

## AMENDMENT REPORT APPENDIX C – STATUTORY COMPLIANCE ASSESSMENT

Statutory Reference	Relevant Consideration	Assessment	Section in EIS	RTS Reference
<i>Environmental Planning and Assessment Act 1979</i>				
Section 1.3	<i>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</i>	<p>The proposal delivers a high-amenity mixed-use precinct that consolidates housing, retail, and employment uses on an underutilised parcel at the edge of the Rouse Hill Town Centre. By activating White Hart Drive and Tempus Street, the project strengthens the local economy and supports the continued evolution of Rouse Hill as a Strategic Centre in Sydney's north-west.</p> <p>The EIS and the accompanying documentation provide thorough environmental, economic, and social assessments that have informed the design of the project and ensure its suitability for the site. Where appropriate, mitigation measures are provided to manage the social and economic welfare of the community during construction and operational phases of the development.</p>	<b>Section 6 and 7</b>	
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021. The ESD Report (<b>EIS Appendix S</b>) and BASIX Report (<b>EIS Appendix V</b>) identify how the design and ongoing development embeds ESD best practice principles, how the development will exceed relevant industry-recognised building sustainability and environmental performance standards, and how the development minimises greenhouse gas emissions and consumption of resources.</p> <p>Sustainable design features such as solar PV on roof terraces, cross ventilated apartments, drought tolerant landscaping and the efficiencies achieved through Volumetric Modular Construction reduce operational energy and water use, supporting the project's Build to Rent longevity and alignment with State Net Zero objectives.</p> <p>The development will be constructed and operated to contribute towards the net zero priorities as outlined within the Net Zero Plan 2020-2030 (refer <b>EIS Appendix T</b>).</p>	<b>Section 6 and 7</b> <b>Appendix S</b> <b>Appendix T</b> <b>Appendix V</b>	
	<i>To promote the orderly and economic use and development of land</i>	<p>The proposal promotes the orderly and economic use and development of land to meet the needs of the State's growing population. The redevelopment of the site has been guided by detailed site and context analysis and consistent assessment against relevant strategic and statutory planning policies.</p> <p>The project delivers a high quality and economically viable outcome that provides both housing and employment opportunities while contributing significant public benefits. It transforms an existing underutilised site within a well serviced transport corridor into a vertical mixed use community that efficiently uses land and existing infrastructure directly adjoining Rouse Hill Metro Station. Through its Build to Rent and Co Living model, supported by Volumetric Modular Construction, the proposal represents a contemporary and sustainable approach to urban renewal within a designated Strategic Centre.</p>	<b>Section 6 and 7</b>	
	<i>To promote the delivery and maintenance of affordable housing</i>	<p>The proposal will deliver significant and high-quality build-to-rent housing and co-living housing options at a well-connected location and make a significant contribution to the LGA's targets for diverse housing.</p>	<b>Section 6</b>	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	<p>A BDAR Waiver was issued by the Department of Climate Change, Energy, the Environment and Water (<b>DCCEEW</b>) on 29 April 2025 (<b>Appendix X</b>). The BDAR Waiver confirms the development is unlikely to have any significant impact on biodiversity values.</p>	<b>Appendix X</b>	

