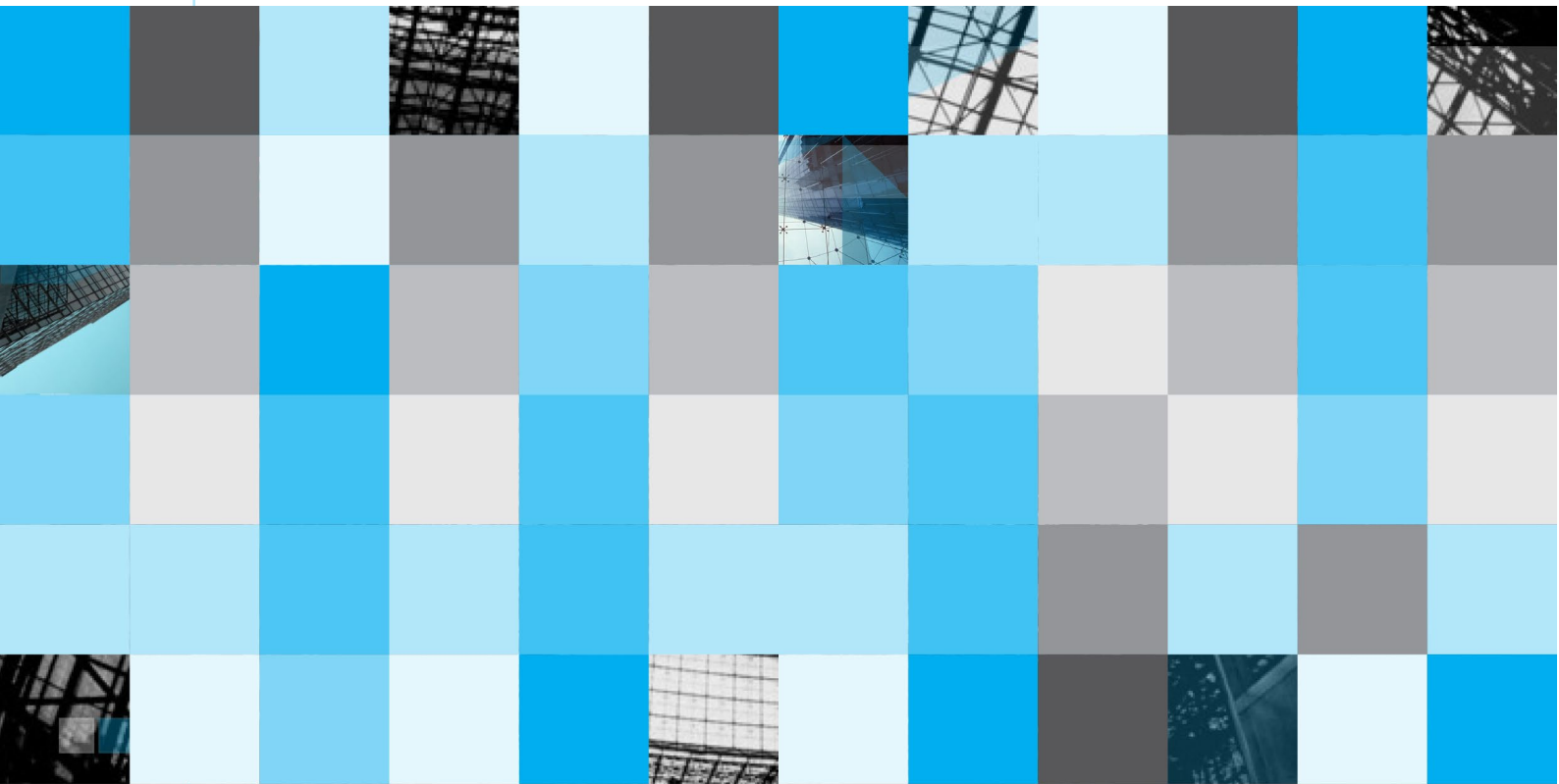




93 -107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill
Submissions and Amendment
Report (SSD 78156221)

Submissions and Amendment Report (SSD 78156221)

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

March 2026

Prepared under instructions from
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by

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2	Updated Statutory Compliance Table	Sutherland & Associates Planning

Appendix	Title	Author
3	Updated Mitigation Measures Table	Sutherland & Associates Planning
4	Site Consolidation Plan, Section 88B instruments	SDG Land Development Solutions
5	Architectural Package	A+ Design Group
6	Design Verification Statement and Design Report	A+ Design Group
7	Landscape Plans and Design Report	Site Image
8	Detailed Site Investigation	EI Australia
9	Geotechnical Investigation	EI Australia
10	Traffic and Parking Assessment Report	CJP
11	Noise Impact Assessment	Rodney Stevens Acoustic
12	BASIX Certificate	Certified Energy
13	Operational Waste Management Plan	Elephants Foot
14	Accessibility Report	Ergon
15	Civil Design	Stellen
16	Water Management Report	Stellen
17	Flood Risk Assessment	Stellen
18	EDC Report	Altus Group
19	Connecting with Country Report	JMP
20	Statement of Heritage Impact	Weir Phillips Heritage
21	Natural Ventilation Report	VIPAC
22	CPTED Assessment	The Design Partnership
23	Visual Impact Assessment	A+ Design Group
24	Construction Noise and Vibration Management Plan	Rodney Stevens Acoustic
25	Green Travel Plan	CJP
26	Clause 4.6 for Clause 7.18 of THLEP	Sutherland & Associates Planning
27	Civil and Public Domain Report	Stellen
28	Stormwater Management Plan	Stellen
29	ESD Report	Credwell
30	Embodied Emissions Form	Credwell
31	Consolidated Model (sqz file)	Stellen
32	Model (drn file)	Stellen
33	Clause 4.6 – Building Height	Sutherland & Associates Planning

Appendix	Title	Author
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35	Employment Estimate	Altus Group
36	Amended Aboriginal Cultural Heritage Assessment Report	Everick Heritage
37	Groundwater Seepage Analysis Report	El Australia
38	Pedestrian Level Wind – Wind Tunnel Test	Vipac
39	Development Capacity Study of Neighbouring Properties	A+ Design Group
40	Arboricultural Report	Xylem TreeCare

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1.0 SUMMARY

In March 2025 GEMI 168 Pty Ltd lodged a State Significant Development Application (SSDA) 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.

An Environmental Impact Statement (EIS) was prepared on behalf of the GEMI 168 Pty Ltd in support of the SSDA which was placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979. The SSDA was placed on public exhibition from 26 March 2025 to 22 April 2025.

In total, 28 submissions were received following the public exhibition of the SSDA. The submissions total includes 8 submissions received from state and local government authorities and agencies.

This Submissions and Amendment Report has been prepared on behalf of GEMI 168 Pty Ltd to respond to the issues raised in the submissions, as required under section 59(2) of the Environmental Planning and Assessment Regulation 2021. However, as the amendments extend beyond what can be considered 'minor refinements' capable of being described in a Submissions Report, a combined Submissions and Amendment Report has been prepared, and consent is sought from DPHI to amend the SSDA in accordance with Section 37 of the Environmental Planning and Assessment Regulation 2021. This Submissions and Amendment Report has been prepared in accordance with the *State Significant Development Guidelines – Preparing a Submissions Report* dated March 2024 and the *State Significant Guidelines – Preparing an Amendment Report* dated October 2022.

This report responds to the matters raised by the Department of Planning, Housing and Infrastructure (DPHI), the State Design Review Panel (SDRP), other State government agencies and referral authorities, Council, utility providers, the community and other relevant stakeholders during public exhibition period of the SSDA (SSD-78156221).

This report also sets out the proposed changes to the development which have arisen as a result of the matters raised within the submissions and includes an assessment of these amendments. The key changes made to the proposed development since public exhibition of the SSDA include deletion of Buildings A and D and corresponding opening up of the ground plane, simplified massing now comprising four distinct slender and taller towers, deletion of below-ground commercial floor space, Reduction of number of apartments from 615 to 610, refinement of the public realm design and improved activation, minor basement reconfiguration, and provision of accessible rooftop communal areas to each tower.

The updated documentation package may be referred to authorities/agencies and other stakeholders for further review and comment. The amended application may also be publicly exhibited, enabling the community to make new or additional submissions on the proposal. This report includes a detailed assessment of the economic, environmental and social impacts to provide a clear understanding of the amended project, including the merits of the proposed changes.

This Submissions and Amendment Report is supported by the documentation summarised in table 1.

Table 1: Documentation accompanying the application

Appendix	Title	Author
1	Submissions Register	Sutherland & Associates Planning
2	Updated Statutory Compliance Table	Sutherland & Associates Planning
3	Updated Mitigation Measures Table	Sutherland & Associates Planning

Appendix	Title	Author
4	Site Consolidation Plan, Section 88B instruments	SDG Land Development Solutions
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17	Flood Risk Assessment	Stellen
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40	Arboricultural Report	Xylem TreeCare

2.0 INTRODUCTION

2.1 Applicant Details

The applicant details are summarised in the following table.

Table 2: 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.

2.2 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.

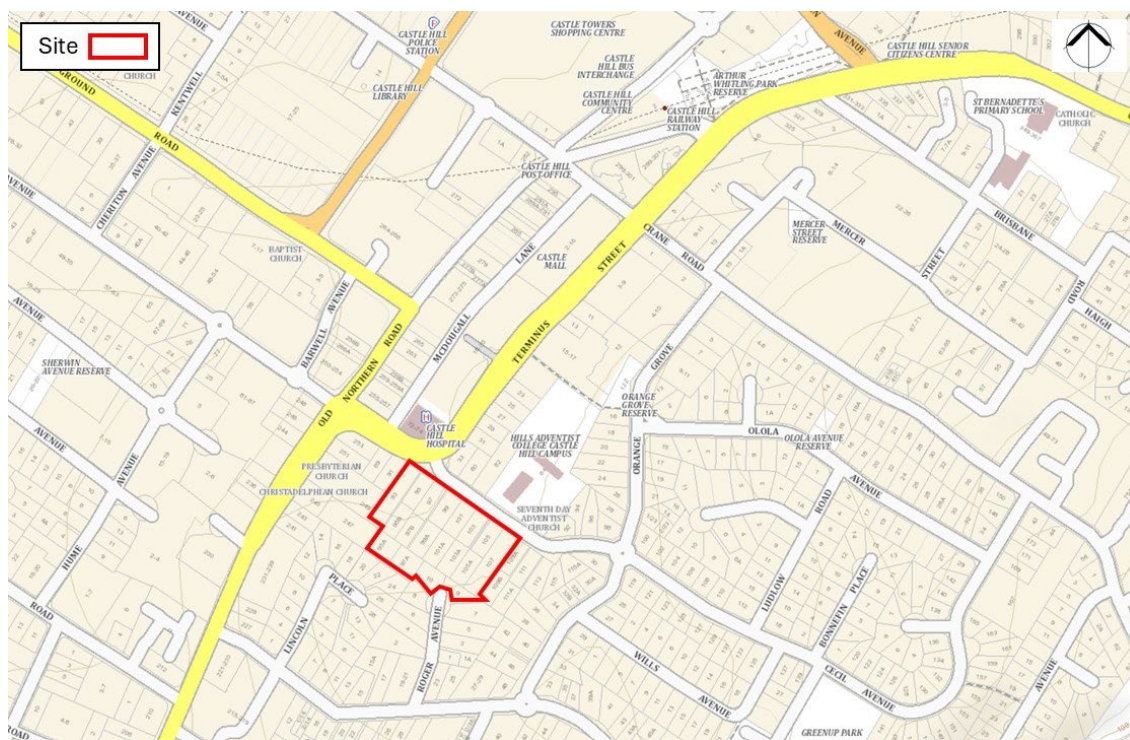


Figure 1:

Site Location: (Source: Google Maps 2024)

2.3 Exhibited Development

The State Significant Development Application (SSD-70283710) was formally lodged with the Department of Planning, Housing and Infrastructure (DPHI) in March 2025 in accordance with Section 26A, Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021.

The SSDA, as exhibited, sought 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.

Specifically, the exhibited development sought consent for the following:

- 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

2.4 Analysis of Submissions

The SSDA was placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979 from 26 March 2025 to 22 April 2025.

In total, 28 submissions were received following the public exhibition of the SSDA from state and local government authorities and agencies and the community including:

- The Hills Shire Council
- Department of Climate Change, Energy, the Environment and Water (DCCEEW), including:
 - Conservation Programs, Heritage and Regulation (CPHR) Group
 - Heritage NSW
 - Water Group
- Department of Planning, Housing and Infrastructure (DPHI)
- Endeavour Energy
- Sydney Water
- Transport for NSW (TfNSW)

A total of twenty (20) submissions were received from members of the local community, with two (2) submissions in support and eighteen (18) in objection. These submissions primarily related to the potential impacts of the proposed development, particularly in relation to height and character, shadow, traffic and parking, privacy, noise, and the capacity of existing public infrastructure to service the proposed development.

DPHI issued a letter to the applicant on 23 April 2025 requesting a response to the submissions received during the public exhibition and referral of the SSDA.

The key issues raised in the submissions have been categorised and are set out within **Table 4**. This report provides a response to each individual submission within the Submissions Register included at **Appendix A**.

2.5 Response to Submissions and Proposed Amendments

A detailed response to each of the matters raised within the submissions is set out within the Submissions Register (included at Appendix A). The applicant has sought to refine the proposed development in response to matters raised within the submissions, as well as other matters identified during public exhibition of the SSDA.

