



12 March 2026

Ms Sian Holmes
The Department of Planning, Industry and Environment
Submitted via email: sian.holmes@dpie.nsw.gov.au

Your Ref: SSD-85238209

Submission to SSDA for 16-20 Old Castle Hill Road, Castle Hill

Thank you for inviting Council to make a submission to the proposal.

1. Consistency with SSD Declaration and SEARs Request

The State Significant Development Declaration issued on 13 May 2025 declares the following project for this land as State Significant:

“development specified in EOI application 240857 dated 23 February 2025 including development for the purpose of residential flat building with provision of affordable housing at 16-20 Old Castle Hill Road, Castle Hill being Lot 10/DP881332, Lot 11/DP881332, Lot 20/DP222257 and Lot 1/DP204335”.

While the EOI application referred to in this declaration has not been made public or provided to Council, the description of the EOI in the HDA Meeting Minutes dated 2 May 2025 refers to:

“Applicant’s summary of proposal: 300 apartments in a 40-storey building, including 15% allocation of affordable apartments. No of dwellings (indicative): 300 Concurrent rezoning: Yes”.

Request for SEARs indicated 330 dwellings. It is noted that the proposal presented indicates a rezoning and development application for 371 dwellings.

The Department is encouraged to further consider the validity of this application, with respect to the scope and extent of change that this Applicant has made to the project following the HDA process and declaration.

Further scrutiny should be applied to applications that differ from the original EOI and HDA declaration. Council has noted that many of these applications differ from the development stated in the HDA Meeting Minutes and it is questioned how these are still being considered as State Significant Development when they no longer align with the project description that was declared.

2. Consideration of Concurrent Rezoning and Justification of the Proposal

The SEARs and SSD process does not adequately enshrine proper consideration of strategic merit into the assessment process. Further information is requested from DPHI with respect to how strategic merit will first be assessed and determined, and how this will then feed into consideration of appropriate built form outcomes on the land.

DPHI continues to assure Council that the SSD process will include proper consideration of strategic merit. However, it is extremely concerning that the SEARs that have been issued for the project, only require consideration of strategic merit or government priority. It is evident that DPHI intends to allow for developers to bypass consideration of strategic merit, if they can simply demonstrate the delivery of housing and therefore consistency with the Government priority. This specific wording is creating a loophole in the assessment process and undermining the stated position of the Government regarding the merit assessment that will be taking place with these applications.

The strategic merit test should not be switched off for any proposal simply because it claims to deliver housing consistent with the current government priorities. The project should demonstrate consistency with the strategic merit test considerations outlined in the LEP Making Guideline **in addition to** 'current government priorities'. It should outline how each of these strategic merit considerations is to be determined, prioritised and balanced. If inconsistency with state and local strategic policies is to be accepted and approved by Government in order to facilitate housing supply, this rationale and decision-making process should at least be clearly and transparently documented.

Holistic consideration of strategic planning matters can and should have direct implications on determining the appropriateness of a development outcome, as well as site specific outcomes, including development yield and built form. It is absolutely imperative buildings of this scale and intensity be supported by well thought out development standards, not made up as you go.

3. Social Infrastructure - Assessment of Impact of Unplanned Planned Growth

Residential development of this scale was not anticipated on this site in the strategic planning framework and this additional unplanned growth has not been accounted for in infrastructure analysis or the applicable contributions mechanisms which apply to the land.

The application does not provide adequate analysis of the additional demand for infrastructure generated by the proposal, including, but not be limited to:

- community facility floor space
- library floor space
- passive open space / local parks
- active open space / playing fields
- education infrastructure / school places

This should be completed having regard to future development within the Castle Hill Precinct holistically, including the cumulative growth on the substantial areas of land within Castle Hill already zoned for residential development which has not yet been completed, areas identified in the existing strategic plans for future residential growth, and the significant amount of unplanned dwellings on other HDA sites within and around the locality.

Once this has been established, the Applicant must then facilitate the following:

- solutions and additional infrastructure that can be provided to address this demand; and
- fair and reasonable contributions from the development towards funding these solutions.