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	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	An Aboriginal Cultural Heritage Assessment Report ( <b>ACHAR</b> ) ( <b>Appendix HH</b> ) and Heritage Impact Assessment ( <b>HIS</b> ) ( <b>Appendix II</b> ) have been prepared to assess the impacts of the project on built and cultural heritage. The reports conclude that the project will not result in any detrimental impact on any matters of built and cultural heritage (including Aboriginal cultural heritage).	<b>Section 6</b> <b>Appendix HH</b> <b>Appendix II</b>	<b>Amendment Report Appendix L</b>
	<i>To promote good design and amenity of the built environment,</i>	<p>The proposal gives effect to the objective of promoting good design and amenity in the built environment. It is the result of an iterative design process and ongoing engagement with the State Design Review Panel (SDRP), convened by the consent authority (DPHI) to review the design excellence of the development. The applicant and project team have met with the SDRP twice, on 4 December 2024 and 16 April 2025, with the built form, architecture, landscape and urban design refined in response to the Panel's feedback and recommendations. These refinements are detailed in the Design Report (<b>Appendix G</b>), the Landscape Design Report (<b>Appendix Q</b>) and the Connecting with Country Report (<b>Appendix R</b>).</p> <p>The design outcome delivers a high quality architectural and landscape response that enhances amenity for residents and the broader community. The built form emphasises permeability between Tempus Street and the Town Centre, integrating landscaped communal terraces and rooftop wellness spaces that create a distinctive living environment reflective of Rouse Hill's evolving mixed-use centre.</p>	<b>Section 6</b> <b>Appendix G</b> <b>Appendix Q</b> <b>Appendix R</b>	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	<p>As detailed in <b>Appendix E</b> of the EIS, comprehensive community and stakeholder engagement was undertaken throughout the preparation and exhibition of the SSDA. Fifteen submissions were received during the public exhibition period, representing input from Council, local residents, adjoining landholders, agencies, and stakeholders.</p> <p>The project team has carefully reviewed and addressed all relevant matters raised, with detailed responses provided in the Response to Submissions matrix at <b>Appendix A</b> of the Amendment Report. The Amendment Report incorporates updates to the architectural, landscape and technical documentation to reflect feedback and to further strengthen the project's alignment with the vision for Rouse Hill Town Centre as a connected, high amenity Strategic Centre.</p>	<b>Section 5</b> <b>Appendix E</b>	<b>Amendment Report Section 1, Appendix A</b>
	<u>Relevant environmental planning instruments:</u> <ul style="list-style-type: none"> <li>▪ State Environmental Planning Policy (Planning Systems) 2021</li> <li>▪ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>▪ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>▪ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>▪ State Environmental Planning Policy (Housing) 2021</li> <li>▪ State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>▪ The Hills Local Environmental Plan 2019</li> </ul>	See detail below under State Environmental Planning Policies ( <b>SEPPs</b> ) and the LEP.	<b>Appendix C</b>	<b>Amendment Report Appendix C</b>
	<u>Draft environmental planning instruments</u>	N/A	N/A	
Section 4.15	<u>Relevant planning agreement or draft planning agreement</u> Not Applicable	N/A	N/A	
	<i>Environmental Planning and Assessment Regulation 2021 – Schedule 2</i>	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	N/A	
	Development control plans: <ul style="list-style-type: none"> <li>▪ The Hills Shire Development Control Plan</li> </ul>	Pursuant to Section 2.10(a) of the Planning Systems SEPP, development control plans do not apply to State significant development. Notwithstanding, a detailed assessment against the Rouse Hill Precinct Plan has been prepared as part of the Response to Submissions (refer <b>RTS Appendix F</b> ).	N/A	<b>Amendment Report Appendix F</b>

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	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 EIS provides a detailed assessment of the likely impacts of the development including impacts on the natural and built environments and social and economic impacts on the locality. The assessment confirms that the proposal will not result in any significant adverse impacts and that all identified effects can be appropriately managed through the proposed mitigation measures.	Section 6	Amendment Report Section 5
	The suitability of the site for the development	The EIS and Amendment Report assesses and confirms the suitability of the site for the proposed development. The site's strategic location, physical capacity and strong integration with transport, services and infrastructure make it ideally suited to support the successful delivery and operation of the project within the Rouse Hill Town Centre.	Section 7	Amendment Report Section 6
	Any submissions made	Fifteen submissions received during the public exhibition of the SSDA have been reviewed and addressed, as detailed in the Response to Submissions package and this Amendment Report.	Section 5 Amendment Report	Amendment Report Section 6
	The public interest	The proposed development responds appropriately to all relevant planning instruments and controls applying to the site. It is supported by updated technical assessments confirming that any social, economic or environmental impacts can be effectively mitigated through the measures outlined in <b>EIS Appendix D</b> . The proposal provides clear community benefit through the delivery of diverse housing, local employment opportunities and activation of the Rouse Hill Town Centre edges. On balance, the overall benefits of the project substantially outweigh any potential residual impacts, and the development is considered to be in the broader public interest.	Section 7	Amendment Report Section 6
<b>Environmental Planning and Assessment Regulation 2021</b>				
Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	The EIS was prepared to address Schedule 2 of the Regulations and SEARs.	Section 1	
Section 173	Section 173 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	The EIS was prepared to address the requirements of Clause 173 of the EP&A Regulation and SEARs.	Section 1 Appendix A	
Section 193	Section 193 of the Regulations requires an assessment against the principles of ESD.	The EIS addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms.	Section 6	
<b>Biodiversity Conservation Act 2016</b>				
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report ( <b>BDAR</b> ). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	A BDAR Waiver was issued by DCCEEW on 29 <sup>th</sup> April 2025 ( <b>EIS Appendix X</b> ). The BDAR Waiver confirms the development is unlikely to have any significant impact on biodiversity values.	Appendix X	
<b>State Environmental Planning Policies</b>				
State Environmental Planning Policy (Planning Systems) 2021	<b>Clause 27 Build-to-rent housing</b> (1) Development permitted under the Housing SEPP, Chapter 3, Part 4 if— (a) the proposed development has an estimated development cost of— (i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$50 million, or	The proposal satisfies the definition of State Significant Development ( <b>SSD</b> ) under Schedule 1, Clause 27 (Build-to-rent housing) of the Planning Systems SEPP as it is development to which Chapter 3, Part 4 of the Housing SEPP applies. The proposal satisfies the matters in Schedule 1, section 27 of the Planning Systems SEPP: ▪ In relation to section 27(1)(a)(i), the total estimated development cost is \$242,298,238 (excluding GST) (refer Cost Estimate Report prepared by WT Partnership, dated 11 April 2025).	Section 4	

