



Appendix C – Statutory Compliance Table

16-20 Old Castle Hill Road, Castle Hill

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NSW Acts of Parliament

Statutory Requirement	Relevance and Assessment	EIS Section
Environmental Planning and Assessment Act 1979		
Section 1.3 – Objects of the Act		
The objects of this Act are as follows— (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.	The proposed development is consistent with the objects of the EP&A Act for the following reasons: • It promotes the delivery of 371 in-fill apartments including 56 affordable housing dwellings to accommodate the growing population of The Hills LGA and more broadly Greater Sydney, and will positively contributing to housing supply and affordability; • It allows for additional employment opportunities throughout both the construction and operational phases; • ESD principles are embedded through a range of design and operation initiatives. • It will facilitate the principles of ESD through a range of design and operation initiatives; and • It is a development for public purposes and will facilitate the delivery of a public plaza and retail premises. The proposed development is consistent with Division 4.7 of the EP&A Act, particularly for the following reasons: • It has been declared to have State Significance; • It is not prohibited by an environmental planning instrument; and • It has been evaluated and assessed against the matters for consideration under Section 4.15(1) of the EP&A Act.	Section 6.5
Section 4.15 - Evaluation		

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a) the provisions of— (i) any environmental planning instrument, and	As demonstrated in Section 6.0 of the EIS, the Proposal in accordance with the relevant NSW Environmental Planning Instruments (EPIs). The assessment demonstrates it is in accordance with the relevant provisions and consistent with the relevant objectives and controls of the applicable EPIs.	Section 6.0
(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	Not applicable.	Section 6.5
(iii) any development control plan, and	Not applicable due to the operation of s2.10 of State Environmental Planning Policy (Planning Systems) 2021	-
(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	No planning agreement is proposed.	-
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), (v) (Repealed) that apply to the land to which the development application relates,	The EIS has been prepared in accordance with the EP&A Regulation, including the principles of ecologically sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious and irreversible environmental damage.	Sections 6.5 and 9.3
(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,	A comprehensive assessment of the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, is provided at Section 8.0 of the EIS.	Section 8.0
(c) the suitability of the site for the development,	Having regard to the characteristics of the site and its immediate surrounding context, the proposed development is suitable for the site for the following reasons: • The site is located within the R1 General Residential zone which envisages the provision of housing for the community. • The proposal will allow for the development of a currently underutilised site with regard to its current density and strategic location for increased housing supply. • The site is located within the Castle Hill strategic centre which is an evolving precinct transitioning from currently low density residential, to high density residential living options. The proposed development responds to this changing typology whilst respecting the lower density character surrounding the site through the careful placement of built form across the site and building design choices. • All necessary utility services are readily available to the proposal, and are capable of accommodating any additional demand that may be associated with the residential uplift proposed for the site.	Section 9.5

	• The size and dimensions of the site are suitable for the scale of the proposed development. • The site is proximate to a range of high-frequency public transport options, including the Castle Hill Metro Station.	
(d) any submissions made in accordance with this Act or the regulations,	Any submissions received will be considered by the Applicant following the exhibition of the EIS.	-
(e) the public interest.	Having regard to the public interest, the proposed development is in the public interest for the following reasons: • It will increase the supply and choice of housing in a highly accessible location. The proposal presents an important opportunity to revitalise the site in accordance with the strategic vision for Castle Hill. • It will provide considerable diverse housing supply in the form of affordable housing units proximate to public transport options and employment opportunities within the Castle Hill town centre. This directly contributes to the achievement of diverse housing in The Hills LGA in line with the National Housing Accord. • Direct employment opportunities will be created during the construction and operation of the proposal. • The development is consistent with planning controls under The Hills LEP and Housing SEPP, and implements the objectives of the ADG. The proposed rezoning addresses the FSR variation. • The proposed development provides improved amenity for the surrounding area by revitalising a currently underutilised property with public domain improvements and increased housing supply. • The delivery of affordable housing will ensure that residents can access housing that is affordable and in close proximity to jobs, services and education.	Section 9.6
Section 4.36 – Development that is State significant development		
(3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.	The site was declared State Significant Development (SSD) pursuant to State Significant Declaration Order 2025 (No 7) issued on 13 May 2025. The Order declares 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 as identified in Schedule (1)(d), is declared to be SSD. Therefore, the proposed development is SSD by virtue of Ministerial planning order.	Section 6.1
(3A) The Minister may make a declaration under subsection (3) only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development.		
Section 4.42 – Approvals etc legislation that must be applied consistently		