Critically, in determining the extent of new development that could be accommodated within Castle Hill Precinct, Council and state agencies considered the capacity of the local and regional infrastructure network. This was a limiting factor to how much development could occur and even in this context, there are still significant challenges in providing suitable infrastructure solutions as necessary even to support growth under the current controls have not been funded or resolved.

There is no evidence that the Applicant has consulted with School Infrastructure NSW to assess the adequacy of existing and planned school capacity to service the proposed development, having regard to the cumulative demand generated by existing strategic planning documents as well as existing and potential future HDA sites throughout the region.

The levels of active and passive open space as well as community facilities will need to be recast to make sure this development pays its fair share of contributions. It is necessary to ensure windfall profits are not at the expense of the essential infrastructure such an intense urban environment requires.

4. *Traffic and Transport Infrastructure*

Given the extensive precinct planning and traffic modelling which has been completed to inform the extent of development outcomes that could be accommodated within the broader Sydney Metro Northwest Corridor, consultation with TfNSW

In consultation with TfNSW and Council, the Applicant should be required to prepare updated regional traffic modelling which assesses the impact of the proposal on the surrounding local and regional road network. This should be considered holistically and cumulatively, having regard to the growth permitted under the current controls for in the vicinity, strategically identified growth, as well as other existing (and potential future) HDA sites within the Bella Vista, Kellyville, Norwest, Hills Showground and Castle Hill Station Precincts.

The Regional Traffic Modelling indicated that planned development within the area will result in significant traffic congestion within the regional road network that will be extremely difficult for State Government and Council to adequately resolve. Since the completion of the modelling and these conclusions, the State Government has then proceeded to progress further rezonings over and above this, including the Bella Vista and Kellyville TOD rezoning, Low and Mid Rise Housing reforms and a number of HDA proposals which are in close proximity to each other within the Norwest Strategic Centre (including Bella Vista and Kellyville Precincts). At no point has the Government (or TfNSW) updated the regional traffic modelling to test the impact of these rezonings as part of cumulative growth or identify how the resultant traffic congestion could be mitigated. This is an enormous and concerning oversight by the state government planning authorities and agencies.

While Council officers would be happy to collaborate further with respect to the scope and inputs of such work, it is imperative that this process be led by DPHI and TfNSW. The underlying assumptions that fed into the existing regional traffic model already resulted in a predicted failure of the regional road network, even with significant upgrades. The HDA process and resultant SSD applications for development that was unanticipated by the regional traffic model has effectively rendered this work both outdated and understated in terms of traffic volumes. The process of modelling traffic impacts for the Sydney Metro Northwest Corridor will now likely need to recommence, with inputs that account for the development proposed as a result of changes in government policy and the HDA declared proposals.

5. *Built Form and Design*

The Applicant should be required to demonstrate compliance with all relevant urban design and amenity controls applicable to the land, within the Hills DCP and the ADG. It is unclear how an appropriate transition can be managed on the site with this scale of built form.

The plans presented indicate significant solar access impacts, acoustic impacts, and unacceptable visual impacts. The Applicant should be required to cumulatively model the planned and proposed development in the locality, assuming the outcomes identified in the Castle Hill Precinct Plan as well as any known and likely HDA or SSD proposals to determine the impacts on adjacent properties. In particular, the solar impacts need to be modelled cumulatively to understand the impacts on surrounding sites, as well as this proposed common open space and outdoor child care space.

Where compliance cannot be achieved, the built form and density should be reduced to resolve the issues and reduce built form capacity issues associated with excessive density on the land. The reductions in built form that will be necessary should not be at the expense of the non-residential floor space within the development, being the core underlying objective for development of this land within the strategic planning framework.

6. *Housing Diversity and Family Apartments*

Should the Applicant and State Government expect higher density development to increase housing supply, the proposed development (and other development sites within the metro station precincts) need to ensure that high density living is high quality and that the product being delivered is designed to cater for a broader range of household types having regard to the projected demographics of an area. Noting the relatively larger family demographic within The Hills, which is projected to continue into the future, the proposed residential apartment size and mix will need to demonstrate consistency with Clause 7.11(3) of The Hills LEP 2019.

