

Appendix 2 – Statutory Compliance Table

This table summarises the development compliance with the relevant statutory provisions and identifies where a more detailed assessment is provided in the EIS, the Submissions and Amendments Report, or in the accompanying technical reports.

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS / Submissions and Amendments Report
Environmental Planning and Assessment Act 1979			
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,	The proposed development is consistent with the objects of the EP&A Act for the following reasons: • The development will facilitate the delivery of much needed housing including affordable housing. • The proposal promotes orderly and economic use of land as it will provide significant publicly accessible land, and commercial development which respond to the changing needs of the Castle Hill community. • The site does not contain any threatened species and so the proposal protects the environment. • The proposal incorporates a detailed Connecting with Country strategy and so it promotes the sustainable management of built and cultural heritage, including Aboriginal cultural heritage.	Section 6.2 of S&AR

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	(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.	• The proposal is a high quality design with high amenity which has evolved as part of an iterative process with the SDRP. • It allows for additional employment opportunities throughout the construction and operation phases, as well as operationally at completion. • It will facilitate ecologically sustainable development. • The proposal has committed to a BASIX to support ecologically sustainable development.	
Section 4.15	(a) the provisions of— (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), (v) (Repealed)	The relevant provisions of the EPIs and DCPs have been addressed in this EIS.	Section 4 of the EIS and this table.

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	that apply to the land to which the development application relates,		
	(b) 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 likely impacts of the development have been addressed in detail in the EIS and S&AR.	Sections 6 and 7 of EIS Section 5 of the S&AR
	(c) the suitability of the site for the development,	The site is located adjacent to the Castle Hill centre and the proposed development will sit comfortably within the emerging context of Castle Hill and the variety of scale of development evident along Terminus Street. The site has a very high level of accessibility and is an ideal location for high density residential development. Finally, the redevelopment of the site will include affordable housing. The assessment of the key issues demonstrates that the development will not result in any unreasonable impacts on the surrounding properties or the public domain having regard to the design measures implemented into the design and the proposed mitigation measures.	Sections 2.4, 6 and 7 of the EIS
	(d) any submissions made in accordance with this Act or the regulations,	Submissions are considered in the S&AR	Section 3 of the S&AR
	(e) the public interest.	The proposed development will deliver substantial social and economic benefits.	Section 7 of the EIS
Environmental Planning and Assessment Regulation 2021			
Clause 191	Clause 191 of the EP&A Reg provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Clause 191 of the EP&A Regulations and SEARs.	Section 6 and Appendix 1 of the of the EIS

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Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017			
Section 7.9	In accordance with clause 7.9 of the Biodiversity Conservation Act 2016 an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development is to be accompanied by a biodiversity development assessment report unless that Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.	A Biodiversity Development Assessment Report including an assessment of the impacts of the proposed development on Biodiversity Values identified in the BC Act and Regulation. The proposed development is considered highly unlikely to result in significant impact either directly or indirectly, to threatened flora, fauna or ecological communities.	Appendix 27 of the EIS
State Environmental Planning Policy (Planning Systems) 2021			
Clause 2.6	Part 2.2 of Ch 2 of State Environmental Planning Policy (Planning Systems) 2021 (the SEPP) contains provisions directed to State significant development. Clause 2.6, within Pt 2.2, relevantly provides: <i>"2.6 Declaration of State significant development: section 4.36</i> <i>(1) Development is declared to be State significant development for the purposes of the Act if -</i> <i>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without consent under Part 4 of the Act, and</i> <i>(b) the development is specified in Schedule 1 or 2."</i> Schedule 1, Clause 26A of the State Environmental Planning Policy (Planning Systems) 2021 states that the following development is considered to be SSD –: <i>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i>	The proposal: • Is located in the Central River City of the Six Cities Region • Has a capital investment value (CIV) greater than \$75 million for the residential component, and • Does not involve development prohibited under an EPI applying to the land. Therefore, the development is SSD in accordance with section 26A of the Planning Systems SEPP.	