The key changes made to the proposed development since public exhibition of the SSDA include:

- Deletion of Buildings A and D and corresponding opening up of the ground plane
- Simplified massing now comprising four distinct towers which have significantly reduced floorplates and with increased height
- Deletion of below-ground commercial floor space
- Reduction of number of apartments from 615 to 610
- Refinement of the public realm design and Improved connectivity at the ground floor, and better alignment between the retail / commercial uses and the public domain
- Minor basement reconfiguration
- Provision of accessible rooftop communal areas to each tower
- Increase in the overall provision of deep soil and tree canopy coverage
- Refinement to landscape design, architectural expression and materiality informed by a rigorous Connecting with Country process

The revised proposal is described as follows:

- Demolition of existing buildings and bulk excavation.
- Erection of 4 buildings above two common basement levels as follows:
 - Stage 1:
 - Building E – 29 storey building at the eastern edge of the site and adjacent to Cecil Avenue containing 116 apartments
 - Building S – 23 storey building at the southern edge of the site and to the east of the through site link containing 145 apartments
 - Through site link
 - Stage 2:
 - Building N – 35 storey building at the northern edge of the site and adjacent to Cecil Avenue containing 241 apartments
 - Building W – 26 storey building at the western edge of the site and to the west of the through site link containing 108 apartments
- Buildings E/S and N/W are separated by a generous centrally located publicly accessible through site link from Cecil Avenue to Roger Avenue. The proposal provides a total of 40% of the site as publicly accessible area.
- The proposed development provides a further equivalent of 35% of the site as private common open space distributed throughout the development.
- The development incorporates 3,789 square metres of non-residential tenancies at the upper ground floor, Level 1 and Level 2 (street level with Cecil Avenue) of Buildings E and N
- 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 610 apartments are proposed, including 117 (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 basement levels, as well as the below ground areas on the Lower Ground, Ground, Upper Ground and Level 1. The proposal provides 59 commercial parking spaces, 610 resident spaces, and 124 visitor spaces.
- The development requires extensive excavation which will necessitate the removal of a number of 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.

This report is divided into two parts: Part 1 being the Submissions Report and Part 2 containing the Amendment Report. Detailed justification of the proposed development is also provided, having regard to both the response to submissions and the amended proposal.

This Submissions and Amendment Report has been prepared in accordance with the *State Significant Development Guidelines – Preparing a Submissions Report* dated March 2024 and the *State Significant Guidelines – Preparing an Amendment Report* dated October 2022.

2.6 Justification of the Amended Project

This Submissions and Amendment Report assesses the amended proposal in accordance with the relevant planning framework and outlines the mitigation measures required (where relevant) to avoid, mitigate, minimise and / or offset any adverse impacts as a result of the amended proposal.

The key matters identified for detailed assessment for the amended proposal include:

- Bulk and scale
- Amenity outcomes within the development and for the surrounding area
- Commercial floor space
- Trees and landscaping
- Traffic, transport and access
- Noise and vibration
- Contamination

The environmental impact assessment of the amended development has demonstrated that the amended 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;
- 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;
- It provides for development that maximises connectivity within the area and activates the adjacent streets; and
- It achieves an optimised built form outcome which significantly reduces bulk and increases open space when compared with the DCP concept for the site.

3.0 RESPONSE TO SUBMISSIONS

3.1 Breakdown of Submissions

The SSDA was placed on public exhibition from 26 March 2025 to 22 April 2025. A total of 28 submissions were received including 8 submissions from government authorities and agencies.

Table 3: Submissions summary

Category	No. of Submissions
Total Number of Submissions	28
No of Government or Agency Submissions	8
No of public submissions	20
Number of form letters or petitions	0

3.1.1 Government Authority and Agency Submissions

The following 8 Government authorities and agencies provided a submission during the submissions period:

- The Hills Shire Council
- Department of Climate Change, Energy, the Environment and Water (DCCEEW), including:
 - Conservation Programs, Heritage and Regulation (CPHR) Group
 - Heritage NSW
 - Water Group
- Department of Planning, Housing and Infrastructure (DPHI)
- Endeavour Energy
- Sydney Water
- Transport for NSW (TfNSW)

The issues raised in these submissions are addressed in Section 3.4.

The Department of Planning, Housing and Infrastructure (DPHI) sent the Applicant a Request for Further Information on 14 May 2025. This letter formally requested a Response to Submissions (RtS) report. The DPHI specifically identified a range of issues to be addressed in the RtS. The DPE's letter is addressed in Section 4.1.

3.1.2 Individual Submissions

20 submissions were received from individuals that are categorised as 'public submissions' on the DPHI website.

2 submissions were specifically identified as support (10%) on the DPHI website and 18 submissions were identified as objections (90%).

The issues raised in the public submissions have been summarised in Section 3.4.5 and the number of submissions raising each issue has been recorded.

3.2 Categorisation of Issues

The following table summarises the key issues raised in the submissions to the proposal:

Table 4: Summary of issues raised

Category	Matters Raised
Height and character	- The proposed height is excessive - The proposal is out of character with the area
Overshadowing	Shadow impact from proposed buildings to adjacent properties, including adjacent houses and cemetery at St Paul's Anglican Church
Traffic, access and parking	- Traffic impacts - Car parking provision - Concern regarding pedestrian safety - Impact of proposal to existing public parking adjacent to the site - Proposal should include a pedestrian bridge over Cecil Avenue
Construction Impact	- Noise - Construction vehicle movements and parking during construction
Apartment Design Guide	- Communal open space access - Solar access calculations - Cross ventilation calculations - Privacy
Social Impact	Objection to inclusion of affordable housing
Density and Infrastructure	Insufficient infrastructure available to service the development
Privacy	Proposal will result in adverse privacy impacts to adjacent properties
Wildlife impacts	Proposal will result in an adverse impact to existing wildlife on the subject and surrounding sites
Noise	The new population will result in unacceptable noise impacts within the area
Dewatering	Request for more information in relation to groundwater take
Flood	Request for more information in relation to flood risk assessment
Aboriginal Heritage	Request for more information in relation to Aboriginal stakeholder engagement
Strategic planning	Council's strategic planning does not contemplate the proposed density and height

A response to each of the issues raised in the submissions is provided in Section 4.3 and 4.4. of this Report.

The Submissions Register at Appendix A provides further details on the issues raised in each submission and where each matter has been addressed in the Report.

3.3 Actions taken since exhibition

3.3.1 Further Consultation

The following table summarises the additional consultation undertaken since the public exhibition of the application.

Table 5: Additional consultation summary

Government Authority/Agency	Summary of Consultation
Department of Planning, Housing and Infrastructure	Several meetings have been held with the Department of Planning, Housing and Infrastructure to discuss the RFI received from the Department and the feedback from the SDRP. Meetings held on 29 May, 23 July, 7 October, and 11 November 2025.
State Design Review Panel	The project has been presented to the SDRP twice since lodgement (a total of three SDRP sessions have been held in relation to the proposal). The two SDRP sessions took place on 18 September 2025 and again on 26 November 2025.

3.3.2 Refinements and Amendments to the proposal

The proposed refinements and amendments to the proposal respond to feedback received from DPHI and other key stakeholders during the public exhibition period. The proposal has also been amended in response to further engagement with DPHI, The Hills Shire Council and the SDRP.

The key changes made to the proposed development since public exhibition of the SSDA include:

- Deletion of Buildings A and D and corresponding opening up of the ground plane
- Simplified massing now comprising four distinct towers which have significantly reduced floorplates and with increased height
- Deletion of below-ground commercial floor space
- Reduction of number of apartments from 615 to 610
- Refinement of the public realm design and Improved connectivity at the ground floor, and better alignment between the retail / commercial uses and the public domain
- Minor basement reconfiguration
- Provision of accessible rooftop communal areas to each tower
- Increase in the overall provision of deep soil and tree canopy coverage
- Refinement to landscape design, architectural expression and materiality informed by a rigorous Connecting with Country process

3.4 Detailed Response to Submissions

3.4.1 Department of Planning, Housing and Infrastructure

The Applicant's response to the DPHI's RFI dated 14 May 2025 are outlined in **Table 6** below:

Issue Raised	Response
Building Height	
The Hills Shire Council (Council) considers that the building height incentives under clause 16 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) applies to building height controls (number of storeys) stipulated by the DCP, noting the definition of maximum building height in Schedule 10 of the Housing SEPP. You are requested to address this issue and provide supplementary advice (if required) to support the proposed building heights	The definition of maximum building height in Schedule 10 of SEPP Housing does include the heights specified in the DCP. A detailed discussion in relation to the amended proposal and height variations is included further in this report, and a Clause 4.6 request in relation to Clause 16 of SEPP Housing accompanies this submission at Appendix 33.
Voluntary Planning Agreement	
Please demonstrate how the proposed development is consistent with the terms stipulated in the relevant voluntary planning agreement (VPA) with The Hills Shire Council (Council) dated 21 August 2019 (14/2018/VPA – 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill). In particular address the following matters: - the current developer and landowners are not stipulated in provision no. 6 - Council is not the consent authority for the proposed development - it is unclear if the required easement and works are consistent with Schedule 2 - the Environmental Impact Statement (EIS) does not address the required monetary contributions	The site is subject to an executed Voluntary Planning Agreement (VPA) to secure the provision of additional local infrastructure to support the proposed residential yield on this land. The VPA is registered on the title of the land. Compliance with the VPA is addressed below. <i>Easement</i> Section 7 of the VPA requires that prior to the issue of the final Occupation Certificate that 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 must be registered on title. The location of the easement is to be generally as shown in Schedule 1 and with a minimum area of 2,320 square metres. Section 9 also requires the completion of works within the easement, as identified in Schedule 2, prior to the issue of any Occupation Certificate. The amended proposal includes a pedestrian link generally as show in Schedule 2, and with an area of 2,593 square metres as illustrated in Architectural Drawing A804-1. The through site link is to be delivered as part of Stage 1 of the development works, in accordance with the requirement of the VPA.

Issue Raised	Response
	A condition of consent can be imposed requiring compliance with the terms of the VPA. <i>Contributions</i> Contrary to the assertion in DPHI's letter, the EIS does address the required monetary contributions and notes at Section 6.21.1 that 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. A condition of consent will be imposed requiring the payment of contributions in accordance with the terms and rates in Schedule 1 of the VPA.
Please provide supporting advice (including any legal advice) to establish that the VPA (as executed) remains applicable to the proposed development	The VPA relates to a "proposed development" described as a mixed use development of the land comprising the construction of <i>approximately</i> 460 dwellings and <i>approximately</i> 8,025sqm. The proponent notes that the VPA is registered on title, such that the VPA is considered to apply to the subject proposal. The proponent intends to deliver the obligations under the terms of the VPA.
Design Excellence	
Clause 7.7 of The Hills Local Environmental Plan 2019 (THLEP 2019) requires the development to exhibit design excellence and be reviewed by the State Design Review Panel (SDRP). To ensure compliance with clause 7.7, you are required to: - consider amendments and refinements to the proposal in response to the SDRP comments on 19 February 2025 - present the proposal to the SDRP for a second review prior to finalising your response to submissions - provide a detailed response to the comments from the second SDRP session, including any further design amendments or refinements (as needed) - demonstrate that the proposal exhibits design excellence.	The proposal has now been presented to the SDRP for both a second and a third time, with iterative refinements being undertaken. The amended proposal the subject of this submission has been meaningfully amended to address the feedback from the third SDRP session as documented in the letter dated 5 December 2025, as follows: Connecting with Country <i>Review the proposed massing in the context of Healthy Country outcomes and consider views to the sky and visual permeability across the site, not limited to the ground plane.</i> <i>Continue referring to the Connecting with Country Framework, particularly the section on Healthy Country, as well as case studies available on the GANSW website for further guidance.</i> Response: The amended proposal has embedded Country within the development by opening up the built form to remove connections between buildings to achieve 4 discreet buildings on the site which allows for a much greater connection to sky. The

Issue Raised	Response
	Country principles embedded in the project are addressed in the Design Report at Appendix 6 and also the Connecting with Country report prepared by JMP at Appendix 19. Site Strategy <i>While the concept of a lower-level podium with towers above is supported in principle, the current configuration results in a continuous podium and towers that read as a single bulky form.</i> Response: The amended proposal has completely removed the continuous podium and achieves 4 discreet buildings on the site which now present as 4 slender towers. Furthermore, two building have been completely removed from the site. The gaps between the towers align to create a meaningful visual connections through the site. Wind tunnel testing has been undertaken to ensure acceptable wind levels are achieved throughout the development. Refer to Appendix 38 prepared by Vipac. Public Domain and Landscape <i>The generous public domain presents a significant opportunity to deliver resilient, high-quality open spaces that benefit both residents and the broader community.</i> Response: The public domain has been optimised through the complete removal of two buildings on the site and removal of a continuous podium, as well as rationalisation of the basements to ensure a high level of deep soil planting is achieved within the development. The final landscape outcome is addressed in the Landscape Package and Design report prepared by Site Image at Appendix 7. Architecture <i>Provide clear evidence that demonstrates ADG compliance for solar access and cross ventilation, supported by accurate diagrams, including sun-eye views, to illustrate compliance.</i> <i>Demonstrate infill affordable housing units achieve equal amenity to market units.</i> <i>Continue refining apartment layouts to address room size, and ensure appropriate circulation zones around furniture to support functional layouts.</i>