7. *Development Assessment*

As the proposed development is a State Significant Development Application, through the Housing Delivery Authority Pathway, the Department of Planning is the consent authority and is required to conduct a thorough planning assessment of the proposal. The notes provided by Council do not constitute such an assessment and instead simply outline the primary concerns identified.

The development is to meet the standards and provisions under SEPP (Housing) 2021 Chapter 4 'Design of Residential Apartment Development'.

To utilise the bonus FSR under Clause 16 of SEPP (Housing) 2021 over the LEP incentive FSR, the development is to provide the larger unit mix and size provisions under Clause 7.11 of the LEP which permits a maximum incentive FSR of 4.8:1. If the unit mix, size and car parking provisions are not complied with, the bonus FSR can only be applied over the base FSR of 1:1.

The development must comply with the solar access requirements under the Apartment Design Guide. In particular, concerning overshadowing from proposed development to the north (consisting of 4 buildings with 23 storeys) it is unclear if the proposed development has been considered in the provided documentation.

The majority of the site is zoned R1 General Residential. A portion of the site along the corner of Old Castle Hill Road and McMullen Avenue is zoned SP2 Infrastructure for local road widening. The SP2 land is identified as land to be acquired by Council under Clause 5.1 of The Hills LEP 2019 and must be considered in the design.

- The current proposal has not been designed with regard to the required road-widening/land acquisition and does not provide the necessary setback from the future boundary along McMullen Avenue. Once acquisition occurs, the proposed built form would fail to meet the required setbacks and would present unacceptable streetscape impacts.
- The area of land reserved for road widening should not be included in the calculation of deep soil or landscaped area. While the applicant has excluded this land from the lot area for the purposes of calculating FSR, a consistent approach must be applied across all site area-based calculations. This inconsistent approach artificially inflates the development's deep soil and landscaped area provisions to appear compliant with the ADG.

Compliance with any relevant LEP 2019 standards and provisions should be demonstrated. In particular, the site is identified as Area 1 of the Clause Application Map of The Hills LEP 2019. Therefore, Clause 7.16 is applicable to the site and requires the concurrence of TfNSW.

Whilst local development control plans are not required to be considered for State Significant Development Applications, the character of the local area must be considered under Chapter 4 of SEPP (Housing). The Hills DCP 2012 Part D Section 20 - Castle Hill North informs the character envisaged for the area. In this regard, the following has not been considered:

- Control 4.1 of The Hills DCP 2012 Part D Section 20 - Castle Hill North requires land acquisition in accordance with Figure 22-25. This site will require land acquisition which has not been included in the application documentation.
- Control 5.5 of The Hills DCP 2012 Part D Section 20 – Castle Hill North requires active frontages. The proposed development does not provide adequate activation along Old Castle Hill Road, failing to incorporate active uses such as cafés or other publicly accessible ground-floor tenancies. Given the site's proximity to the Castle Hill Town Centre and the Metro station, it is essential that both street frontages are activated. The proposal in its current form does not meet this requirement and results in a poor interface to Old Castle Hill Road.
- Control 5.8 of The Hills DCP 2012 Part D Section 20 – Castle Hill North requires no additional overshadowing of public open space between 11am and 2pm on 21 June. The proposal overshadows portions of Arthur Whitling Park to the south of the site from 9am to 1pm.

8. Developer Contributions

Section 7.11 Contributions Plan No. 17 – Castle Hill North (CP17) applies to the subject site and levies contributions from new residential development. CP17 delivers and funds local infrastructure required to service the projected yield under existing development controls. As such, CP17 does not account for the additional demand and additional infrastructure that would be required as generated by the proposed development.

As such, a contributions condition can be recommended once the Applicant has completed detailed infrastructure analysis and ascertained the local and regional infrastructure required to service the proposed additional yield (including the cumulative yield of all other existing and potential future HDA sites within the Precinct) to the satisfaction of Council. Addressing the additional infrastructure demand generated by the proposed development may be most appropriately resolved by way of a Voluntary Planning Agreement to ensure that fair and reasonable contributions from this development is provided beyond what is accounted for under existing contributions mechanisms.