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	<i>(a) the part of the development that is residential development has a capital investment value of—</i> <i>(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or</i> <i>Note— The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.</i> <i>(ii) for development on other land—more than \$30 million, and</i> <i>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</i>		
State Environmental Planning Policy (Transport and Infrastructure) 2021			
Clause 2.122	Clause 2.122(1)(a) of State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to development specified in Column 1 of the Table to schedule 3 that involves a new premises of the relevant size of capacity. Carparks (whether or not ancillary to other development with 200 or more car parking spaces and residential apartment development with more than 300 apartments are identified in the Table in Schedule 3. In accordance with clause 2.122(4) <i>(4) Before determining a development application for development to which this section applies, the consent authority must—</i> <i>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</i> <i>(b) take into consideration—</i>	As the proposal involves parking for greater than 200 motor vehicles the application will need to be referred to the TfNSW during the assessment period. The Transport and Accessibility Impact Assessment prepared by CJP Consulting which accompanies the application provides an assessment of the proposal which demonstrates that it will not result in an unacceptable impact in relation to the performance of the surrounding road network.	Section 5.7 and Appendix 10 of the of the S&AR

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	(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 (Resilience and Hazards) 2021			
Clause 4.6	Chapter 4 'Remediation of Land' in State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the whole of the State. In accordance with clause 4.6 of the SEPP a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is 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 4.6 also provides that before determining an application for consent to carry out development that would involve a change or use to carry out development for a recreational purposes the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned	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.	Section 5.11 and Appendix 8 of the S&AR

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	carried out in accordance with the contaminated land planning guidelines.		
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
Chapter 2 Vegetation in Non-Rural Area	Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the Hills Shire Council and requires approval for removal of trees on the site.	The proposed tree removal has been informed by the Arboricultural Impact Assessment provided at Appendix 17.	Section 6.7 and Appendix 17 of the EIS
Chapter 6 Water Catchments	The site is located within the Hawkesbury-Nepean system and Clause 6.6 requires consideration of water quality and quantity including: <i>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</i> <i>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</i> <i>(c) whether the development will increase the amount of stormwater run-off from a site,</i> <i>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</i> <i>(e) the impact of the development on the level and quality of the water table,</i> <i>(f) the cumulative environmental impact of the development on the regulated catchment,</i> <i>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</i> Clause 6.6(2) provides that development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—	The impact of the development on water quality has been addressed in the EIS. Water Sensitive Urban Design measures are to be implemented.	Section 5.9 and Appendices 15, 16 and 28 of the S&AR

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	(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and (b) the impact on water flow in a natural waterbody will be minimised.		
State Environmental Planning Policy (Sustainable Buildings) 2022			
Chapter 2 Standards for residential development - BASIX	State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the development and aims to encourage sustainable residential development.	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 the S&AR
State Environmental Planning Policy (Housing) 2021 – Chapter 2			
Chapter 2 Affordable Housing	Chapter 2 of State Environmental Planning Policy (Housing) 2021 applies to the State and aims to provide a consistent planning regime for the provision of affordable housing. The provisions of the SEPP seek to facilitate the effective delivery of new affordable rental housing by providing incentives including height and floor space ratio bonuses and non-discretionary development standards. The SEPP prevails over any other environmental planning instrument (whether made before or after the commencement of the Policy) to the extent of the inconsistency. The proposed development seeks to provide 15% of the total floor space of the development as affordable housing apartments for 15 years.	Chapter 2 of State Environmental Planning Policy (Housing) 2021 is addressed in detail in Section 6.1.1. of the EIS.	Section 6.2.5 of the S&AR
State Environmental Planning Policy (Housing) 2021 – Chapter 4– Design Quality of Residential Apartment Development and the Apartment Design Guide			
Clause 147	Clause 147 of the SEPP requires that:	The design quality of the development when evaluated in accordance with the nine applicable	