Issue Raised	Response
	Response: The architectural package at Appendix 5 addresses these requirements and in particular demonstrates that ADG compliance is achieved in relation to solar access and natural cross ventilation. Furthermore, a Natural Ventilation Report prepared by VIPAC at Appendix 21 verifies the natural cross ventilation compliance within the amended development. Sustainability and Climate Change <i>Integrate water-sensitive design and climate resilience strategies into the public domain, including the following:</i> <i>a. Select tree and plant species that are tolerant of the site's specific conditions, particularly areas with constrained solar access or limited soil depth.</i> <i>b. Ensure planting strategies and species selection anticipate future climate scenarios, prioritising drought tolerant and heat resilient species to support long-term sustainability.</i> Response: These comments are addressed in the Landscape Package and Design report prepared by Site Image at Appendix 7.
Bulk and Scale	
The Hills DCP 2012 – Part D Section 21 (DCP) contains site specific development controls for the site. Using the DCP as a guide, you are requested to demonstrate: • how the proposal and the site layout achieve appropriate building separation, setbacks and tower floor plate sizes • how the proposal achieves activation of the through-site link • whether the additional storeys above the DCP controls have been distributed proportionately within the building envelope (e.g 30% increase above the storeys stipulated by the DCP) • whether alternate massing options, such as redistributing the upper levels within the building footprint and varying the building heights (not proportional to the DCP heights) have been considered to achieve an improved urban design outcome / visual impact for the site and reduce overshadowing of the communal open space / public plaza areas	The site specific DCP identifies a site layout and distribution of height that provides for an active and walkable neighbourhood with a through site link at its core to create a more permeable and pedestrian friendly urban environment. The DCP provides for a continual built form along each side of the through site link with a stepping of height from 14/18 storeys at the northern end down to 9 storeys at the southern end. There is no break in this continuous built form. The DCP also provides two smaller buildings at the eastern and western edges of the site. The originally proposed development adopted and embraced the framework and building footprints established for the site by the DCP, however, with increased height as a consequence applying the FSR and height incentives available under Chapter 2 of SEPP Housing. However, as a consequence of review of the core principles of the DCP by the SDRP, the SDRP determined that the built form established by the DCP is sub-optimal due to the unrelieved built form

Issue Raised	Response
	on both sides of the through site link. The SDRP determined in collaboration with A+ Design Group that a significantly better outcome would be achieved by the introduction of clear breaks along the built form, with taller and more slender forms creating much better visual permeability through the site, better public domain offering, and the opportunity for improved residential amenity as a consequence of reduced building footprints. The breaking of the buildings also facilitates a much better alignment of the ground floor levels of the buildings with the adjacent public domain, to maximise ground floor activation of the public domain within and adjacent to the site. The amended proposal is the result of a rigorous testing of built form alternatives for the site in collaboration with the SDRP, to arrive at an optimal arrangement of built form which is superior to the DCP anticipated form, whilst also facilitating the delivery of incentivised housing on the site, including affordable housing.
The rooftop communal rooms within Buildings B and C are excessive in height and contributes to the bulk and scale of the buildings. The floor to ceiling height of these structures must be reduced to be below 4 m.	This comment relates to the originally proposed design, and is no longer relevant to the amended proposal.
Apartment Design Guide	
<i>Cross Ventilation</i> - The ADG recommends that 60% of all apartments in the first nine storeys be cross ventilated. The development includes a number of single aspect apartments in the first nine storeys, that rely on small openings within very narrow building indents for cross ventilation. - Additional evidence including wind tunnel testing (as necessary) is required to demonstrate that at least 60% of all apartments within the first nine storeys are naturally cross ventilated. - The results of the wind tunnel testing (or other evidence from a qualified wind engineer) must be tabulated to clearly provide a breakdown of the naturally cross ventilated apartments within the overall development as well as individual buildings.	The architectural package at Appendix 5 demonstrates that ADG compliance is achieved in relation to natural cross ventilation. Furthermore, a Natural Ventilation Report prepared by VIPAC at Appendix 21 verifies the natural cross ventilation compliance within the amended development.

Issue Raised	Response
The percentage of affordable housing apartments, deemed naturally cross ventilated, should also be identified in the cross-ventilation table	
<i>Solar Access</i> - An overshadowing analysis (mid-winter solar access and sun eye diagrams) considering the future massing of the developments to the north, east and west, should be provided to demonstrate the impacts of those developments on the solar access received by the future occupants on the site. - A separate table must be provided to identify the solar access to the apartments in individual buildings (Buildings A, B, C and D), in addition to the overall development. - The percentage of affordable housing apartments receiving solar access should also be identified in the solar access table.	The architectural package at Appendix 5 addresses these requirements and in particular demonstrates that ADG compliance is achieved in relation to solar access. The proposal has removed the two smaller buildings at the eastern and western edges of the site, and the proposed buildings are setback significantly from the side boundaries of the site, such as any future development on the adjacent sites under Chapter 6 Low and Mid Rise Housing of SEPP Housing is unlikely to affect the solar access performance of the proposed development. The architectural package at Appendix 5 demonstrates that 85 out of 117 affordable housing units, or 73% of those apartments, achieve 2 hours of solar access on 21 June between 9am and 3pm.
<i>Communal Open Spaces (COS)</i> - The proposed ground and rooftop COS will be entirely overshadowed by the development itself, between 9am – 3pm on June 21. You are requested to explore opportunities and design amendments (through any alternate massing options) to improve the mid-winter solar access to the COS within the site. - Detailed hourly shadow and sun eye diagrams should be provided to demonstrate whether 50% of the principal COS (to be identified) receives at least 2 hours of solar access between 9am – 3pm mid-winter in line with the ADG. Any variation must be well justified. - The ground level COS in the south-western aspect of the site adjoining the commercial floor space includes a children's park and community garden. Please explore options including: - an appropriate landscape buffer and access control measures to delineate this area as a private communal open space exclusively dedicated to the residents - the use of the area as a publicly accessible open space	The architectural package at Appendix 5 addresses these requirements and in particular demonstrates that ADG compliance is achieved in relation to solar access to the proposed common open space in the amended proposal, noting that this has been significantly changed when compared with the originally submitted proposal.

Issue Raised	Response
alternate locations for COS in line with the recommended design criteria in the ADG.	
<i>Ceiling heights</i> The floor to ceiling heights of the ground and first floor levels, should be increased to 3.3 m – 4 m to align with the ADG design criteria.	This suggestion in the ADG under Objective 4C-1 is to “promote future flexibility of use” in mixed use zones. However, the amended proposal already provides sufficient commercial floor space to meet the likely demand in the area as addressed in the Market and Economic Assessment prepared by Hill PDA at Appendix 34, and so it is considered unnecessary in the circumstances of the subject application to provide higher first floor levels beyond 3.2m floor to floor. The ground level floor to floor heights have been increased as requested.
<i>Room depth</i> Some apartments would have depths exceeding 8m. Provide adequate planning justification as to how the residential amenity will be maintained despite the proposed depth of the apartments, having regard to ADG design criteria	The proposal has been completely redesigned and provides compliant room depths as illustrated in the Architectural Package at Appendix 5.
<i>Universal Design</i> - Confirm the number and percentage of proposed adaptable dwellings (including per building). - Confirm the number and percentage of proposed apartments which meets the Liveable Housing Guideline’s silver level performance rating (including per building).	Refer to Drawing A604 of the Architectural Package at Appendix 5 which includes a breakdown of the adaptable dwellings per building. Refer to the amended Access Report at Appendix 14 which addresses Livable Housing provision.
Commercial and Retail Premises Locations	
Several retail / commercial premises are in residual spaces arising from the design of the basement footprint. Additionally, commercial and retail spaces are located with access through COS areas and overlooking on to ground level private open spaces for residents. Adequate justification needs to be provided regarding the location of the non-residential premises or alternative designs with relocation of some of the premises should be explored.	The originally lodged proposal sought to provide 8,025 square metres of commercial floor space as required for the site by Clause 7.18 of THLEP. However, the site attributes are such that it is not possible to deliver this quantum of commercial floor space without resulting in sub-optimal and compromised commercial tenancies. This is due to the competing needs of commercial floorspace requiring larger and level tenancy areas and the steep fall along the site. Moreover, an assessment of market demand for this quantum of commercial floor space in this location undertaken by Hill PDA has determined that there is insufficient demand to support 8,025 square metres of commercial floor space at the site.

Issue Raised	Response
	As a consequence, the amount of commercial floor space has been reduced to 3,789 square metres, and designed in tenancies that are likely to succeed commercially and contribute positively to the development, with meaningful engagement of the public domain within and adjacent to the site.
Overshadowing	
Provide additional shadow analysis to demonstrate that the neighbours on surrounding sites (in the immediate vicinity), the cemetery and the church (to the west) receive at least 2 hours of solar access between 9am – 3pm mid-winter.	The architectural package at Appendix 5 addresses this request and includes shadow diagrams which demonstrate that: • The adjacent cemetery is only overshadowed by the proposal until 10am on 21 June • The adjacent properties to both the west and the east along Cecil Avenue enjoy well over 2 hours solar access • The adjacent properties at 2-8 Roger Street, which benefit from the LMR controls introduced in 2025, are unaffected by shadow from the proposed development from 1pm and will receive a full 2 hours solar access from 1pm-3pm on 21 June • The adjacent properties at 1-7 Roger Avenue, which benefit from the LMR controls introduced in 2025, will receive 2 hours solar access from 9am-11am on 21 June. A future development on that parcel of land is likely to receive 2 hours solar access to the majority of a future built from between 9am and 11am on 21 June, particularly noting that both the east and west facing façades of a future building will enjoy over 2 hours solar access.
Stormwater Works	
An existing inter-allotment drainage easement traverses through the site from the north-western adjoining site (St Paul's Church carpark) to the downstream properties at Roger Avenue. In this regard, the stormwater management plan, water management report and overland flow assessment must: • be amended to address any required realignment of the easement • include details of consultation with Council in this regard	The amended Stormwater Management Plan at Appendix 28 now includes a stormwater easement realignment plan, which is also coordinated with the amended landscape plan. There is no need for consultation with Council as this is a private easement.

Issue Raised	Response
demonstrate that the realignment of the easement does not impact the deep soil areas and overland flow path	
Visual Impact Assessment	
Provide a revised Visual Impact Assessment, which includes additional viewpoints at greater distances from the development site to address concerns raised in public submissions regarding adverse impacts of the development on views currently enjoyed by existing developments.	A Visual Impact Assessment is included at Appendix 23.
Contamination Assessment	
The submitted Preliminary Site Investigation (PSI) report does not include any borehole testing and recommends that a Detailed Investigation (DSI) should be undertaken following demolition. In the absence of a detailed investigation, the proposal does not address the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021. Please submit a DSI (including borehole testing typically conducted in the vacant sections of the site) to confirm the level of contaminants and whether remediation of the site is required. Note: The Department understands that data gap investigation may be required following demolition of the existing buildings.	A Detailed Site Investigation (DSI) is included at Appendix 8. The DSI identifies that laboratory analytical results for the representative fill and natural soil samples were found to comply with the adopted SILs applicable to low to high-density residential settings. The DSI concludes that based on the findings of this DSI that it is considered that the site can be made suitable for the proposed mixed commercial and high-density residential redevelopment, subject to the successful implementation of the recommendations provided in Section 10.
Wind Assessment	
The Wind Report recommends that scaled wind tunnel study or simulations be conducted at the detail design stage to quantify the wind conditions and determine the proper wind control measures wherever necessary. The Department requires the wind tunnel testing be undertaken as part of your RtS and any mitigation measures must be incorporated into the design and/or landscaping. Please confirm and mark on the architectural plans, whether the recommended Arbour structures at the ground level and the 1.2 m - 1.8 m high solid balustrades have been added. Please note that these balustrades should be transparent to avoid high solid walls	A desktop wind analysis of the amended proposal indicates that compliance with the relevant criteria is capable of being achieved. At the time of writing a scaled wind tunnel study is being prepared and will be provided in due course to the DPHI.
Geotechnical Investigation	

Issue Raised	Response
The Geotechnical report concludes that at least nine core boreholes and three ground water wells within the site are needed. It also states that the final design should not be undertaken based on the submitted report without an intrusive investigation. The EIS does not include any commentary regarding the report and its conclusions. Noting the scale of the development, the Department requires you to conduct the borehole testings as recommended and provide a detailed Geotechnical investigation with clear construction and groundwater related recommendations.	A detailed Geotechnical Investigation has been prepared by EI Australia and accompanies this submission at Appendix 9. The Geotechnical Investigation includes a series of recommendations at Section 5, and a condition of consent can be imposed which require these recommendations to be implemented as part of the construction process.
Noise Impact Assessment	
The Department notes that noise loggers, required to measure background noise, are located within the boundary of the site. Additionally, the sensitive receivers surrounding the site have not been identified. Consequently, the Department requires you to: - justify the location of the noise loggers used to measure background noise including why loggers have not been placed on surrounding residential sites - include an assessment of impacts on the sensitive receivers surrounding the site with Project Noise Trigger Levels at these locations (rather than measured at the site boundary) - include an assessment of impacts on the residents due to the communal open space area usage and public plaza / through site link usage - include an assessment of impacts on the surrounding residents and the future occupants due to the proposed non-residential uses.	An amended Noise Impact Assessment accompanies this submission at Appendix 11. These comments are addressed in the amended Assessment.
Extended construction hours are proposed on Saturdays without a Noise Management Plan. the Department would not typically support construction outside of the standard hours recommended by the Interim Construction Noise Guidelines, and recommends that you either reduce the proposed hours, or provide justification, along with a specific noise management plan, to support extended hours.	An amended Construction Noise and Vibration Management Plan accompanies this submission at Appendix 24. Section 6.2.3 of this Plan addresses the proposed construction hours and identifies that construction during the “out of hours” time period has not been proposed at this stage.
Other information required	

Issue Raised	Response
Provide schematic plans delineating storage areas in the basement and internally within the apartments, with annotation of storage volume (m3), having regard to the recommendations of Section 4G of the ADG in terms of storage volumes	The architectural package at Appendix 5 includes this information.
Provide a table outlining all existing easements, restrictions and covenants burdened on site. The table should include information as to whether these will either be retained, modified or extinguished in conjunction with providing a site consolidation plan	Appendix 4 contains the requested table.
Provide a copy of the associated section 88B instruments, deposited plans and covenants for the existing lots associated with the subject site.	Appendix 4 includes a copy of the associated section 88B instruments, deposited plans and covenants for the existing lots associated with the subject site.
Clarify the extent of the basement carparking protruding above the ground level	The architectural package at Appendix 5 includes this information.
Identify in the architectural plans, the locations of the car parking ventilation points and ensure its locations do not affect the amenity of the occupants and neighbouring properties	Car park ventilation points are a construction certificate detail and not necessary at DA stage. The Noise Impact Assessment at Appendix 11 notes that a full specification mechanical plant noise impact assessment should be carried out at the CC design stage when mechanical designs have been finalised, this includes any associated commercial and waste serviced by HRV. It is at this time that compliance with relevant standards for mechanical ventilation will be resolved.
Identify whether turning bays are required at certain aspects of the carparking areas (with supporting swept path analysis).	The updated Traffic and Parking Assessment at Appendix 10 addresses compliance with the relevant Australia Standards for car park layout.
Provide justification as to why a secondary access is not proposed off Roger Avenue in accordance with the DCP	Removal of vehicular access from Roger Avenue achieves a superior urban design outcome by reducing conflict between pedestrian and vehicular access into the site from Roger Avenue, and also achieves a superior traffic impact outcome by avoiding any traffic associated with the development from entering into Roger Avenue and the associated road network. This approach represents a significant improvement for the amenity of the Roger Avenue residents.
The architectural plan's drawing group sets are to be reorganised and grouped as below: overall plans (to include overall site plan, elevations and sections)	The architectural package at Appendix 5 includes this approach.