In accordance with Section 7.28 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Act 2023, a Housing and Productivity Contribution will be applied to the development.

Prior to determination of the application, it is requested that the Department share the updated infrastructure analysis and ensure that Council has a further opportunity to provide any necessary contributions conditions for a future consent.

9. Landscape

The landscape outcome for the site is not acceptable. The landscape outcomes fail to adequately respond to the character of the precinct as articulated in The Hills DCP 2012 Part D Section 20 - Castle Hill North. Specific areas of deficiency include the proximity of basement structures to site boundaries which do not facilitate acceptable provision of deep soil zones and the lack of ground level communal open space that incorporate acceptable levels of deep soil.

The submitted planting and landscape concept fails to demonstrate an appropriate landscape response nor provide acceptable communal open space areas that are suitably sized and adequately equipped to meet the needs of future residents.

The overshadowing impacts on the adjoining Council park are unacceptable. Solar access to areas of public open space should be prioritised, particularly during mid-winter, to protect their ongoing usability and amenity.

10. Engineering

The proposal must demonstrate consistency with Council's Design Guidelines for Subdivision/Development (Dec 2023) and the applicable DCP controls. Any departures should be clearly identified early, as unresolved non-compliances may constrain future Section 138/S68 approvals.

Boundary Interfaces, Road Network and Civil infrastructure

The Environmental Impact Statement (EIS) indicates that the basement is generally set back 5 m, with some sections extending to the boundary. It is recommended that the proponent obtain planning confirmation regarding the acceptability of boundary-adjacent basement walls, including any required offsets or easements for the Early Works package, to ensure compliance and avoid future constraints.

As the site is affected by Local Road Widening (SP2) along Old Castle Hill Road/McMullen Avenue, it would be prudent for the proponent to confirm clearances to the acquisition corridor and secure the necessary tenure/approvals for any temporary works that may enter road airspace, to ensure alignment with statutory requirements and road-authority expectations.

The road hierarchy, street layout and land dedication requirements under the THDCP Part D Section 20 (Castle Hill North Precinct) must be appropriately translated into the design, including dedication of Garthowen Crescent frontage and creation of a separate lot for future acquisition near Old Castle Hill Road / McMullen Ave.

A high-level civil strategy (earthworks, drainage principles, indicative road reconstruction treatments) must accompany the rezoning/SSD submission to demonstrate feasibility and compliance with DCP Figures 15, 17 and 21.

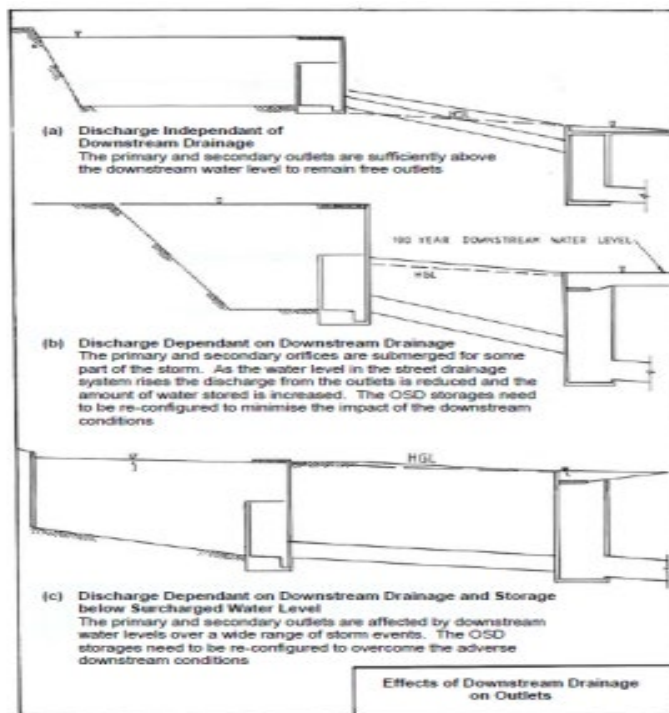
Stormwater

Stormwater plan shall be prepared and submitted with the application to demonstrate how the stormwater is managed from the site and drain to the lawful/legal point of discharge as per section 4.4.