(1) An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent under this Division and is to be substantially consistent with the consent—

- (a) an aquaculture permit under section 144 of the *Fisheries Management Act 1994*,
- (b) an approval under the *Coal Mine Subsidence Compensation Act 2017*, section 22,
- (c) a mining lease under the *Mining Act 1992*,
- (d) a production lease under the *Petroleum (Onshore) Act 1991*,
- (e) an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act),
- (f) a consent under section 138 of the *Roads Act 1993*,
- (g) a licence under the *Pipelines Act 1967*.

Section 4.42 of the EP&A Act stipulates that certain authorisations cannot be refused if they are necessary for carrying out State significant development. The following table lists legislative approvals that are required for the Project and cannot be refused if the Project is approved.

Section 6.3

Act	Approval Required
Legislation that must be applied consistently	
<i>Fisheries Management Act 1994</i>	No
<i>Mine Subsidence Compensation Act 1961</i>	No
<i>Mining Act 1992</i>	No
<i>Petroleum (Onshore) Act 1991</i>	No
<i>Protection of the Environment Operations Act 1997</i>	No
<i>Roads Act 1993</i>	Yes
<i>Pipelines Act 1967</i>	No

It is noted that an approval from Transport for NSW and/or the Hills Shire Council under Section 138 of the *Roads Act 1993*, should any works be required to be undertaken on the surrounding roads or road reserves. This approval process will occur following the determination of this SSDA.

Biodiversity and Conservation Act 2016

Section 7.14 – State Significant Development or Infrastructure

(1) This section applies to an application for development consent for State significant development under Part 4 of the *Environmental Planning and Assessment Act 1979*, or an application for approval for State significant infrastructure under the *Environmental Planning and Assessment Act 1979*, Division 5.2, that is required under Division 2 to be accompanied by a biodiversity development assessment report.

(2) The relevant authority, when determining in accordance with the *Environmental Planning and Assessment Act 1979* any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The relevant authority may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.

In accordance with this Act, an assessment of any State Significant proposal's biodiversity impacts must be undertaken as part of the provision of any SSDA, including the provision of a Biodiversity Development Assessment Report (BDAR) in instances where it is required.

Section 7.14 requires the consent authority to take into consideration the likely impact of the proposed development on biodiversity values as assessed in the BDAR.

Given the sites location within a residential area and the absence of native vegetation communities on site, the proposed development is not considered to result in any adverse impacts to biodiversity on the site or within the surrounding area.

As such, this SSDA is accompanied by a BDAR Waiver Request prepared by Thrive Ecology, and a BDAR Waiver issued by DPPI, which are provided at **Appendix N**.

Section 6.4

NSW Environmental Planning Instruments

Statutory Requirement	Relevance and Assessment	EIS Section
State Environmental Planning Policy (Resilience and Hazards) 2021		
Section 4.6 – Contamination and remediation to be considered in determining development application		
(1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) 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, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Section 4.6 stipulates that a consent authority must not consent to the carrying out of development 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. - if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. The Detailed Site Investigation and Remediation Action Plan prepared by Foundation Earth Sciences confirms that the site can be made suitable for the proposed development and residential uses. Refer to Appendix Q and Section Error! Reference source not found..	Section 8.8
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Section 2.48 – Determination of development applications – other development		
(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following— (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, (b) development carried out— (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or (iii) within 5m of an exposed overhead electricity power line,	Section 2.48 requires the consent authority to give written notice to the electricity supply authority for the area and take into consideration any response to that notice before granting consent to a development likely to affect an electrical transmission or distribution network. The application will be referred to the relevant utility providers during the assessment.	-

- (c) installation of a swimming pool any part of which is—
- (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
 - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

Section 2.119 – Development with frontage to classified road

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—
- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

As discussed in **Section 8.5** and **Section 8.7**, the development has been designed according to these provisions (access and noise).

