increased population on the site, and increased traffic on local roads on completion; and changes to the visual presentation of the site and character of the area.

The SIA concludes there is likely to be the following positive impacts associated with the proposal:

- Construction of a mixed use development on a site earmarked and zoned for such development, in an area that has been identified as a growth area;
- The provision of more diverse housing types in the area, on a site that has easy access to public transport, and which is being developed with retail and services nearby;
- Provision of affordable housing for those on very low, low to moderate incomes in a location that is close to public transport, shops and services;
- Employment generation in the planning, implementation, and construction of the proposed development, and in the operation of the retail and commercial spaces; and
- There is nothing about the proposed development that is likely to generate any negative impacts in terms of community cohesion.

There is the potential for construction impacts to temporarily negatively affect the health and wellbeing of more vulnerable persons living, working, and interacting with the area immediately surrounding the site, due to noise, dust, and vibrations. This can be mitigated through a Construction Management Plan.

The SIA concludes that based on its assessment, it is anticipated that the proposed development will have an overall positive impact on the local community.

## 6.20 Utilities

All required services will be available for the development as set out in the Infrastructure Management Plan prepared by Neuron at **Appendix 32** which includes recommendations and requirements for infrastructure services for the development including electricity, water, telecommunication and sewer connections, that will be implemented to ensure the development has adequate access to services.

## 6.21 Contributions

### 6.21.1 Voluntary Planning Agreement

The site is subject to an executed Voluntarily Planning Agreement to secure the provision of additional local infrastructure to support the proposed residential yield on this land. The core elements of the Voluntary Planning Agreement are:

- grant a public right of way easement for the benefit of the Council over the Land connecting Cecil Avenue to Roger Avenue and public plaza to Cecil Avenue; and
- provision of works embellishing the easement,

Clause 21 of the Voluntary Planning Agreement excludes the application of Sections 7.11 and 7.12 of the *Environmental Planning & Assessment Act 1979* from the proposed development.

### 6.21.2 Housing and Productivity Contribution

The Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 came into effect on 1 October 2023 and a contribution will apply to the development application as it is lodged after 1 October 2023.

### 6.22 The Hills Development Control Plan 2012

The subject proposal has been designed to be consistent with the anticipated built form identified in Part D Section 21 of The Hills Development Control Plan, as summarised below.

**Table 18:** Assessment against DCP

| DCP Provision                       | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1 Land Use                        | <p>The proposal adopts the distribution of land uses as illustrated in Figure 3. In particular:</p> <ul style="list-style-type: none"> <li>• The commercial floor space is located at the lower levels of Buildings A, B, C and D</li> <li>• Key thoroughfares, being the through site link and plazas, are provided</li> <li>• 8025m<sup>2</sup> of GFA of retail / commercial uses is provided on the site.</li> <li>• residential apartments are to be provided on the site above the commercial</li> </ul>                                                                                                                                                                       |
| 2.2 Built Form and Design           | <p>The proposal utilises a wide variety of complementary and high quality architectural materials, textures and articulation to break down the built form and create a modern, attractive urban environment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2.3 Building Height and Site Layout | <p>The proposal adopts the site layout as illustrated in Figure 6, with the buildings sited with their long axis aligned north-south and with the main bulk positioned in the centre of the site to reduce the shadow impact on adjoining properties.</p> <p>The height in storeys is however increased as a consequence of the incentivised height under SEPP Housing, however, Buildings A and D at the edges of the site maintain the DCP number of storeys to minimise impact to the adjacent sites. The increase in height still adheres to the principle of stepping of height down the site, and the need to minimise shadow impacts to adjacent properties to the south.</p> |
| 2.4 Building Setbacks               | <p>The proposal adopts the identified setbacks as follows:</p> <ul style="list-style-type: none"> <li>• 6 metres from the Cecil Road frontage;</li> <li>• 10 metres to Cecil Avenue above four (4) storeys;</li> <li>• 8 metres to St Paul's Cemetery;</li> <li>• 6 metres to the western boundary;</li> <li>• 6 metres to the southern boundary; and</li> <li>• 9 metres to the eastern boundary for a maximum of (4) storeys.</li> <li>• 12 metres to the eastern boundary for storeys 5 to 8.</li> <li>• 15 metres to the eastern boundary for 9 storeys (25m) and above</li> </ul>                                                                                               |