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	<i>(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—</i> <i>(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,</i> <i>(b) the Apartment Design Guide,</i> <i>(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.</i>	design quality principles, and the Apartment Design Guide (ADG) are addressed in Appendix 6 Design Verification Statement prepared by A+ Design Group. The proposed development satisfies the design principles of Schedule 9 of the SEPP as follows: Context and Neighbourhood Character The development is considered to be contextually appropriate for the following reasons: • The proposed development meets the objectives of the zone and is consistent with the desired future character of the area. • The proposed redevelopment will deliver the urban renewal of a large site within Castle Hill. The redevelopment of the site will contribute to the vibrancy, economic success, and housing choice within the area. • The siting, scale, bulk, and massing of the development is generally consistent with that anticipated for the site and represents an appropriately designed development which will contribute positively to the area. • The proposed massing of the development provides a high level of visual interest between the proposed buildings within the development with site permeability which serves to break down the scale of the project, whilst also realising the environmental capacity of the site. The proposed massing of the development facilitates a high level of environmental performance within the	

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		development, reduced impacts on surrounding properties, allows for integration with the surrounding landscape and appropriate levels of solar access, combined with a high level of visual permeability throughout the site. • The proposed development will deliver additional housing choice that is in close proximity to a range of recreational opportunities and services and facilities and will maximise public transport patronage, cycling and walking. • Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location having regard to the future desired character of the area and the emerging context. In this regard the development will be compatible with its emerging context. Built Form and Scale The scale of the proposed buildings is appropriate to the scale of the street and the forthcoming development of the surrounding properties for the following reasons: • The proposed distribution of built form and massing of the building across the site is consistent with the design direction provided by the SDRP	

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		• The incentivised density and scale has been accommodated based on a considered analysis of the context of the site, the emerging character of the area, the applicable planning provisions and the desire to deliver a positive urban design outcome as well as affordable housing. • The proposed development has been specifically designed as a robust architectural solution for the site which will result in a high quality building that will sit comfortably within the streetscapes of Cecil Avenue and Roger Avenue and is consistent with the emerging high density mixed use character of development within the vicinity of the site. • The proposal incorporates a high level of materiality and demonstrates fine grain active frontages and the buildings architecture combined with the public domain improvements will serve to activate and enliven the street frontages of the site. • The scale of the proposed development will not result in any unreasonable impacts on the future developed surrounding properties in terms of loss of views, loss of visual or acoustic privacy, visual impact, or shadow. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on adjacent and nearby sites.	

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		- The scale of the development will not be perceived as jarring or antipathetic in the future desired streetscape and urban design context particularly as the surrounding sites are redeveloped to achieve the desired future character specified for the Castle Hill centre generally. Density The density of dwellings and commercial floor space proposed is considered appropriate for the site and its location in that: - The proposal results in a Gross Floor Area which is compliant with the FSR control and incentivised floor space. - The proposal delivers a viable quantum of commercial floor space for the site. - The availability and capacity of the local infrastructure, public transport and recreational opportunities supports the proposed number of apartments and commercial floor space. The site is extremely well located in terms of access to public transport infrastructure within Castle Hill centre. - The density proposed does not give rise to any significant impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact as detailed in this Statement.	

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		• An acceptable level of amenity is provided for occupants of the development having regard to the constraints of the site. • The scale of each individual buildings within the overall development is considered and achieves a planned outcome which is consistent with that which is anticipated by the planning controls. • The scale of the proposed development does not result in any unreasonable impacts on the surrounding properties in terms of loss of views, loss of visual or acoustic privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on adjacent and nearby sites. Sustainability The proposed development has been designed to reflect best practice sustainable building principles to improve environmental performance, in relation to energy and water efficient design and technology and use of renewable energy. An Energy Efficiency and Ecologically Sustainable Design Report prepared by Credwell accompanies the subject application which details how ESD principles have been incorporated in the design and construction of the project and are	