Section 8.5
Section 8.7

Section 2.120 – Impact of road noise or vibration on non-road development

- (1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—
- (a) residential accommodation,
 - (b) a place of public worship,
 - (c) a hospital,
 - (d) an educational establishment or centre-based child care facility.

Section 2.120 – Impact of road noise or vibration on non-road development
Section 2.120 requires a consent authority to consider the impacts of road noise and vibration on residential development, when adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles.
McMullen Avenue is considered a busy road for the purposes of this assessment. The Noise and Vibration Assessment undertaken by RWDI has therefore been prepared with consideration of the relevant noise criteria that must be met on a busy road.
For further details, refer to the Noise and Vibration Impact Assessment prepared by RWDI at **Appendix AA**

Section 8.7

Section 2.122 – Traffic-generating development		
(4) Before determining a development application for development to which this 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.	Section 2.122 requires the consent authority to provide Transport for NSW with written notice of the development application for developments considered a 'traffic generating activity'. The proposed development is defines as traffic generating development in accordance with Schedule 3 of the Transport and Infrastructure SEPP, as the site has access to a road that connects to a classified road and, amongst other considerations, delivers more than 75 dwellings. As such, the SSDA will require referral to Transport for NSW for comment during the assessment. For further details, refer to the Traffic Impact Assessment prepared by Stantec at Appendix O.	Section 8.5
State Environmental Planning Policy (Housing) 2021		
Section 15A – Objective of division		
The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.	The proposed development will contribute to the achievement of this objective by providing affordable housing on site as part of the residential mix.	Section 3.2
Section 15C – Development to which division applies		
(1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument	The site is zoned R1 General Residential which permits shop top housing with consent under The Hills LEP 2019.	Section 6.2
(b) the affordable housing component is at least 10%	Complies. 42 affordable housing dwellings are proposed, which is 15% of the GFA of the total 371 dwellings.	Section 3.2
(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	Complies. The site is located on land within the Six Cities region in an accessible area as it is located approximately 330m walking distance from the Castle Hill Metro Station.	Section 2.2

(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division	Complies. There is no other environmental planning instrument or planning agreement applicable to the site that includes an affordable housing component.	-
Section 16 - Affordable housing requirements for additional floor space ratio		
(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 proposed development is seeking to provide 42 affordable dwellings, however is not pursuing additional floor space under this section.	-
(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} + 2$		
(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).	Not applicable. The site does not have a maximum height of building control therefore cannot obtain additional building height.	-
(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.	Not applicable as an FSR control applies to the site.	-
Section 17 – Affordable floor space ratio for relevant authorities and registered community housing providers		
(1) This section applies to residential development to which this division applies that is carried out— (a) by or on behalf of a relevant authority or registered community housing provider, and (b) on land with a maximum permissible floor space ratio of 2:1 or less.	Not applicable. UPG is not a relevant authority or CHP, nor does the site have a maximum permissible floor space ratio of 2:1 or less.	-
Section 19 – Non-discretionary development standards – the Act, s 4.15		
(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.	Noted.	-
(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 ,	Complies. The area of the subject site is 3,180.4m ² , well above the minimum 450m ² .	Section 3.2
(b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (ii) 30% of the site area,	Complies. 30% of the site area equates to 954.12m ² . 61.5% of the site area (1,955m ²) is proposed to be landscaped area.	Section 3.10

(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 subsection 19(3).	-
(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 subsection 19(3).	-
(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,	Complies. Refer to Section Error! Reference source not found..	Section 8.5
(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, (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,	Complies. Refer to Section Error! Reference source not found..	Section 8.5
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Complies. The minimum area of apartments as per the ADG has been achieved across the development. This is further discussed and summarised in Section Error! Reference source not found..	Section 8.3
(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	Not applicable.	-
(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m ² , (ii) for each dwelling containing 2 bedrooms—90m ² , (iii) for each dwelling containing at least 3 bedrooms—115m ² plus 12m ² for each bedroom in addition to 3 bedrooms.	Not applicable.	-
(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Chapter 4 applies to this development. Accordingly, subsection (2)(c) and (2)(d) do not apply.	-
Section 20 – Design requirements		
(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.	Not applicable.	-
(2) Subsection (1) does not apply to development to which Chapter 4 applies.	Noted.	-
(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,	The Castle Hill strategic centre is undergoing significant residential densification as part of the North West Metro urban renewal corridor. The site is identified for high density residential development under the Castle Hill Precinct Plan. The proposed development will deliver a shop top housing development that is consistent with this vision.	Section 2.3

(b) for precincts undergoing transition—the desired future character of the precinct.