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	<p>(ii) for development on other land—more than \$30 million, and</p> <p>(b) the tenanted component of the proposed development has a value of at least 60% of the estimated development cost of the proposed development, and</p> <p>(c) for development on land in Zone B3 Commercial Core or Zone E2 Commercial Centre—the proposed development does not involve development that is prohibited under an environmental planning instrument applying to the land, other than development for the purposes of multi dwelling housing, residential flat buildings or shop top housing, and</p> <p>(d) for development on other land—the proposed development does not involve development that is prohibited under an environmental planning instrument applying to the land.</p>	<ul style="list-style-type: none"> <li>In relation to section 27(1)(b), the tenanted component equates to \$177,287,157 (excluding GST) of the total estimated development cost (equating to 73% of the total estimated development cost) (refer Cost Estimate Report prepared by WT Partnership, dated 11 April 2025).</li> <li>In relation to section 27(1)(c), the site is not zoned B3 Commercial Core or Zone E2 Commercial Centre.</li> <li>In relation to section 27(1)(d), the proposed land uses are permissible with consent under the Housing SEPP and in the MU1 (Mixed Use) Zone, under the Hills Local Environmental Plan 2019 (LEP).</li> </ul> <p>The proposal satisfies the relevant statutory provisions of the Planning Systems SEPP and Housing SEPP and is declared SSD.</p>		
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<p>Clause 4.6 of the Resilience and Hazards SEPP requires that 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 development.</p> <p>Before determining an application for consent to carry out development, the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	<p>A Combined Preliminary (PSI) and Detailed Site Investigation (DSI) (EIS Appendix EE) assess if the land is suitable can be made suitable (after remediation) for the development. The DSI concludes that the project is suitable and warrants approval subject to implementation of the following:</p> <ul style="list-style-type: none"> <li>Preparation and implementation of a Construction Environmental Management Plan (CEMP) for the construction phase of the project. The CEMP is to include protocols to address unexpected finds which may be encounter during potential targeted minor excavations as part of the proposed development.</li> <li>Completion of a formal waste classification assessment to ensure that spoil generated during basement excavation works is classified and disposed of in accordance with NSW EPA (2014) Waste Classification Guidelines.</li> </ul>	<b>Section 4</b>	<b>Appendix EE</b>
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<p>Section 2.119: Development with a frontage to a classified road requires the consent authority to be satisfied the matters listed in clause 101 have been addressed.</p>	The site has a dual street frontage to Tempus Street and White Hart Drive (identified as local roads).	<b>Section 4</b>	
	Section 2.120: Impact of road noise or vibration on non-road development	A Noise and Vibration Assessment has been undertaken to assess the potential impacts of road noise and vibration on the project (EIS Appendix Y). The NVA identifies mitigation measures to be implemented to ensure that relevant LAeq levels are not exceeded for the residential uses.	<b>Section 6</b>	
	Section 2.122: Traffic-generating development: A public authority, or person acting on behalf of a public authority, must not approve traffic-generating development without written notice of the intention to carry out the development to Transport for NSW (TfNSW) in relation to the development, and taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.	<p>The proposal constitutes traffic generating development as it includes more than 75 dwellings with access to a road that connects to Windsor Road, a classified road. Written notice of the proposal was provided to Transport for NSW (TfNSW) in accordance with Clause 2.122.</p> <p>TfNSW has reviewed the proposal and provided comments, which have been considered in the preparation of the updated Traffic and Transport Assessment (refer to EIS Appendix T) and addressed in the Response to Submissions package.</p>	<b>Section 4</b>	<b>Amendment Report Appendix A, Appendix N</b>
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Chapter 2 Vegetation in non-rural areas aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	<p>Existing trees within the site boundary were approved as a temporary landscape treatment for this 'sleeve' site as part of the Rouse Hill Town Centre development (DA-1824/2006/HB), to screen the big box retail behind, until such time as this site was redeveloped. The Arboricultural Impact Assessment (AIA) (at EIS Appendix O) evaluates the potential impacts on existing trees on and around the site and makes recommendation to reduce impacts on the trees proposed for retention.</p> <p>The BDAR Waiver (at EIS Appendix X) confirms the proposal is unlikely to have any significant impact on biodiversity values of the site and surroundings.</p>	<b>Appendix O</b>	<b>Appendix X</b>
<i>State Environmental Planning Policy (Housing) 2021</i>	<b>Chapter 3 – Part 3 Co-living housing</b>			
	Chapter 3, Part 3 of the Housing SEPP relates to development for the purposes of co-living housing. Part 3 sets out statutory planning provisions that apply to co-living housing.			
	Clause 67 provides that Development for the purposes of co-living housing may be carried out with consent on land in a zone in which—	'Shop top housing' is permitted with consent in the MU1 Mixed Use zone under the LEP. Therefore, 'co-living housing' is permitted with consent pursuant to Clause 67(b) of the Housing SEPP.	<b>Section 4</b>	