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		intended to be incorporated in the ongoing operation of the development. Finally, the design provides for passive solar design principles, thermal massing and achieves cross ventilation to an acceptable number of dwellings within the development and a BASIX Certificate accompanies this application which confirms that the development will meet the NSW Government's requirements for sustainability for residential flat building. Landscape The proposed development includes a comprehensive design for the landscaping of the site and all public domain areas surrounding the site. The Landscape Plans and Statement prepared by Site Image that accompany the application demonstrate that the proposal will result in a mixed use development within a suitably landscaped setting having regard to the urban context of the site and incorporates plant species appropriate for the site conditions and includes locally indigenous species where possible. The landscaping proposed represents an integral element in ensuring the development has an appropriate contextual fit and will positively contribute to the emerging character of the Castle Hill precinct. The proposed development provides common open space distributed throughout the development which is well in excess of the	

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		minimum required area under the Apartment Design Guide. The common open space areas are comprised of ground level pocket parks, the through site link, and rooftop spaces. Amenity The development has been specifically designed to achieve a high level of amenity for the occupants with the development providing generous apartment sizes and practical room dimensions and shapes, storage space, indoor and outdoor space and access for all age groups and degrees of mobility. The number of apartments with access to ventilation has been maximised with 66% of apartments receiving cross flow ventilation. A compliant 71 % of apartments receive the required level of solar access during mid-winter and 15% are 'no-sun' apartments. The level of separation combined with design measures specifically intended to reduce the potential for overlooking will ensure visual privacy is maintained between the development and neighbouring properties. The design of the development ensures a high level of privacy for the residents of the building. The landscaping proposed to surround the development will provide an attractive outlook for	

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		all apartments. The particular elements which contribute to enhanced amenity include generous balcony sizes in excess of the minimum requirement, common open space areas on the roof and ground floor areas which have been designed to provide a variety of breakout and social gathering areas, and a high level of natural cross ventilation. Safety The safety and security of the public domain will be significantly enhanced by increased activity on the site and the casual surveillance of all surrounding streets from the dwellings within the development. The entries to the development will be appropriately lit at night to enhance safety, visibility and legibility. Effective access control has been achieved through the provision of physical barriers to attract, channel and/or restrict the movement of people within the development. The internal areas within the development such as the entrances and lobbies will be well used by residents. The common areas will be under the supervision of the occupants of the apartments on the levels above. The use and supervision of the common areas will reduce the opportunities for crime. Housing Diversity and Social Interaction The proposed development provides a mix of 62 x 1 bedroom (10.2%), 426 x 2 bedroom (69.8%), and 122 x 3 bedroom (20%). The 'New South	

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		Wales Household and Dwelling Projections, 2008-2036: 2008 Release' prepared by the Department of Planning indicates that the average household size in Sydney is expected to continue its decline from 2.61 in 2006 to 2.49 by 2036. In addition, the population projections indicate that the lone person household is the type of household expected to experience the greatest percentage increase between 2006 and 2036 (69%). The proposed provision of apartments is consistent with the expected increase in smaller households. For these reasons it is considered that the development responds very positively to the particular housing needs of the local community. The development provides a range of opportunities for social interaction among occupants with generously sized common open space areas provided throughout the development. Aesthetics The proposed development provides for a contemporary and attractive development which is compatible with the emerging character within the area. The proposed development introduces a variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes. The proposed built form and composition of the development responds to the desired future character of the Castle Hill precinct and will	

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		provide a positive contribution to the visual quality of the area.	
Clause 148	Pursuant to clause 148 of SEPP Housing if an application for a development application to which the Policy applies the consent authority must not refuse the application because of those matters: • if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide. • if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide, • if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	• Each apartment complies with the minimum area requirement. • Each apartment has a minimum ceiling height of 2.7 metres for habitable rooms.	
The Hills Local Environmental Plan 2019			
		The Hills LEP 2019 provisions have been addressed in detail in the EIS and S&AR	Section 6.1.2 of EIS and 6.2.6 of the S&AR