| DCP Provision                                      | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.5 Sunlight Solar Access and Privacy              | The architectural package demonstrates that the revised massing is still capable of delivering at least 3 hours solar access to all adjacent properties between 9am-3pm on 21 June.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2.6 Open Space, Landscaping and Pedestrian Amenity | <p><i>Open Space</i></p> <p>The proposal provides a total of 9,649 square metres of common open space, which is the equivalent of 55% of the site area, comprised of the following:</p> <ul style="list-style-type: none"> <li>Through site link: 2,723 square metres</li> <li>Ground Level: 3,405 square metres</li> <li>Rooftop: 3,521 square metres</li> </ul> <p><i>Landscaping</i></p> <p>The proposal provides 9.2% deep soil which is well in excess of the minimum 5% deep soil suggested by the DCP.</p> <p><i>Pedestrian Amenity</i></p> <p>The proposal provides the central publicly accessible through site link which exceeds the minimum required area of 2,020 square metres.</p> |
| 2.7 Safety and Security                            | The proposal is supported by a CPTED report at <b>Appendix 34</b> which provides a detailed assessment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2.8 Traffic, Parking and Vehicular Access          | Whilst the DCP suggest that vehicular access to the site can be provided via both Cecil Avenue and Roger Avenue, the proposal has elected to only provide car parking access from Cecil Avenue to avoid needing to bring vehicles through the Roger Avenue cul-de-sac. This represents a significant improvement for the amenity of the Roger Avenue residents. Car parking provision is addressed in Section 6.9.2 of this EIS.                                                                                                                                                                                                                                                                  |
| 2.9 Ecologically Sustainable Development           | The proposed development has been designed to reflect best practice sustainable building principles to improve environmental performance, in relation to energy and water efficient design and technology and use of renewable energy. An ESD report prepared by Credwell accompanies the subject application which details how ESD principles have been incorporated in the design and construction of the project and are intended to be incorporated in the ongoing operation of the development.                                                                                                                                                                                              |
| 2.10 Heritage                                      | Impacts on the immediate setting of the Christadelphian Church and St Paul's Cemetery at 245 and 247 Old Northern Road respectively, is mitigated through compliant setbacks, siting of common open space as anticipated by the DCP, and landscaping to reduce the visual dominance of the proposal.                                                                                                                                                                                                                                                                                                                                                                                              |

## 7.0 JUSTIFICATION OF THE PROJECT

### 7.1.1 Affordable Housing

The Hills Shire Council Housing Strategy was adopted by Council on 22 October 2019 and provides the following in relation to the need for affordable housing:

Approximately 6% of households in The Hills suffer rental stress and may be in need of affordable housing options. Most of these households fall within the very low, low and moderate income brackets. Within this group of renters, there is a higher degree of rental stress, as a significant proportion of the properties that are leased at rates suitable for these income brackets are occupied by those who fall within higher income brackets.

This forces residents who need to occupy these properties into rental stress, as they must seek properties that are beyond the 30 per cent threshold of their income.

Amendments have subsequently been made to State Environmental Planning Policy (Housing) 2021 to incentivise the supply of housing and in particular the delivery of affordable housing, by providing for a 30% increase in height and Floor Space Ratio in exchange for 15% of the floor space of the development for affordable housing.

The proposed application is entirely aligned with the identified need for affordable housing in The Hills Shire Council area and the objective of the changes to SEPP Housing to stimulate and incentivise the delivery of additional housing and in particular affordable housing. This is a shovel ready project and will make a meaningful and timely contribution towards desperately needed housing supply in Castle Hill.