Issue Raised	Response
- individually grouped plans for Building A, Building B, Building C and Building D (to include floor plans, elevations and sections) - other elevations and sections (through site link, public plazas, driveways etc.).	
The following additional documentation/information must be submitted: - an amended site plan with finished ground levels with relevant structure RLs - updated landscape plans showing: - additional sections and elevations of the through site link including proposed stairs, ramps, lifts and walls - additional sections and elevations of the plazas - perspective views of the through site links (including from north and south) - retaining wall details (including top of wall and bottom of wall RLs) - overall elevations from the site's property boundaries - other elevations and sections (through site link, public plazas, driveways etc.).	The architectural package at Appendix 5 includes this information. The landscape package at Appendix 7 includes this information.

3.4.2 The Hills Shire Council

The applicant's responses to The Hills Shire Council submission dated 17 April 2025 are outlined in **Table 7** below:

Issue Raised	Response
Planning	
Concerns remain regarding the exceedance of The Hills LEP FSR and The Hills DCP height controls and non-compliance with provision for no more than 460 dwellings under local provision 7.18 of LEP 2019	Council's comments relate to the previous strategic planning work undertaken for this site and broader location. However, the NSW State Government has deliberately introduced a number of incentives to boost much needed housing supply around centres in Sydney. These include the introduction of: - Chapter 2 of SEPP Housing, which the subject application seeks to take up - Chapter 6 Low to Mid Rise of SEPP Housing which came into effect in early 2025 and allows heights of up to 6 storeys on all of the surrounding sites
From a strategic perspective, Council's Castle Hill Precinct Plan adopted June 2024 (post the introduction of affordable housing bonus provisions) reinforces no changes were envisaged for this site and others that had been subject to recent site-specific planning proposals. The density indicated in the Precinct Plan (3.5:1 for this site) is noted as	

Issue Raised	Response
inclusive of any density bonuses available within the planning framework.	The Housing Delivery Authority pathway Notwithstanding that Council's Castle Hill Precinct Plan was adopted June 2024 and post the introduction of affordable housing bonus provisions, this Plan merely maintains the status quo of Clause 7.18 into THLEP which came into effect on 17 July 2020 and predates the incentive provisions within SEPP Housing which came into effect on 15 November 2023. There is a dire need for the delivery of housing in Sydney, and in particular affordable housing. The subject site is ideally positioned to assist in relieving the housing shortage in Sydney, noting it is an amalgamated site earmarked for a significant increase in density 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.
Heritage	
The proposed development is not anticipated to create significant adverse impacts to the heritage significance of items I61 and I62. It is considered that the proposed development will not detract from the heritage values of these items and as such, no objection is raised on heritage grounds.	Noted.
Land Information Management	
Land information Conditions for Site Addressing and Unit Numbering	Noted. Conditions are accepted.
Resource Recovery	
The separate FOGO bin rooms next to both Residential Waste Bin Collection rooms are not needed as the plans show the Residential Waste Bin Collection Rooms have adequate space to store the total number of FOGO bins.	The amended proposal has addressed these various waste requirements, as addressed in Appendix 13 which is the amended Operational Waste Management Plan.
Stage 2 & 3 Bulky Waste Room must be slightly relocated to open up directly onto the loading bay.	
Building B3's waste chute termination room is located on a different level (Basement 1) to all other waste rooms and the loading bays. Clarification is	

Issue Raised	Response
sought on how the bins will be transported to and from the bin collection rooms on the Lower Ground Floor Level.	
It is unclear if ceiling mounted waste compaction units are provided at the garbage chute termination points.	
Ideally one development is to propose one central bin collection room and one central waste collection point. However, there are no objections to the proposed 2 separate bin collection rooms and loading bay locations. It is assumed this is proposed due to the staging of the development	
Environmental Health	
Acoustic assessment; This report must address noise issues associated with use of the site including but not limited to construction noise (and rock breaking if applicable), use of the site; loading docks, vehicles including waste trucks, mechanical equipment, and noise from occupancies, outdoor dining and the like. The acoustic report must include an assessment of these noise sources and confirm that the premises will comply with the requirement of 5dB(A) above the background noise level and will not cause offensive noise.	The Noise Impact Assessment originally submitted addressed known noise impacts associated with development in relation to mechanical plant, vehicle movements, and use of communal areas. Compliance with the relevant criteria is confirmed. Future outdoor dining is not proposed as part of this application, and construction noise impacts should be dealt with via a condition of consent. The Noise Impact Assessment has been updated at Appendix 11 to address comments raised by DPHI.
Fitout of kitchen in commercial food premises; Plans showing the fit out of all commercial food shops are required to comply with AS4674 Design, construction and fit-out of food premises. - Contamination and remediation; a preliminary site investigation would be required to be submitted (and remediation action plan if required).	There are no kitchens specifically proposed at this point in time, and the subject application seeks consent to create the commercial tenancies, with the specific fitout and use of the commercial tenancies being subject to a separate approval process.
• Hazardous material survey and asbestos management plan (if demolition involved) • Soil water management plan. • Dust management plan	The items can be dealt with via conditions of consent.

3.4.3 Government Agencies

The Applicant's response to the various government agency submissions are outlined in **Table 8** below:

Issue Raised	Response
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Conservation Programs, Heritage and Regulation (CPHR) Group	

Issue Raised	Response
CPHR has reviewed the Environmental Impact Statement prepared by Sutherland & Associates Planning (dated March 2025) and accompanying technical reports and provides its comments and recommendations at Attachment A. Key issues include: - the flood risk assessment does not meet the requirements of the Secretary’s Environmental Assessment Requirements (SEARs) or the NSW Government’s Flood Impact Risk Assessment (LU01) guideline. - the effects of climate change have not been considered. - no analysis of localised flood behaviour or interaction with urban drainage has been provided.	Refer to the updated flood risk assessment prepared by Stellen at Appendix 17.
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Water Group	
The Department of Planning, Infrastructure and Housing requests the proponent to quantify the maximum annual volume of water take due to aquifer interference activities and demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.	A Groundwater Seepage Analysis Report has been prepared by EI Australia at Appendix 37 which addresses groundwater. The Analysis indicates that groundwater will be encountered by the proposed basement. Due to the size of the basement, it is likely that more than 3ML per year groundwater take would occur as a result of the proposal, and so it is expected that a tanked basement will be required for the development. On this basis, it is expected that a condition of consent will be imposed requiring a tanked basement and also in relating to dewatering activities that will occur during construction of the development.
The Department of Planning, Infrastructure and Housing requests the proponent to assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012) if the take of groundwater is found to be greater than 3M L per year	
The Department of Planning, Infrastructure and Housing request the proponent to ensure a water access licence (WAL) is obtained to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the <i>Water Management (General) Regulation 2018</i>.	
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Heritage NSW	
Following the review of the above documents, Heritage NSW requests additional information to inform its advice to the Department on whether the Aboriginal Cultural Heritage Assessment Report	An amended Aboriginal Cultural Heritage Report prepared by Everick Heritage addresses these comments and accompanies this submission at Appendix 36.

Issue Raised	Response
(ACHAR) adequately addresses the Secretary's Environmental Assessment Requirements (SEARs) for the project, including the associated recommendations for the management of Aboriginal cultural heritage. Additional information is required in relation to the following matters, including: 1. Please provide Heritage NSW with evidence that each Aboriginal stakeholder was contacted as part of Stage 1 consultation. This can comprise of copies of dated email records with all relevant email addresses shown and/or delivery/ read receipts of the correspondence. 2. The ACHAR outlines that the project area has been subject to heavy disturbance through construction of extant buildings. However, Section 4.1 of the ACHAR states that the Glenorie Soil Landscape can have moderately deep deposit. Further explication is required on the potential for the project area to contain deeper sediments and the likelihood that these deposits may contain Aboriginal objects.	
Transport for NSW	
TfNSW has reviewed the EIS and provides the following recommended conditions for inclusion in any determination issued by the Department: <i>Green Travel Plan</i> Suggested condition: As part of the ongoing operation of the development, a detailed Green Travel Plan (GTP), which includes target mode shares to reduce the reliance on private vehicles, should be prepared. The GTP must be implemented prior to the release of the occupation certificate and updated annually. Please refer to NSW Government's Travel Plan Toolkit (link below) when preparing the document. https://www.mysydney.nsw.gov.au/sites/default/files/2023-1/Travel%2BPlan%2BToolkit%2B2018.pdf Reason: To encourage and support sustainable transport outcomes for future users of the development. <i>Construction Pedestrian Traffic Management Plan</i> Suggested condition:	Noted.

Issue Raised	Response
Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the Applicant should prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. The CPTMP needs to specify matters including, but not limited to, the following: • A description of the development. • Location of any proposed work zone(s). • Details of any alteration/s to the traffic arrangements on Showground Road, including any lane closures. • Details of crane arrangements including location of any crane(s) and crane movement plan. • Haulage routes. • Proposed construction hours. • Predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods. • Construction vehicle access arrangements. • Construction program and construction methodology, including any construction staging. • A detailed plan of any proposed hoarding and/or scaffolding. • Measures to avoid construction worker vehicle movements within the precinct. • Consultation strategy for liaison with surrounding stakeholders, including other developments under construction. • Identify any potential impacts to general traffic, cyclists, pedestrians, and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP; and • Identify the cumulative construction activities of the development and other projects within or around the development site. Proposed	

Issue Raised	Response
measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP. Submit a copy of the final plan to TfNSW for endorsement via development.ctmp.cjp@transport.nsw.gov.au. Reason: Ameliorate construction traffic impacts to the surrounding transport and classified road network throughout the development's construction activities.	
Sydney Water	
Our preliminary assessment indicates that there is water and wastewater servicing should be available. Amplifications, adjustments, and/or minor extensions may be required	Noted.
Should the Department decide to progress with the subject development application, the following conditions are recommended to be included in the development consent. Further details of the conditions can be found in Attachment 1. • Condition 1. Section 73 Compliance Certificate • Condition 2. Building Plan Approval • Condition 3. Tree planting	Noted.
Endeavour Energy	
A number of conditions of consent are recommended.	Noted.

3.4.4 Public

The Applicant's response to the public submissions received are outlined in **Table 9** below:

Summary of Issues in Public Submissions	Response
<i>Height and Character</i> Concern regarding the height of the proposal and its impact to the existing and future character of the precinct.	The site is located within a high density location, which is undergoing change and the proposed development provides a design which achieves a compatible outcome with the emerging context surrounding the site. This is demonstrated in the Design Report at Appendix 6 and also the Visual Impact Assessment at Appendix 23. The amended proposal has been designed to minimise the amenity impacts on the nearby properties, by completely removing the buildings at

Summary of Issues in Public Submissions	Response
	the eastern and western edges of the site, and ensuring that all of the surrounding properties are capable of enjoying at least 2 hours solar access in their current and also in a redeveloped form. 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.
<i>Shadow Impacts</i> The proposed development will create additional shadow to surrounding properties.	A number of the objections have raised concern in relation to shadow impact to existing dwellings on the subject and surrounding sites. However, in early 2025 the surrounding sites were effectively upzoned as a result of Chapter 6 of SEPP Housing which permits 6 storey residential flat development. Due to the orientation of the site, the proposed development results in minimal shadow to the surrounding sites. The architectural package at Appendix 5 includes shadow diagrams which demonstrate that: • The adjacent cemetery is only overshadowed by the proposal until 10am on 21 June • The adjacent properties to both the west and the east along Cecil Avenue enjoy well over 2 hours solar access • The adjacent properties at 2-8 Roger Street, which benefit from the LMR controls introduced in 2025, are unaffected by shadow from the proposed development from 1pm and will receive a full 2 hours solar access from 1pm-3pm on 21 June • The adjacent properties at 1-7 Roger Avenue, which benefit from the LMR controls introduced in 2025, will receive 2 hours solar access from 9am-11am on 21 June. A future development on that parcel of land is likely to receive 2 hours solar access to the majority of a future built from between 9am and 11am on 21 June, particularly noting that both the east and west facing façades of a future building will enjoy over 2 hours solar access.
<i>Car parking</i> The proposal provides insufficient car parking.	The amended proposal provides an increased provision of parking per apartment, and now provides 610 car parking spaces for the proposed

Summary of Issues in Public Submissions	Response
	610 apartments. The proposal has a compliant level of car parking as addressed in the Traffic and Parking Assessment Report at Appendix 10 .
<i>Traffic Generation</i> Concern in relation to impact of traffic on the surrounding road network.	This submission is supported by a Traffic and Parking Assessment Report at Appendix 10 which addresses 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. As a consequence of the reduction in commercial floor space, the subject proposal will generate less traffic than that anticipated for the site with 173 and 176 peak hour trips during the morning and afternoon peak hours respectively.
<i>Absence of Strategic Merit</i> The proposal fails to demonstrate strategic merit and high rise development should be limited to the Castle Hill CBD.	The EIS provides an extensive justification in relation to Strategic Merit and demonstrates the proposed development's consistency with the site's strategic context, including the Region Plan, the District Plan and the Hills Shire Council's LSPS. In particular, the proposal is entirely aligned with the need for housing availability, affordability and diversity, and will make a significant contribution to the goals of the Housing Delivery Authority and National Housing Accord programme through providing 610 apartments of which 117 are also affordable housing in an ideal location. 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.
<i>Impact on local infrastructure</i> Concern about the impact on local infrastructure including roads/traffic and schools.	In relation to impact on local roads, the traffic generation which will result from the proposal has been demonstrated not to result in an unacceptable impact to the performance of the local road network. Moreover, the proposal will actually result in a reduced traffic impact when compared with the anticipated development of the site under the Council's planning controls.