Section 21 – Must be used for affordable housing for at least 15 years

(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

(b) the affordable housing component will be managed by a registered community housing provider.

Not applicable.

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(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.

Not applicable.

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Section 144 – Application of Chapter

(2) This chapter applies to the following—

(a) development for the purposes of residential flat buildings,

(b) development for the purposes of shop top housing,

(c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.

This chapter applies to the development which is shop top housing that consists of the erection of a new building, is at least 3 storeys (not including underground car parking storeys), and contains at least 4 dwellings.

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(3) This chapter applies to development only if—

(a) the development consists of—

(i) the erection of a new building

(b) the building is at least 3 storeys, not including underground car parking storeys, and

(c) the building contains at least 4 dwellings.

Section 147 – Determination of development application and modification applications for residential apartment development

(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.

Studio SC has prepared a Design Verification Statement included at **Appendix G**, confirming that the proposal appropriately addresses each of the design principles for residential development set out in Schedule 9, as well as the Apartment Design Guide (ADG).

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Section 148 – Non-discretionary development standards for residential apartment development – the Act, s 4.15

(2) The following are non-discretionary development standards—	Compliant. Refer to the Design Verification Statement at Appendix G .	-
(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,		
(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,		
(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.		

The Hills Local Environmental Plan 2019
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<i>Clause 2.3</i> <i>Zone Objectives and Land Use Table</i>	The site is zoned R1 General Residential in which the proposed development of shop top housing is permissible with consent. The proposed development is consistent with the objectives of the R1 zone in that: • The proposed development provides a diverse ground plane with active uses including a retail ground floor tenancy and a public plaza, which work cohesively to support the needs of residents and the broader community. • It will assist in delivery housing supply to meet the housing demands of the community within a high density residential environment. • The proposed development will provide a variety of housing types and sizes through the delivery of a mix of dwelling sizes and the delivery of affordable housing. • It will enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas. No works are proposed in the SP2 zone, nor has it been included for the purposes of calculating FSR as this land will be acquired by Council at the relevant time for road widening.	Section 6.5
<i>Clause 4.1A</i> <i>Minimum lot sizes for dual occupancies, dwelling houses, manor houses, multi dwelling housing and residential flat buildings</i>	The minimum lot size for a residential flat building in the R1 General Residential zone is 4,000m². The total site area is 3,180.4m². Clause 4.1A (3) grants the ability for development consent to be granted to development for the purposes of residential flat building in select zones where the area of the lot is less than the minimum lot size area if the consent authority is satisfied that: • <i>the form of the proposed buildings is compatible with adjoining buildings in terms of their elevation to the street and building height, and</i> • <i>the design and location of rooms, windows and balconies of the proposed buildings, and the open space to be provided, ensures acceptable acoustic and visual privacy, and</i> • <i>all dwellings are designed to minimise energy needs and utilise passive solar design principles, and</i>	

Commented [MO1]: See comments on EIS

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- *significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas.*

In this instance, the shortfall in site area does not give rise to any unacceptable planning, urban design or amenity impacts, for the following reasons.

Compatibility of Built Form and Streetscape Character

The proposed development has been designed having regard to the established and emerging high-density character of the locality, which is undergoing significant transition following the delivery of the Sydney Metro. The scale, height and articulation of the building respond appropriately to surrounding approved and constructed residential flat buildings, particularly those along Old Castle Hill Road and within the Castle Hill Strategic Centre.

The built form presents a podium-and-tower typology that modulates perceived bulk at street level, maintains appropriate street wall proportions, and contributes positively to the evolving urban character. As such, the reduced site area does not result in an outcome that is incompatible with adjoining development in terms of elevation to the street or overall building height.

Residential Amenity, Privacy and Acoustic Performance

The design and siting of habitable rooms, windows and balconies have been carefully configured to ensure acceptable levels of visual and acoustic privacy both within the development and in relation to adjoining properties. Adequate separation distances are achieved through setbacks, articulation of the built form and orientation of primary living spaces.