### 7.1.2 Strategic Alignment

This EIS has also demonstrated the proposed development's consistency with the site's strategic context, including the Greater Sydney Regional Plan 2018, the Central District Plan, the Hill's LSPS, and the Hills Shire Council Housing Strategy. In demonstrating consistency with these and various other government strategies, policies or plans, the proposed development seeks to reinforce the role of the Castle Hill precinct as a location which is ideally positioned to provide additional housing choice.

### 7.1.3 Statutory Alignment

This EIS has demonstrated the proposed development is compliant with relevant statutory requirements. For the purpose of this EIS the relevant statutory requirements have been categorised by:

- Power to grant approval;
- Permissibility;
- Other approvals;
- Pre-conditions to exercising the power to grant approval; and
- Mandatory matters for consideration.

In addressing these statutory requirements this EIS has given consideration to the following legislation:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Biodiversity Conservation Act 2016

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021 – Chapter 2 – Affordable Housing
- State Environmental Planning Policy (Housing) 2021 – Chapter 4 – Design Quality of Residential Apartment Development and the Apartment Design Guide
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- The Hills Local Environmental Plan 2019

#### **7.1.4 Impact Assessment**

This EIS has addressed the potential impacts of the proposed development. The proposed development is consistent with the design principles and various controls for the site and has considered potential cumulative impacts of the proposed and surrounding development in respect to a range of matters including traffic and parking, overshadowing and the heights of buildings and how they relate to the emerging context surrounding the site. Noise impacts are to be managed through the implementation of mitigations during construction and operation.

Based on the detailed environmental impact assessment that has been undertaken as part of this EIS, it is considered the proposed development on its own or in conjunction with other development in the locality, does not give rise to any cumulative environmental impacts that cannot be appropriately managed through the implementation of the mitigation measures that are identified within the technical studies.

#### **7.1.5 Evaluation**

The environmental impact assessment of the proposed development has demonstrated that the development will have an overall positive impact for the area for the following reasons:

- It facilitates new housing, and a diversity of housing product, in an area that is particularly well serviced and well connected;
- It will provide 15% affordable housing which equates to 169 affordable housing apartments;
- It will provide for significant employment throughout the construction process as well as ongoing employment associated with the commercial elements of the proposal;
- It will create new jobs in the local area to service the needs of the new residents;
- It will maximise the utility of the existing infrastructure within the Castle Hill area; and
- It provides for development that maximises connectivity within the area and activates the adjacent streets.

## 8.0 CONCLUSION

This State Significant Development (SSD) Development Application (DA) seeks approval for the purposes of the staged construction of a mixed use development comprising 8,025 square metres of commercial premises and 615 apartments (including 169 affordable housing apartments) at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill.

This Environmental Impact Statement (EIS) has been prepared under section 4.12(8) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), the requirements of Part 8 of the Environmental Planning and Assessment Regulation 2021 and the SEARs issued for the project.

This EIS demonstrates that subject to the implementation of the identified mitigation measures, the proposed scheme will not result in any unreasonable impacts on adjoining properties, the locality or the environment. The proposal is consistent with the Greater Sydney Regional Plan 2018, the Central District Plan, the Hill's LSPS, and the Hills Shire Council Housing Strategy as well as the relevant key development standards and the specific objectives and design principles within SEPP Housing and the THLEP which applies to the site.

The proposal will provide a positive social and economic impact with regard to the development of the area, and as demonstrated within this report, the proposal does not result in any unreasonable adverse impacts upon adjoining properties.

Finally, the proposal will fulfill the vision established by the incentivised controls within SEPP Housing to increase housing supply and in particular affordable housing within Sydney. The proposal fulfills the established aspirations for the site, demonstrates design excellence and is in the public interest.

For reasons outlined in this Statement the proposed development at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill is recommended to be granted development consent.