Summary of Issues in Public Submissions	Response
	Whilst there may be some impacts during construction, this is temporary circumstance which is necessary to support the delivery of much needed homes. Several contributions will be levied on the project both for local infrastructure (under the VPA) and state infrastructure. In addition, the proposal provides for a significant infrastructure contribution within the site itself, being a major through site link from Roger Avenue to Cecil Avenue.
<i>Social Impact</i> Objection to the provision of affordable housing within the development,	There is a documented and identified need for affordable housing within Castle Hill and it is important that this is provided as part of the development, noting that the provision of affordable housing is specifically incentivised under Chapter 2 of SEPP Housing. The Hills Shire Council Housing Strategy which was adopted by Council on 22 October 2019, notes that the provision of affordable housing is an issue across Greater Sydney. The Strategy states: <i>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.</i> <i>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.</i> The proposed development appropriately contributes to the supply of housing, within a significant centre that is supported by an existing rail and bus network.
<i>Street Parking</i> Concern is relation to the impact of the proposal is relation to the availability of on street car parking surrounding the site.	The proposed development consolidates a number of existing driveways around the perimeter into a single driveway and therefore improves the on street car parking capacity around the site. The proposal provides adequately for parking for future residents and visitors.

Summary of Issues in Public Submissions	Response
<i>Construction Impacts</i> Concern regarding construction noise impacts.	A condition of consent will be imposed which will limit the construction hours and noise impacts to minimise amenity impacts to the locality during construction works.
<i>Privacy Impacts</i> Concern is raised regarding privacy impacts to the northern adjacent site.	The proposed development has been designed in accordance with Objective 3F-1 of the ADG and provides compliant building separation from the northern boundary and all nearby properties such that the privacy outcome is consistent with that which is anticipated by high density residential development.
<i>Bridge over Cecil Avenue</i> Suggestion that the proposal should provide a pedestrian bridge over Cecil Avenue	There is no demonstrated need for a pedestrian bridge over Cecil Avenue. There are sufficient and safe crossing opportunities for future residents across Cecil Avenue without the need for a pedestrian bridge.
<i>Noise Impact</i> Concern in relation to the potential noise impact from the development to the surrounding properties.	Noise impacts are addressed in the amended Noise Impact Assessment at Appendix 11, and the development will not result in any unacceptable noise impacts.
<i>Impact on Wildlife</i> Concern that the proposed development will result in an adverse impact to wildlife within and surrounding the site.	A Biodiversity Development Assessment Report for the site prepared by Narla Environmental and accompanies the application. The report found as follows: <i>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).</i> <i>A threatened flora and habitat survey was undertaken in accordance with Surveying threatened plants and their habitats (DPIE 2020) and no threatened species or</i>

Summary of Issues in Public Submissions	Response
	<i>threatened ecological communities were identified with the Subject Site.</i> <i>Microbat specific surveys did not detect the presence of any microbats, and any potential habitat was deemed unlikely to be used by microbat species.</i> The Biodiversity Development Assessment Report was reviewed by DPHI who was satisfied that the proposal would not result in any adverse biodiversity impacts.
<i>Waste Management</i> Concern in relation to the waste management arrangements within the development and potential adverse impacts to neighbours.	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 submission at Appendix 13.

4.0 AMENDMENT REPORT

This section of the report describes the proposed amendments and provides a comparative analysis of the original development and amended proposal. It also includes an updated detailed description of the various components of the proposal, including the proposed amendments.

4.1 Amended Description of Proposed Development

The description of development has been updated to reflect the amendments to the proposed development as originally lodged. The amended proposal seeks consent for the following:

- Demolition of existing buildings and bulk excavation.
- Erection of 4 buildings above two common basement levels as follows:
 - Stage 1:
 - Building E – 29 storey building at the eastern edge of the site and adjacent to Cecil Avenue containing 116 apartments
 - Building S – 23 storey building at the southern edge of the site and to the east of the through site link containing 145 apartments
 - Through site link
 - Stage 2:
 - Building N – 35 storey building at the northern edge of the site and adjacent to Cecil Avenue containing 241 apartments
 - Building W – 26 storey building at the western edge of the site and to the west of the through site link containing 108 apartments
- Buildings E/S and N/W are separated by a generous centrally located publicly accessible through site link from Cecil Avenue to Roger Avenue. The proposal provides a total of 40% of the site as publicly accessible area.
- The proposed development provides a further equivalent of 35% of the site as private common open space distributed throughout the development.
- The development incorporates 3,789 square metres of non-residential tenancies at the upper ground floor, Level 1 and Level 2 (street level with Cecil Avenue) of Buildings E and N
- 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 610 apartments are proposed, including 117 (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 basement levels, as well as the below ground areas on the Lower Ground, Ground, Upper Ground and Level 1. The proposal provides 59 commercial parking spaces, 610 resident spaces, and 124 visitor spaces.
- The development requires extensive excavation which will necessitate the removal of a number of 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 2:

Proposed built form prepared by A+ Design Group

4.2 Summary of Amendments

The key amendments to the proposed development that have been made since public exhibition of the SSDA are summarised in **Table 10** below:

Proposed Amendment	Description
Deletion of Buildings A and D and corresponding opening up of the ground plane	The original proposal included Buildings A and D with heights and footprints as anticipated by Part D Section 21 of THDCP, to achieve a compatible built form relationship within surrounding development. However, the design evolution in collaboration with the SDRP has identified the capacity to liberate the ground floor plane with the removal of these

Proposed Amendment	Description
	buildings in favour of a strategic floor-space redistribution to four distinct towers on the site. The removal of these buildings, along with other design amendments, delivers a 155% increase in public open space to serve 3,000 nearby families.
Simplified massing now comprising four distinct towers which have significantly reduced floorplates and with increased height	A key concern raised by the SDRP was the relentless bulk of the two buildings extending continuously on either side of the through site link from Cecil Avenue to Roger Avenue, as envisaged by the DCP. In order to meaningfully address this concern, the proposal has been significantly amended to introduce complete separation of podiums along the site from north to south to create four distinct and slim towers with significantly reduced floorplates. This has profoundly improved the proposed development in respect of much greater open space within the site, substantially increased visual permeability, and the capacity to provide distinctly different architectural character and responses for each building, as well as facilitating greatly improved amenity as a consequence of reduced floorplate size. The increase in height of the buildings maintains an acceptable contextual response noting that the heights are compatible with the emerging context of the Castle Hill strategic centre, as illustrated in the Visual Impact Assessment at Appendix 23 of this submission.
Deletion of below-ground commercial floor space	The originally lodged proposal sought to provide 8,025 square metres of commercial floor space as required for the site by Clause 7.18 of THLEP. However, the site attributes are such that it is not possible to deliver this quantum of commercial floor space without resulting in sub-optimal and compromised commercial tenancies. This is due to the competing needs of commercial floorspace requiring larger and level tenancy areas and the steep fall along the site. Moreover, an assessment of market demand for this quantum of commercial floor space in this location undertaken by Hill PDA has determined that there is insufficient demand to support 8,025 square metres of commercial floor space at the site.

Proposed Amendment	Description
	As a consequence, the amount of commercial floor space has been reduced to 3,789 square metres, and designed in tenancies that are likely to succeed commercially and contribute positively to the development, with meaningful engagement of the public domain within and adjacent to the site.
Reduction of number of apartments from 615 to 610	The amended proposal results in a minor reduction of the number of apartments from 615 to 610.
Refinement of the public realm design and Improved connectivity at the ground floor, and better alignment between the retail / commercial uses and the public domain	The amended proposal has substantially increased the amount of public domain within the site as a consequence of the removal of two buildings, as well as the removal of continuous built form along each side of the through site link. In concert with these amendments, the disconnection and separation into four discreet buildings has facilitated a significantly improved response of the ground floor levels of the buildings with the adjacent public domain which has supported improved activation. The amended proposal has created four distinct plazas, each curated for storytelling and celebrating collaboration between Nations. Interwoven through these spaces are Songlines, guiding movement, memory, and meaning across the site. These cultural pathways stitch together stories of land, water, and sky, allowing community and Country to meet through patterns, textures, and directionality embedded in the landscape. Together, they form 7,100 square metres of publicly accessible open space, welcoming, legible, culturally anchored, and richly layered, transforming the public realm into a place of gathering, learning, and shared custodianship.
Minor basement reconfiguration	The basement levels have been reconfigured to remove subterranean commercial spaces, and with a corresponding reconfiguration of car parking, waste holding, and plant arrangements.
Provision of accessible rooftop communal areas to each tower	Each tower now provides accessible rooftop common open space to maximise residential amenity.
Increase in the overall provision of deep soil and tree canopy coverage	The amended proposal has significantly increased deep soil from 9.2% to 13.7% with minimum 6 metre dimension and 17.2% in total as a consequence of rationalised basement design with

Proposed Amendment	Description
	substantially increased side boundary setbacks along the western side of the site.
Refinement to landscape design, architectural expression and materiality informed by a rigorous Connecting with Country process	A deeper Connecting to Country process has been undertaken with JMP as discussed in Appendix 19 which has led to a significantly more meaningful embedding of Country into the proposed development. In relation to the public domain, the through-site link is guided by the memory of an old Songline that once travelled this ridge. Inspired by its gentle rhythms, the link becomes a meandering journey from Roger Avenue to the Castle Hill Metro - a path shaped for people, for Country, and for quiet movement through landscape. Planting reflects the six seasons, revealing shifts in colour, scent and texture as Country changes. Along the way, six totems and integrated artworks mark moments of story and belonging. Together, they create a living corridor where culture, ecology and daily life reconnect, and the Songline is felt again. In relation to the buildings, each tower has become an embodiment of one of four species of trees which once dominated the ridgeline, being the Blue Gum, Blackbutt, Red Gum and Forest Oak. The colours of the buildings echo bark and leaf; their textures recall canopy, trunk and understory. The podium is imagined as the grounded root system, drawing strength from the earth, while the towers branch upward into lighter forms - buildings that feel grown, layered and alive.

4.3 Comparative Analysis

In accordance with the DPHI State Significant Guidelines, a comparative analysis has been undertaken of the proposed development (as originally lodged in March 2025) and the amended proposal. The key amendments to the proposed development are summarised in **Table 11** below:

Element	Proposed	Amended	Change
Site Area	17,623.6 square metres	17,623.6 square metres	N/A
Permissible GFA/FSR	80,187.38sqm / 4.55:1 (including 30% for affordable housing)	80,187.38sqm / 4.55:1 (including 30% for affordable housing)	No change
Proposed Resi GFA	Building A: 1,231 square metres	Building E: 13,400 square metres	Buildings are no longer comparable due to significant

Element	Proposed	Amended	Change
	- Building B: 30,548 square metres - Building C: 38,783 square metres - Building D: 1,600 square metres	- Building S: 17,029 square metres - Building N: 27,515 square metres - Building W: 14,218 square metres	configuration changes
Component	- Non-residential floor space: 8,025 square metres - Residential floor space: 72,162 square metres - Total: 80,187 square metres	- Non-residential floor space: 3,789 square metres - Residential floor space: 72,162 square metres - Total: 75,951 square metres	- Non-residential floor space: reduced by 4,236 square metres - Residential floor space: No change - Total: Reduced by 4,236 square metres
Height	- Building A – 5 storeys - Building B – 12-20 storeys - Building C – 13-25 storeys - Building D – 6 storeys	- Building E – 29 storeys - Building S – 23 storeys - Building N – 35 storeys - Building W – 26 storeys	Maximum height increased by 10 storeys
Total Apartments	- Studio – 1 (0.2%) 1 bed – 65 (10.5%) 2 bed – 420 (68.3%) 3 bed – 127 (20.7%) 4 bed – 2 (0.3%) - Total – 615	1 bed – 62 (10.2%) 2 bed – 426 (69.8%) 3 bed – 122 (20%) - Total – 610	- Studio – Less 1 1 bed – Less 3 2 bed – Plus 6 3 bed – Less 5 (20%) 4 bed – Less 2 - Total – Less 5
Apartment Mix Per Building	- Building A: 2 bed – 5 (56%) 3 bed – 4 (44%) - Building B: - Studio – 1 (0.4%) 1 bed – 12 (5%) 2 bed – 177 (69%) 3 bed – 63 (24%) 4 bed – 2 (0.8%) - Building C 1 bed – 53 (16%)	- Building E: 1 bed – 2 (2%) 2 bed – 82 (71%) 3 bed – 32 (28%) - Building S: 1 bed – 1 (1%) 2 bed – 108 (72%) 3 bed – 36 (25%) - Building N 1 bed – 39 (16) 2 bed – 173 (72%)	Various changes