Communal and private open space areas are appropriately located and sized to support resident amenity, and potential noise impacts associated with surrounding roads and urban activity are mitigated through building orientation, façade treatment and acoustic design measures. The proposal therefore demonstrates that the reduced lot size does not compromise residential amenity outcomes.

Energy Efficiency and Passive Design

All dwellings are designed to minimise energy consumption and incorporate passive solar design principles. The building orientation, massing and façade design maximise solar access to habitable rooms, facilitate cross-ventilation where possible, and reduce reliance on mechanical heating and cooling.

These measures are supported by the incorporation of energy-efficient building services and sustainable design initiatives, ensuring that the development achieves outcomes consistent with contemporary best practice for high-density residential development, notwithstanding the site's reduced area.

Landscaping and Vegetation

	The Main Works SSDA does not seek consent for vegetation removal as it is part of the concurrent Early Works SSDA. Notwithstanding, the development incorporates a comprehensive landscape strategy across setbacks, deep soil zones and communal open space areas. The landscaping scheme contributes to urban canopy, visual relief and residential amenity, and is consistent with the objectives of the zone and the broader greening outcomes sought within the Castle Hill Precinct. The non-compliance with the minimum lot size is considered minor and acceptable in the context of the site's strategic location, irregular configuration and proximity to high-frequency public transport, services and employment. The proposal achieves the underlying objectives of Clause 4.1A by delivering a high-quality residential outcome that is compatible with its context, provides acceptable amenity, and contributes to housing supply in a well-located area.	
<i>Clause 4.3</i> <i>Height</i>	The proposed development is not subject to a maximum height of building control.	Section 6.5
<i>Clause 4.4</i> <i>Floor Space Ratio</i>	The site is subject to a maximum permissible 1.1:1 FSR. The concurrent amendments to The Hills LEP 2019 will increase the FSR to 11.56:1. The proposed development is compliant with the proposed control. Refer to Section 4.0 for detailed discussion on the proposed concurrent rezoning amendments.	Section 4.0
<i>Clause 5.1A</i> <i>Development of land intended to be acquired for public purposes</i>	A portion of the site is zoned SP2 Infrastructure – Local Road Widening. The relevant acquisition authority for this land is The Hills Shire Council. No works are proposed in the applicable area.	Section 6.5
<i>Clause 5.10</i> <i>Heritage conservation</i>	The site is not identified as a heritage item under any EPI or impacted by any heritage items.	Section 6.5
<i>Clause 5.11</i> <i>Bush fire hazard reduction</i>	The site is not identified as bush-fire prone land.	Section 6.5
<i>Clause 5.21</i> <i>Flood planning</i>	The proposed development application is supported by a Stormwater Management Report prepared by BG&E (Appendix V) which demonstrates the proposal's appropriate adoption of stormwater and flood mitigation measures. The site is not identified as flood-affected land as per The Hills LEP 2019.	Section 6.5
<i>Clause 6.3</i> <i>Public Utility Infrastructure</i>	Urban Property Group are the developer and builder on this project. As part of their investigations, the Proponent has reviewed the utility and servicing requirements of the development, and will continue to engage with the relevant services and infrastructure authorities as the project progresses.	-
<i>Clause 7.7</i> <i>Design Excellence</i>	The development has undergone numerous engagement sessions with the State Design Review panel to ensure that the building is capable of exhibiting design excellence. As	Section 8.2

	per the Design Report at Appendix G, the development has been designed to a high standard of architectural design, materials and detailing. It is noted that 4(d) of this clause specifically notes that consideration is to be given to any land protected by solar access controls in the development control plan. Under clause 2.10 of the Planning Systems SEPP, DCPs do not apply to SSDAs. Nevertheless, an assessment of overshadowing of surrounding public open space is provided in Section 8.2 and at Appendix G.	
<i>Clause 7.16</i> <i>Development on certain land at Castle Hill</i>	The site is identified as “Area 1” on the Clause Application Map. Development consent must not be granted to development on land to which this clause applies unless the consent authority has obtained the concurrence of Transport for NSW (TfNSW). Consultation with TfNSW has been undertaken and the outcomes are outlined in Section 7.0.	Section 7.0.