OSD is required for this site as per UPRCT catchment requirements and the OSD Parameters Refer to the attached excel spreadsheet calculation for the Hawkesbury River Catchment. Please submit the completed excel spreadsheet with the stormwater plan.

A catchment plan for the OSD shall be provided.

Where OSD is proposed, the OSD is shall not be impacted by "Effects of Downstream Drainage on Outlets" as it will not be supported. The OSD configuration shall be redesigned. Please refer to Figure 6.3 of the On-site Stormwater Detention R3, of the Handbook Upper Parramatta River Catchment Trust, and the snapshots below:



Options "B and C" will not be supported, therefore, ensure the depth of the OSD is reduced and Options "B and C" are avoided.

No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.

Water Sensitive Urban Design Measures (WSUD) are required as part of this development and must meet the water quality targets below:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen.
- MUSIC model shall be submitted with the development application.
- A separate catchment plan for the MUSIC model shall be provided

The capacity of the stormwater system into which stormwater from the development discharges into, must be checked/analysed. Please note that the check/analysis shall be carried out to the legal point of discharge to ensure that the street pits will not be surcharged during minor events up to the 10 years ARI storm event and up to the 20 years ARI storm event for the sag pit.

A construction-phase temporary drainage and overflow plan (maintaining existing overland flow paths; interim pit/inlet protection; diversion bunds; sediment basins/pumps with design-storm criteria; inspection frequencies) shall be provided.

Any proposed work on Council's land/road due to the proposed development shall be prepared and provided in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/Developments.

Construction Traffic & Access

A traffic report will be required addressing sight distance, driveways, ramps, circulation aisles, car park areas, clearance heights etc. are details are to be provided for expected longest vehicle type that will access the driveway/basement (e.g. MRV/HRV).

Carpark layout driveways, and aisles are to be designed according to the relevant Australian Standards. AS/NZS 2890.1:2004, AS 2890.2-2002 and AS/NZS 2890.6:2009. All dimensions are to be clearly labelled on the plans. Plans should also clearly identify if they are dedicated to visitor or staff. All dimensions are to be detailed on the plan including the parking spaces relevant to the user classification.

A cross-section plan of all ramps will need to be provided on plan; it must detail the gradient and the rate of grade change compliance with the relevant Australian Standards.

Submit swept turning paths demonstrating the required manoeuvring in order for longest vehicle to enter and leave the site in a forward direction.

The driveway width must be designed to facilitate expected longest vehicle type and a B99 car pass each other simultaneously (i.e. maintaining two-way traffic flow).

The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

Groundwater & Dewatering

Given the quoted inflows of 2.3 ML/yr (base case) and 11.9 ML/yr (sensitivity), and noting that a Water Access Licence (WAL) is only not required if extraction remains below 3 ML/yr. If the extraction/removal volume from the development per year during construction phase and ongoing operation is found to be more than 3ML/yr for the whole development, then either any basement will need to be tanked or amend the application and provide concurrence from NRAR regarding the basement design.

Given the baseline water-quality exceedances (metals, ammonia, microbiological indicators, and slightly acidic pH), the proponent is encouraged to outline the measures by which water quality will be assured and controlled throughout the works.

11. Traffic

The parking rates are to be confirmed to determine whether the Metro Northwest Corridor rate or the Castle Hill North Precinct rate applies.

Approximately 35 sqm of land from Lot 20 DP222257 is required to be acquired for the Old Castle Hill Road upgrade. Please refer to attached land acquisition plan. The developer must incorporate this land acquisition into their proposal and amend their design accordingly. In the later stages, their civil design must also match Council's proposed design levels.

Regarding the proposed intersection upgrade at McMullen Avenue/Old Castle Hill Road/Pennant St and the associated road widening along McMullen Avenue the design is under review at this stage pending further discussions with TfNSW. The applicant is advised to consult with TfNSW regarding the design.