Element	Proposed	Amended	Change
	2 bed – 238 (70%) 3 bed – 49 (14%) - Building D: 3 bed – 11 (100%)	3 bed – 29 (12%) - Building W: 1 bed – 20 (19%) 2 bed – 63 (59%) 3 bed – 25 (25%)	
Affordable Housing	- Managed by Cubic Real Estate 15% of total Gross Floor Area (12,032sqm) 169 apartments: - Studio – 1 1 bed – 65 2 bed – 103	- Managed by Cubic Real Estate 15% of total Gross Floor Area (11,516sqm) 117 apartments: 1 bed – 14 2 bed – 77 3 bed - 26	- Less 516 square metres - Less 52 apartments
Deep Soil	1,624.8 square metres – 9.2%	3,043.2 square metres – 17.2%	Plus 1,418.4 square metres and 8%
Publicly Accessible Open Space	2,723 square metres (15.24%)	7,134 square metres (40%)	Plus 4,411 square metres and 24.76%
Communal Open Space	- Ground Level: 3,405 square metres - Rooftop: 3,521 square metres - Total: 6,926 square metres or 39%	- Ground resident: 2,089 square metres - Rooftop resident: 4,128 square metres - Total: 6,217 square metres or 35%	- Ground resident: Less 1,316 square metres as area converted to publicly accessible - Rooftop resident: Plus 607 square metres - Total: Less 709 square metres or 4% as ground floor converted to publicly accessible area
Communal indoor space	1,100 square metres	517 square metres	Less 583 square metres
Trees	Removal of 106 of 129 trees within and around the site	Removal of 113 of 129 trees within and around the site	Plus 7 trees require removal

Element	Proposed	Amended	Change
Solar access	2 hours: 71% No sun: 15%	2 hours: 71% No sun: 15%	No change
Cross Ventilation	60.5%	66%	Plus 5.5%
Car Parking	979 spaces comprising: • 524 residential spaces • 123 residential visitor spaces • 332 commercial spaces	793 spaces comprising: • 610 residential spaces • 124 residential visitor spaces • 59 commercial spaces	Less 186 spaces • Plus 86 residential spaces • Plus 1 residential visitor spaces • Less 273 commercial spaces
EDC (ex GST)	\$419,352,294.00	\$418,796,043.00	Less \$556,251.00
Jobs	• 2,472 new jobs across the construction phase • 101 new jobs across the operational phase	• 2,469 new jobs across the construction phase • 101 new jobs across the operational phase	• Less 3 construction jobs • Same operational jobs

4.4 Built Form and Urban Design

The built form of the originally proposed development was consistent with the established site layout and building footprints, including, setbacks, location of deep soil, building separation and location of commercial uses, and through site link, as identified in the site specific DCP. The incentivised increase in height and floor space was then applied to this built form framework, with an intention to adhere to the principles of height hierarchy.

However, a key concern raised by the SDRP was the relentless bulk of the two buildings extending continuously on either side of the through site link from Cecil Avenue to Roger Avenue, as envisaged by the DCP. In order to meaningfully address this concern, the proposal has been significantly amended to introduce complete separation of podiums along the site from north to south to create four distinct and slim towers with significantly reduced floorplates. This has profoundly improved the proposed development in respect of much greater open space within the site, substantially increased visual permeability, and the capacity to provide distinctly different architectural character and responses for each building, as well as facilitating greatly improved amenity as a consequence of reduced floorplate size.



Figure 3:

DCP site layout and number of storeys



Figure 4:

Originally proposed site layout and number of storeys



Figure 5:

Amended
proposed site
layout and
number of
storeys



Figure 6:

CGI of through site link as viewed from Cecil Avenue



Figure 7:

CGI of mid-plaza public open space



Figure 8:

CGI of western public open space



Figure 9:

CGI of proposal as viewed from Cecil Avenue

4.5 Materials and Finishes

The amended proposed 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.

A distinct palette is proposed for each building, to represent one of four species of trees which once dominated the ridgeline, being the Blue Gum, Blackbutt, Red Gum and Forest Oak.

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.

4.6 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 revised 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.

4.7 Public and Private Open Space

The amended proposed development provides significantly increased open space, with the following revised provision:

- Buildings E/S and N/W are separated by a generous centrally located publicly accessible through site link from Cecil Avenue to Roger Avenue. The amended proposal provides a total of 40% of the site as publicly accessible area.
- The amended proposal provides a further equivalent of 35% of the site as private common open space distributed throughout the development.

The provision of open space is well in excess of the minimum requirement under the Apartment Design Guide. 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 development provides balconies for all apartments with a range of sizes which are generally greater than the size requirements of the Apartment Design Guide.

4.8 Parking and Access

4.8.1 Pedestrian and Vehicle Access

Pedestrian access is provided to the residential apartments via 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.

4.8.2 Parking

The amended proposal provides a total of 793 spaces comprising:

- 610 residential spaces
- 124 residential visitor spaces
- 59 non-residential spaces

4.9 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 13**.

4.10 Stormwater

An updated 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 amended stormwater design is discussed in detail within the Water Management Report at **Appendix 16** and also the Stormwater Management Plan at **Appendix 28** prepared by Stellen which supports this application.

4.11 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 40**). The original proposal necessitated the removal of 106 of 129

trees within and around the site due to extensive excavation. The proposed amendments result in only a minor change however require removal of 113 of 129 trees within and around the site.

However, 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.

4.12 Sustainability

The amended 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 updated ESD Report has been prepared by Credwell and included at **Appendix 29**, 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.

4.13 Affordable Housing

The proposal provides the equivalent of 15% of the total floor space, which equates to 117 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 12: Affordable housing apartments

Apartments	Number
1 bed	14
2 bed	77
3 bed	26
Total	117 (15%)

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.

4.14 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 the Figures below. The stages are as follows:

- Stage 1:
 - Demolition of existing dwellings and hard standing surfaces at Nos. 97, 99, 99A, 101, 101A, 103, 103A, 105, 105A, 107 Cecil Avenue, and 9, 10 Roger Avenue
 - Removal of trees 12, 13, 59, 60, 70-75, 78, 79, 81-105, 107-109, 115, 116, 119-125 (Refer to Demolition Plan A107)
 - Partial demolition of concrete driveway to No. 97A and 97B Cecil Avenue. New road access via No. 97 Cecil Avenue existing driveway
 - Excavation for basement levels
 - Construction of basement levels and creation of ramped access to Cecil Avenue
 - Construction of new substation
 - Construction of Building E and S
 - Construction of through-site pedestrian link between Cecil Avenue and Roger Avenue.
 - Construction of new hard and soft landscaping, lighting, signage, street furniture in accordance with Schedule 3 of the Planning Agreement
- Stage 2:
 - After completion of the Stage 1 Works. Fence off from Stage 1 for construction site safety purposes
 - Demolition of existing dwellings and hard standing surfaces at Nos. 93, 95, 95A, 95B, 97A and 97B Cecil Avenue
 - Removal of trees 1, 2-5, 14, 15, 17-19, 23-58, 61-64, 76, 77, 80, 113, 114 (Refer to Demolition Plan A107)
 - Excavation for basement levels
 - Construction of basement levels and creation of breakthrough panels to connect to Stage 1 carpark
 - Construction of Building N and W
 - Construction of new hard and soft landscaping

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 – Mid 2026
- Basement bulk excavation – Mid 2026
- Superstructure commencement – Late 2026
- Anticipated project completion – Late 2027

Figure 10:

Stage 1 (Source:
A+ Design Group
Drawing A108)

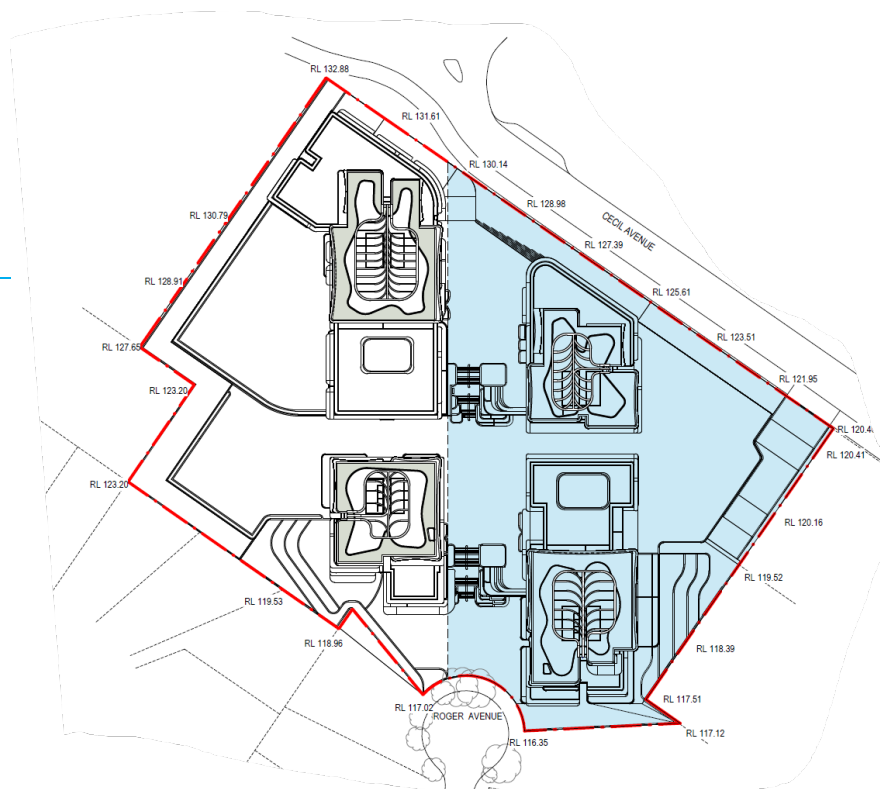
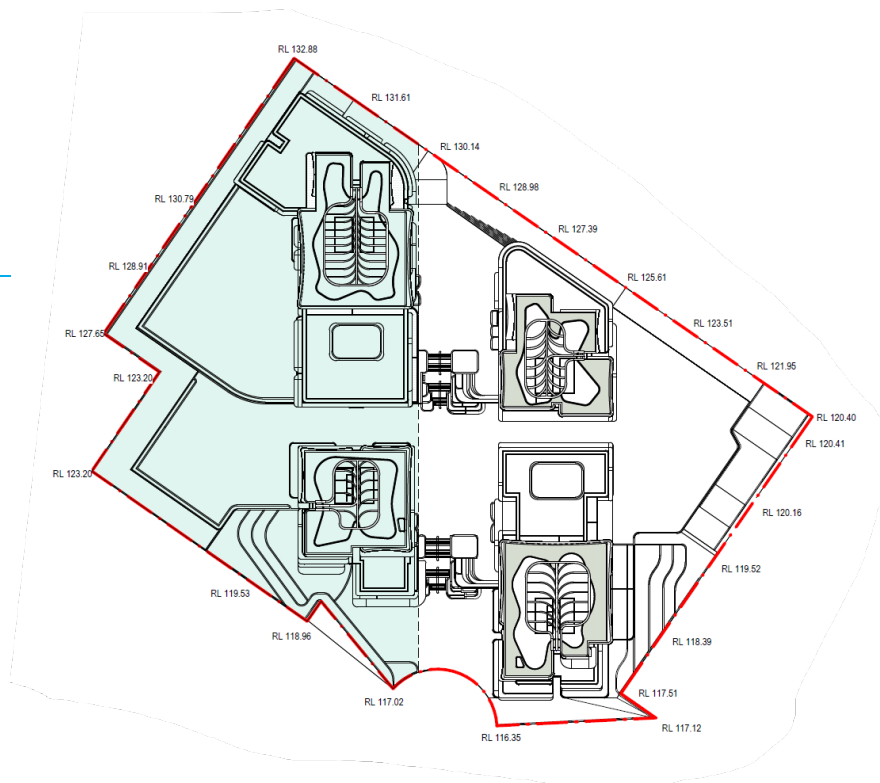


Figure 11:

Stage 2 (Source:
A+ Design Group
Drawing A109)



5.0 ASSESSMENT OF IMPACTS

The following sections of this report provide an analysis of the to assess the potential impacts of the amended proposal. Where relevant, this includes updated mitigation measures that are recommended to avoid, mitigate and/or offset any potential adverse impacts as a result of the amended proposal. The detailed technical reports and plans appended to this report are individually referenced within the following sections. A summary of the updated mitigation measures (where relevant) is also included within the following sections of this report.

5.1 Design Quality

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

- The built form of the amended proposal is consistent with the feedback provided by the SDRP and significantly improves upon the contemplated site layout and building footprints under the site specific DCP by rationalising building footprints to create increased public domain, improved visual permeability, and improved residential amenity.
- The revised distribution of built form and massing across the site has been specifically crafted to maintain the principles of height hierarchy across the site, achieve a legible and simplified built form, and to achieve 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 amended proposal will provide greater housing choice, including 15% affordable housing, for occupants in an ideal location adjacent to the Castle Hill centre.
- The amended proposed development does not adversely impact view corridors from the public domain.
- The amended proposal will not have an adverse impact on the heritage significance of any nearby heritage items.
- The amended development has improved internal amenity having regard to the constraints of the site, and in particular noting the proposal provides well in excess of the minimum required common open space area.
- The proposal achieves the principles of ecologically sustainable development.
- The amended proposal 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 have been completely removed which has created a substantial separation between the proposed buildings on the subject site and the adjacent sites.
- 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 amended proposal 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 amended 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.

5.2 Built Form and Urban Design

5.2.1 Layout, Bulk and Scale

The built form of the originally proposed development was consistent with the established site layout and building footprints, including, setbacks, location of deep soil, building separation and location of commercial uses, and through site link, as identified in the site specific DCP. The incentivised increase in height and floor space was then applied to this built form framework, with an intention to adhere to the principles of height hierarchy.

However, a key concern raised by the SDRP was the relentless bulk of the two buildings extending continuously on either side of the through site link from Cecil Avenue to Roger Avenue, as envisaged by the DCP. In order to meaningfully address this concern, the proposal has been significantly amended to introduce complete separation of podiums along the site from north to south to create four distinct and slim towers with significantly reduced floorplates.

This has profoundly improved the proposed development in respect of much greater open space within the site, substantially increased visual permeability, and the capacity to provide distinctly different architectural character and responses for each building, as well as facilitating greatly improved amenity as a consequence of reduced floorplate size.

The evolution of the design in response to the SDRP feedback is addressed in detail in the Design Report at **Appendix 6** to this submission prepared by A+ Design Group.

The revised heights of the buildings has been designed to provide an appropriate contextual fit within the emerging skyline within the Castle Hill strategic centre, as illustrated in Figures 12, 13 and 14 below.

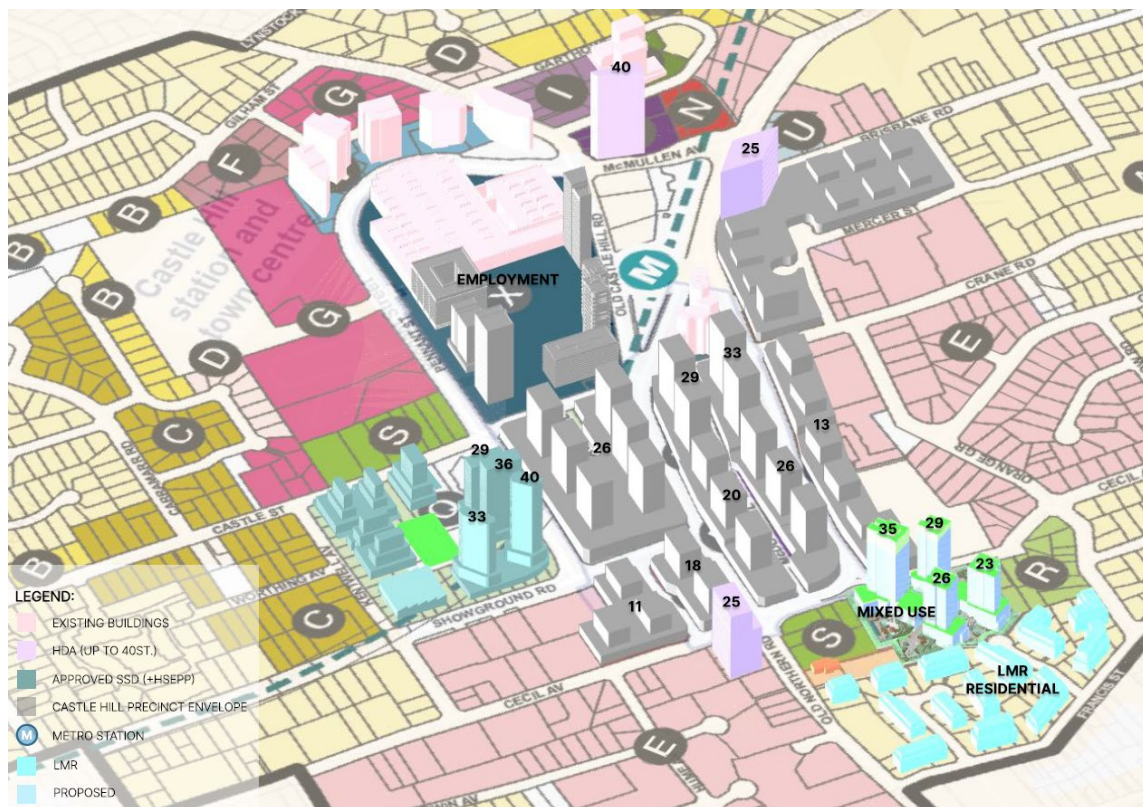


Figure 12:

Illustration of proposal within the emerging context of Castle Hill (Source: Design Report: A+ Design Group)



Figure 13:

Illustration of proposal within the contemplated skyline of Castle Hill as viewed from the west (Source: Design Report: A+ Design Group)



Figure 14:

Illustration of proposal within the contemplated skyline of Castle Hill as viewed from the east (Source: Design Report: A+ Design Group)

5.2.2 Separation

The separation distances within the site and from the site boundaries 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.

5.2.3 Setbacks

The amended proposal meets or exceeds 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.

5.2.4 Façades

Each building is provided with a unique and differing architectural language and façade in order to deliver architectural diversity throughout this large site, and in response to the revised Connecting to Country strategy. 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 6**.

5.2.5 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 5**.

5.2.6 Accessibility

An amended Access Review Report has been prepared by Ergon at **Appendix 14**, 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. 20% 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.

5.3 Environmental Amenity

5.3.1 Solar Access

The internal planning of the amended 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 5** 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 5**, 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.

5.3.2 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 5** 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.

5.3.3 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.

In relation to the interface between common open space and ground floor apartments, the design ensures that there is always a landscape buffer to achieve a suitable privacy outcome.

Figure 15:

Example of interface between ground floor apartments and adjacent common open space
(Source: Landscape Package)



5.3.4 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 amended proposed development provides significantly increased open space, with the following revised provision:

- Buildings E/S and N/W are separated by a generous centrally located publicly accessible through site link from Cecil Avenue to Roger Avenue. The amended proposal provides a total of 40% of the site as publicly accessible area.
- The amended proposal provides a further equivalent of 35% of the site as private common open space distributed throughout the development.

The provision of open space is well in excess of the minimum requirement under the Apartment Design Guide. The common open space areas are comprised of ground level spaces, the centrally located through site link, and, various rooftop spaces for all buildings.

5.3.5 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 23**.

The amended proposal 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 Avenue.

5.3.1 Shadow Impacts

Due to the orientation of the site, the proposed development results in minimal shadow to the surrounding sites.

The architectural package at **Appendix 5** includes shadow diagrams which demonstrate that:

- The adjacent cemetery is only overshadowed by the proposal until 10am on 21 June
- The adjacent properties to both the west and the east along Cecil Avenue enjoy well over 2 hours solar access
- The adjacent properties at 2-8 Roger Street, which benefit from the LMR controls introduced in 2025, are unaffected by shadow from the proposed development from 1pm and will receive a full 2 hours solar access from 1pm-3pm on 21 June
- The adjacent properties at 1-7 Roger Avenue, which benefit from the LMR controls introduced in 2025, will receive 2 hours solar access from 9am-11am on 21 June. A future development on that parcel of land is likely to receive 2 hours solar access to the majority of a future built from between 9am and 11am on 21 June, particularly noting that both the east and west facing façades of a future building will enjoy over 2 hours solar access.

5.3.2 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 at **Appendix 38** who have confirmed the following in relation to the amended design:

- All locations fulfil the recommended criterion for safety.
- Fulfils the recommended criterion for walking at all footpath locations.
- Fulfils the recommended criterion for standing at the building entrances and footpath activities.
- Fulfils the recommended criterion for sitting at the seating areas.
- Fulfils the recommended criterion for walking at all balconies.
- Fulfils the recommended criteria for sitting at the rooftop terraces.

5.3.3 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.

5.3.4 Acoustic Privacy

The potential acoustic impacts to the future residents have been considered in the amended Noise Impact Assessment prepared by Rodney Stevens Acoustic which is located at **Appendix 11**.

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.

5.4 Visual Impact

An updated Visual Impact Assessment has been prepared by A+ Design Group at **Appendix 23**.

The visual impact assessment provides images of the proposal as viewed from key vantage points. The visual impact assessment demonstrates that the amended proposal achieves an appropriate contextual fit with the emerging context of the site and it is therefore considered that the amended 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.

5.5 Public Space

5.5.1 Integration with the Public Domain

The design of the amended 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 entries to the residential lobbies via the through site link 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 revised landscape design (**Appendix 7**) 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.

5.5.2 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 amended 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 amended proposal is supported by a CPTED report at **Appendix 22** which provides a detailed assessment.

5.6 Trees and Landscaping

5.6.1 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 40**). The proposed development requires extensive excavation which will necessitate the removal of 113 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.

5.6.2 Proposed Landscaping

Landscape Plans and a Landscape Report have been prepared by Site Image and are included at **Appendix 7**.

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.

5.7 Traffic, Transport and Accessibility

A Traffic and Parking Assessment Report prepared by CJP accompanies the amended application at **Appendix 10** to address the potential impacts of the development on transport infrastructure and to address the accessibility of the site.

5.7.1 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.

As a consequence of the reduction in commercial floor space, the subject proposal will generate less traffic than that anticipated for the site with 173 and 176 peak hour trips during the morning and afternoon peak hours respectively.

5.7.2 Car Parking

The site specific DCP specifies a specific residential car parking rate, as well as commercial rates. Application of these minimum residential rates are presented in Table 13 below.

Table 13: Car parking compliance

Use	Units/GFA	DCP	Proposed
Residential dwellings	62 x 1 bedroom 426 x 2 bedroom 126 x 3 bedroom	610 spaces	610 spaces
Visitor	610	122 spaces	124 spaces
Commercial	2,657sqm	36	59 spaces
Retail	1,132 sqm	23	

The development provides 610 residential spaces, 124 residential visitor spaces and 59 commercial spaces or a total of 791 car spaces.

The parking provision is compliant with the DCP requirements.

5.7.3 Access

Pedestrian access is provided to the residential apartment lobbies via 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 10** confirms that the access driveway has been designed in accordance with Australian Standards AS2890.1 with respect to widths and gradients.

5.7.4 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.

5.8 Ground and Water Conditions

A detailed Geotechnical Report prepared by EI Australia accompanies the application and is included as **Appendix 9**.

Erosion and Sediment Control measures are identified in the Civil Plans prepared by Stellen that supports this report at **Appendix 15** 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.

5.9 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 15 and 16**:

- 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.

5.10 Flooding Risk

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

The application is supported by an Flood Risk Assessment prepared by Stellen at **Appendix 17**, which confirms that the site has been assessed to have no flood risk across all events up to and including the Probable Maximum Flood.

5.11 Contamination

The application is accompanied by a Detailed Site Investigation (DSI) at **Appendix 8** prepared by EI Australia.

The DSI identifies that laboratory analytical results for the representative fill and natural soil samples were found to comply with the adopted SILs applicable to low to high-density residential settings. The DSI concludes that

based on the findings of this DSI that it is considered that the site can be made suitable for the proposed mixed commercial and high-density residential redevelopment, subject to the successful implementation of the recommendations provided in Section 10.

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 10 of the Detailed Site Investigation.

5.12 Aboriginal Cultural Heritage

An updated Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared by Everick Heritage at **Appendix 36** 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 report.

5.13 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.

An updated Statement of Heritage Impact prepared by Weir Phillips Heritage accompanies this application at **Appendix 20**. 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..

6.0 JUSTIFICATION OF THE AMENDED PROPOSAL

The proposed modifications and additional documentation provided do not alter the justification given for the project in the EIS in terms of the social and economic benefits of the proposal, or the proposal's consistency with the strategic directions.

The additional and amended documentation does however provide additional information to demonstrate consistency with the applicable statutory context and provide additional information to demonstrate how the impacts of the proposal will be managed and mitigated.

6.1 Strategic Context and Alignment

6.1.1 NSW State Premier's Priorities

The amended proposal remains aligned 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.

6.1.2 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 amended proposal is consistent with the key directions, objectives and strategies outlined within the Plan. In particular, it will contribute 610 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 (117 apartments) to assist in addressing the shortfall of affordable housing in the area.

6.1.3 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 amended proposal 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.

6.1.4 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 amended proposal 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 117 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.

6.1.5 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.

6.1.6 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 identifies development of up to 30 storeys within the centre.

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.

6.1.7 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 610 apartments, including approximately 15% of the total gross floor area or 117 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, and 3 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.

6.1.8 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.

6.1.9 Housing Delivery Authority and National Housing Accord

The NSW State Government has agreed to a National Housing Accord (Accord) with other states and territories, local government, institutional investors and the construction sector. The Accord includes an initial aspirational target agreed by all parties to build 1.2 million new well-located homes over 5 years from mid-2024. NSW has a target to deliver 377,000 new homes over five years by July 2029 under the National Housing Accord.

To accelerate the delivery of much needed homes and help meet NSW's target under the Accord, the NSW Government has established the Housing Delivery Authority (HDA). The HDA offers a clear planning pathway for large residential and mixed-use developments to be assessed as State significant development and State Significant Development with a Concurrent Rezoning. This process aims to improve consistency in planning decisions and speed up assessment, without sacrificing housing quality.

There are a number of HDA projects which have received Ministerial Declarations within Castle Hill with heights of up to 40 storeys. The proposed heights for the amended development of 23, 26, 29 and 35 storeys are a comfortable and compatible fit within the emerging skyline of the Castle Hill strategic centre.

6.2 Statutory Context and Alignment

6.2.1 Power to Grant Approval

The legal pathway under which the consent is sought is described in the EIS submission and is not amended by this report.

6.2.2 Permissibility

The permissibility of proposed development is addressed in the EIS submission and is not amended by this report.

6.2.3 Pre-Conditions

The following table outlines the pre-conditions to exercising the power to grant approval which are relevant to the amended proposal and the section where these matters are addressed within the EIS.