Any areas designated for future road widening or infrastructure provision should be landscaped with only basic vegetation, such as turf, and not with trees or shrubs or any physical structure.

The existing right-turn access to and from Garthowen Crescent (south) will be closed with the extension of the concrete median strip as part of the future Old Castle Hill Road upgrade works, or as part of the pending development at 2–4 & 22–28 Garthowen Crescent and 24–30 Old Castle Hill Road, Castle Hill.

A proportion of parking spaces should be capable of providing Electric Vehicle (EV) charging facilities. It is recommended that between 5% and 10% of spaces be equipped or designed to accommodate EV charging infrastructure.

A CTMP is required and must be included in the conditions of consent.

Any changes to existing parking restrictions or traffic arrangement will be subject to approval by Council's Traffic and Roads Management Team which may require approval from the Local Transport Forum (LTF).

12. Waste

The assessment is to ensure that the roadways and access to the development (and any future developments) are designed for the 12.5m long Heavy Rigid Vehicle for waste collection.

13. Environmental Health

The DPHI is to assess whether the submitted Contamination and Remediation A Preliminary Site Investigation (PSI) (Appendix I), Detailed Site Investigation (DSI) (Appendix J) and Remediation Action Plan (RAP) (Appendix K) prepared by Foundation Earth Sciences Pty Ltd achieve the provisions under Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

14. Property Numbering

The property address for this development is: 16 Old Castle Hill Road CASTLE HILL NSW 2154

The approval of Property addressing is vested solely in Council under the Local Government Act 1993 and the Roads Act 1993.

Unit Numbering is to be as per stamped 'Numbering Plans' identifying unit numbers; and as follows:

<u>Level</u>	<u>Unit Numbers</u>
Ground	G01 – G03
Level 1	101 – 109
Level 2	201 – 209
Level 3	301 – 311
Level 4	401 – 410
Level 5	501 – 510
Level 6	601 – 610
Level 7	701 – 710
Level 8	801 – 810
Level 9	901 – 911
Level 10	1001 – 1011
Level 11	1101 – 1111
Level 12	1201 – 1211
Level 13	1301 – 1311
Level 14	1401 – 1411

Level 15	1501 – 1511
Level 16	1601 – 1611
Level 17	1701 – 1709
Level 18	1801 – 1811
Level 19	1901 – 1911
Level 20	2001 – 2011
Level 21	2101 – 2111
Level 22	2201 – 2211
Level 23	2301 – 2311
Level 24	2401 – 2411
Level 25	2501 – 2511
Level 26	2601 – 2611
Level 27	2701 – 2711
Level 28	2801 – 2811
Level 29	2901 – 2908
Level 30	3001 – 3005
Level 31	3101 – 3107
Level 32	3201 – 3207
Level 33	3301 – 3307
Level 34	3401 – 3407
Level 35	3501 – 3507
Level 36	3601 – 3607
Level 37	3701 – 3707
Level 38	3801 – 3805
Level 39	3901 – 3905

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW as required.

Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift, and lobby entry doors.

Wayfinding signage is required for the communal areas including Gym area, Pool to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Mailboxes

Australia Post requires cluster mailboxes within a foyer to be as close to the footpath or road as possible.

Parking for Postal officer motorcycle/walk buggy is to be provided in a safe location and viewable from foyer mailboxes to ensure the security of mail located on the vehicle. An intercom or doorbell is to be provided for each unit for the delivery of parcels.

Locations of mailboxes are to be approved by Australia Post for mail delivery. Plans are to be provided to Sobhana Gangadharan at the Seven Hills Delivery Centre via email Sobhana.Gangadharan@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

The number of mailboxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietor's additional mailbox is to be located within the cluster at 16 Old Castle Hill Road CASTLE HILL NSW 2154.

Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section before it is registered for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not.

It is required that Lot numbers within the proposed strata plan are not duplicated and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

Please contact me on 02 9843 0407 if you wish to discuss any of the above matters.

Yours faithfully



Megan Munari
PRINCIPAL COORDINATOR FORWARD PLANNING