Table 14: Pre conditions table

Statutory reference	Pre-condition	Relevance	Section in EIS
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 contaminated state, or will be suitable after remediation, for the purpose for which the development is proposed to be carried out. Clause (3) provides that: 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....	This submission is accompanied by a DSI.	Section 5.11 and Appendix 8 .
State Environmental Planning Policy (Transport and Infrastructure) 2021	Clause 2.122 Traffic Generating Development Clause 2.122(4) provides that (4) Before determining a development application for development to which this	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.	Section 5.7 and Appendix 10 which contains a TIA.

Statutory reference	Pre-condition	Relevance	Section in EIS
	section applies, the consent authority must— (a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration— (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 (ii) the accessibility of the site concerned, including— (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (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 (iii) any potential traffic safety, road congestion or parking implications of the development. (5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.		
State Environmental Planning Policy (Housing) 2021	Clause 21 Must be used for affordable housing for at least 15 years 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—	The amended development proposes 15% of floor space as affordable housing for a period of 15 years.	Section 4.12

Statutory reference	Pre-condition	Relevance	Section in EIS
	(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.		
The Hills LEP 2019	Clause 7.7 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 5.1 Appendix 6.
	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. Clause 7.18 (2) and (3) state 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.	A clause 4.6 request accompanies this report at Appendix 26 to address the proposed variations to Clause 7.18.	Appendix 26.

6.2.4 Mandatory Considerations table

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

Table 15: Mandatory Considerations

Statutory reference	Mandatory consideration	Section in EIS/S&AR
Considerations under the Act and Regulation		

Statutory reference	Mandatory consideration	Section in EIS/S&AR
Section 1.3	Objects of the Act (a) 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, (b) to promote the supply, delivery and maintenance of housing, including affordable housing, (c) to promote productivity through the development and management of the State and its resources, (d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats, (e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention, (f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage, (g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings, (h) to provide opportunities for participation in environmental planning and assessment, (i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, (j) to promote a proportionate and risk-based approach to environmental planning and assessment, (k) to promote the orderly and economic use and development of land.	Appendix 2 of S&AR
Section 4.15	Relevant environmental planning instruments • State Environmental Planning Policy (Planning Systems) 2021 • 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 (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	Appendix 2 of and Section 6 of S&AR

Statutory reference	Mandatory consideration	Section in EIS/S&AR
	State Environmental Planning Policy (Sustainable Buildings) 2022 Development control plan Section 2.10 of the Planning Systems SEPP provides that development control plans do not apply to state significant development the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. the suitability of the site for the development the public interest	N/A Section 6
Mandatory relevant considerations under EPIs		
State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land	Clause 4.6(2) provides: <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>	Section 6.16 and Appendix 9 of EIS
State Environmental Planning Policy (Housing) 2021 – Chapter 4– Design Quality of Residential Apartment Development and the Apartment Design Guide	(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— (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, (b) the Apartment Design Guide, (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.	Appendix 6 of S&AR
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.	Appendix 12 of S&AR
The Hills Local Environmental Plan 2019	Clause 2.3(2) – Zone objectives and Land uses	Section 6.2.6 of and Appendix 2 of S&AR

Statutory reference	Mandatory consideration	Section in EIS/S&AR
	Clause 4.4 – Floor Space Ratio	Section 6.2.6 of and Appendix 2 of S&AR
	Clause 7.2 Earthworks	Section 6.2.6 of and Appendix 2 of S&AR
	The Hills Local Environmental Plan 2019 – Clause 7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor	Section 6.2.6 of and Appendix 2 of S&AR
	Clause 9.1 Minimum lot sizes for residential flat buildings and shop top housing	Section 6.2.6 of and Appendix 2 of S&AR

6.2.5 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 amended proposal 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 11,516 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 16: 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 4.3:1.
(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— 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). 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.	The DCP specifies a maximum heights for buildings stepping down the site, which are permitted to increase by 30%. The proposal seeks consent for the following variations: • Building N: • DCP + 30% = 24 storeys • Proposed = 35 storeys • Building E: • DCP + 30% = 18 storeys • Proposed = 29 storeys • Building S: • DCP + 30% = 12 storeys • Proposed = 23 storeys • Building W:

Control	Comment
	• DCP + 30% = 12 storeys • Proposed = 26 storeys Clause 4.6(2) of the THEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the THLEP, <u>or any other environmental planning instrument</u>. 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 building height development standard of Clause 16(3) of SEPP Housing, prepared on behalf of the applicant, is included at Appendix 33 to this application which demonstrates that strict application of the development standard, in the absence of any tangible impact, would be unreasonable and without basis and that there are sufficient environmental planning grounds to support the variation.
(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> <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-	Noted.

Control	Comment
discretionary development standard is not complied with.	
(2) The following are non-discretionary development standards in relation to the residential development to which this division applies — (a) a minimum site area of 450m ²	The site area exceeds 450sqm.
(b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (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. Therefore, the common open space provided by the development also meets the definition of landscaped area. The proposal provides a total of equivalent of 75% of the site area as open space (40% publicly accessible area and 35% private common open space) which exceeds the 30% requirement.
(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (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— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	The proposal provides well in excess of the minimum SEPP car parking requirement, with 610 car parking spaces for the 610 proposed apartments.
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,	

Control	Comment
(ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	
(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— (a) the desirable elements of the character of the local area, or (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. The difference in scale is already established, and the proposed further increase in height and density does not alter this planned diversity of scale. Nonetheless, the proposal has been designed to adhere to the principle of height distribution and stepping of scale from north to south. Having regard to the anticipated increase in scale for the subject site, the proposed development provides a design which achieves a compatible outcome with the emerging context surrounding the site. 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. 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

Control	Comment
	not inconsistent or incongruous with the desired future character for this locality.
<i>21 Must be used for affordable housing for at least 15 years</i>	
(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 — (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and	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.
(b) the affordable housing component will be managed by a registered community housing provider.	Cubic Real Estate is the registered Community Housing Provider. Refer to supporting letter.

6.2.6 The Hills Local Environmental Plan 2019

The proposal's alignment with the provisions of THLEP are addressed in the EIS. The below discussion addresses the provisions of THLEP which are relevant to the proposed amendments.

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.

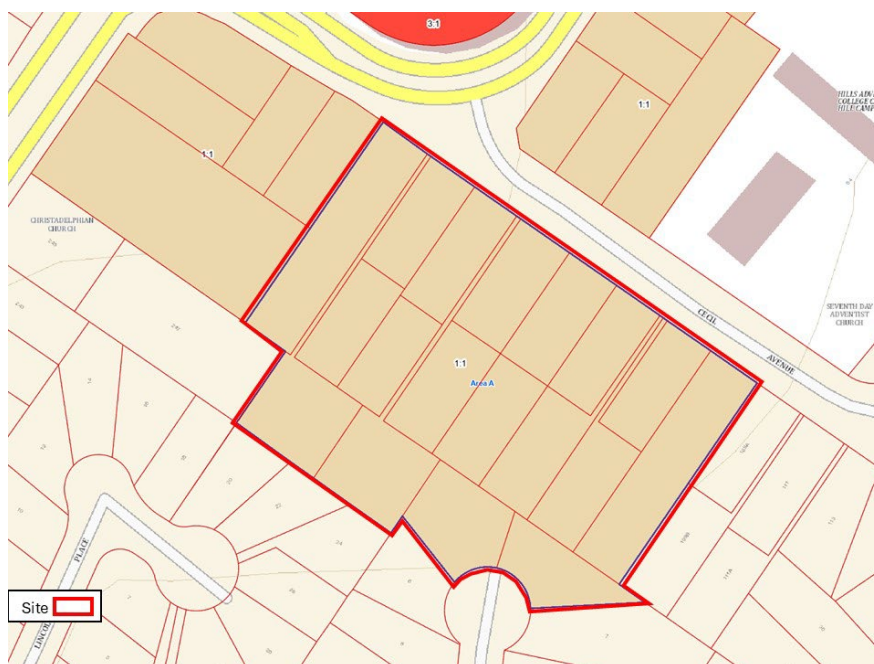


Figure 16:

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 amended proposal has an FSR of 4.3:1 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.

An updated Statement of Heritage Impact prepared by Weir Phillips Heritage accompanies this application at **Appendix 20**. 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.

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 5.1 above.

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 has been considered by the State Design Review Panel (SDRP) on multiple occasions throughout 2025 and the amended proposal is the genesis of iterative feedback from the SDRP.

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 17: Compliance with Clause 7.11(3)

Element	Total Number of apartments	Percentage of total apartments
Studio and 1 Bedroom	62 of 610	10.1%
3 or more Bedroom	122 of 610	20%
2 bed apartments with an internal floor area of 110m ²	178 of 426	41.7%
3 bed apartments with an internal floor area of 135m ²	61 of 122	50%

The proposal provides 1 car parking space per dwelling 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.

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 610 apartments which exceeds the 460 apartments by 150 or 32.6%. 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 117 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. The shadow impact is acceptable with all surrounding properties still enjoying at least 2 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.

In relation to Clause 7.18(3), the amended proposal provides 3,789 square metres of commercial floor space instead of the 8,025 square metres of commercial floor space suggested by Clause 7.18(3). Strict compliance with the minimum required 8,025 square metres of commercial floor space development standard is considered to be unreasonable and unnecessary under the circumstances for the following reasons:

- The Planning Proposal for this site which included the 8,025 square metre of commercial floorspace had its genesis at a pre-COVID period of time. An assessment of current market demand for this quantum of commercial floor space in this location undertaken by Hill PDA at **Appendix 34**. This assessment has determined that:
 - Record high vacancies and incentives has resulted in a significant decline in effective market rents for office space. Combined with record high construction costs and the recent rises in interest rates these conditions have significantly undermined the feasibility of commercial office buildings in both Sydney CBD and the metropolitan markets, including Castle Hill.
 - The subject site is located just outside the commercial precinct, with the new bypass, Terminus Street and Cecil Avenue, being a significant barrier due to heavy traffic and congestion and poor vehicle and pedestrian accessibility. The viability of commercial

floorspace on the subject site and its ability to draw prospective commercial tenants is significantly compromised as a result. Simply put, the subject site is on the wrong side of the ring road.

- Under the Castle Hill Station Structure Plan prepared by Planning NSW for the Castle Hill Station Precinct as part of the North West Rail Link Corridor Strategy, the commercial core is defined as the area bounded by Terminus Street, Pennant Street, Castle Street, Kentwell Avenue and Showground Road. The site is outside this location.
- The sheer scale of the commercial space required on the subject site, being 8,025sqm, is a significant level of space. It is equivalent to say 80 suites at 100sqm per suite. This is a large volume of space in this location. Accommodating this level of space in a mixed-use development would involve two podium levels above ground floor. This space would be at a competitive disadvantage to professional suites in the commercial core on the Castle Towers site, the Castle Mall site or adjoining sites.
- there is insufficient demand to support 8,025 square metres of commercial floor space at the site.
- The physical attributes of the site are such that it is not possible to deliver this quantum of commercial floor space without resulting in sub-optimal and compromised commercial tenancies. This is due to the competing needs of commercial floorspace requiring larger and level tenancy areas and the steep fall along the site.
- As a consequence, the amount of commercial floor space has been reduced to 3,789 square metres, and designed in ground floor tenancies that are likely to succeed commercially and contribute positively to the development, with meaningful engagement of the public domain within and adjacent to the site.

The dwelling limit in Clause 7.18(2) and the minimum commercial floor space requirement in Clause 7.18(3) are plainly development standards. They are provisions of an Environmental Planning Instrument which specify a requirement or fix a standard in respect of an aspect of the development and therefore fall 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 metric requirements of Clause 7.18 of THLEP, prepared on behalf of the applicant, is included at **Appendix 26** which demonstrates that strict application of the development standard, in the absence of any unreasonable impact, would be unreasonable and without basis.

6.3 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.

6.4 Impact Assessment

This Report has addressed the potential impacts of the amended proposal. The proposed development is consistent with the design principles and various controls for the site, or has been amended as a direct response to feedback from the SDRP, 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, 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.

6.5 Evaluation

The environmental impact assessment of the proposed development has demonstrated that the amended 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 117 affordable housing apartments;

- It will provide for significant employment throughout the construction process as well as sustainable 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.

7.0 CONCLUSION

This Submissions and Amendment Report identifies the issues raised in public, government and agency submissions and provides a thorough response to these issues.

This report sets out the proposed changes to the development which have arisen as a result of the matters raised within the submissions and includes an assessment of these amendments. The key changes made to the proposed development since public exhibition of the SSDA include deletion of Buildings A and D and corresponding opening up of the ground plane, simplified massing now comprising four distinct slender and taller towers, deletion of below-ground commercial floor space, Reduction of number of apartments from 615 to 610, refinement of the public realm design and improved activation, minor basement reconfiguration, and provision of accessible rooftop communal areas to each tower.

A range of consultant reports have been amended to provide additional clarification or detail to enable the impacts of the proposal to be fully understood, considered and mitigated.

This Submissions and Amendment Report demonstrates that subject to the implementation of the identified mitigation measures, the amended 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 amended 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 Submissions and Amendment Report the amended proposed development at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill is recommended to be granted development consent.

APPENDIX A

Sutherland & Associates Planning

SUBMISSIONS REGISTER

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Group	Name	Section where issue addressed
Agencies	DPHI	Section 3.4.1
	- Department of Climate Change, Energy, the Environment and Water (DCCEEW), including: - Conservation Programs, Heritage and Regulation (CPHR) Group - Heritage NSW - Water Group - Endeavour Energy - Sydney Water - Transport for NSW (TfNSW)	Section 3.4.3
Council	The Hills Shire Council	Section 3.4.2
Individuals	- Sandeep Gadekar - Mecone - Phil Cridland - Rosie Sellen - David McCombe - Saiya Lal - Benjamin Phillips	Section 3.4.4