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	<p>(a) development for the purposes of co-living housing is permitted under another environmental planning instrument, or</p> <p>(b) development for the purposes of residential flat buildings or shop top housing is permitted under Chapter 5 or another environmental planning instrument.</p>			
	<p>Clause 68(2) identifies development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—</p> <p>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</p> <p>(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,</p> <p>(b) for co-living housing containing 6 private rooms—</p> <p>(i) a total of at least 30m<sup>2</sup> of communal living area, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p> <p>(c) for co-living housing containing more than 6 private rooms—</p> <p>(i) a total of at least 30m<sup>2</sup> of communal living area plus at least a further 2m<sup>2</sup> for each private room in excess of 6 private rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p> <p>(d) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p> <p>(e) unless a relevant planning instrument specifies a lower number—</p> <p>(i) for development on land in an accessible area—0.2 parking spaces for each private room, or</p> <p>(ii) otherwise—0.5 parking spaces for each private room,</p> <p>(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,</p> <p>(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.</p>	<p>The co-living housing apartments comply with the relevant provisions of Clause 68(2) as follows:</p> <ul style="list-style-type: none"> <li>▪ In relation to (a), the site is not subject to a floor space ratio control.</li> <li>▪ In relation to (b), the co-living housing contains more than 6 private rooms.</li> <li>▪ In relation to (c), In relation to (c), the co-living apartments have access to communal living areas that exceed 30 sqm plus a further 2 sqm for each private room in excess of 6 private rooms. The minimum dimensions for each communal living area exceed 3m.</li> <li>▪ In relation to (d), the dedicated communal open space is 1,703 sqm (38.8% of site area, for combined BTR and co-living accommodation). This space exceeds 20% of the site area and minimum dimensions of 3m.</li> <li>▪ In relation to (e), the proposal provides 43 x co-living car parking spaces.</li> <li>▪ In relation to (f), the site is not zoned R2 Low Density Residential or Zone R3 Medium Density Residential.</li> <li>▪ In relation to (g), the site is not zoned R4 High Density Residential.</li> </ul>	<b>Section 4</b>	<b>Amendment Report Appendix B, Appendix G</b>
	<p>Clause 69(1) provides that development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that:</p> <p>(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m<sup>2</sup> and not less than—</p> <p>(i) for a private room intended to be used by a single occupant—12m<sup>2</sup>, or</p> <p>(ii) otherwise—16m<sup>2</sup>, and</p> <p>(b) the minimum lot size for the co-living housing is not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential—600m<sup>2</sup>, or</p> <p>(ii) for development on other land—800m<sup>2</sup>, and</p> <p>(Repealed)</p>	<p>The co-living housing element complies with the relevant provisions of Clause 69(1) as follows:</p> <ul style="list-style-type: none"> <li>▪ In relation to (a), each private room has an area that does not exceed 25 sqm.</li> <li>▪ In relation to (b), the minimum lot size for the co-living housing is not less than 800 sqm.</li> <li>▪ In relation to (c), the land is not zoned R2 Low Density Residential or an equivalent land use.</li> <li>▪ In relation to (d), the co-living housing use contains a dedicated workspace for the manager within the Level 10 communal space.</li> <li>▪ In relation to (e), the ground floor of the co-living housing component is used for commercial and retail premises (which are permissible with consent in the MU1 Mixed Use zone under the LEP).</li> <li>▪ In relation to (f), adequate bathrooms, laundries, and kitchen facilities are available within the co-living housing for the use of each occupant.</li> <li>▪ In relation to (g), each private room will be used by no more than 2 occupants.</li> </ul>	<b>Section 4</b>	<b>Amendment Report Appendix B</b>

Statutory Reference	Relevant Consideration	Assessment	Section in EIS	RTS Reference
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- (c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing—
  - (i) will not contain more than 12 private rooms, and
  - (ii) will be in an accessible area, and
- (d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and
- (e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and
- (f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and
- (g) each private room will be used by no more than 2 occupants, and
- (h) the co-living housing will include adequate bicycle and motorcycle parking spaces.

- In relation to (h), 90 bicycle and 3 motorcycle parking spaces are available to the co-living apartments.

Clause 69(2) provides that development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether:

- (a) the front, side and rear setbacks for the co-living housing are not less than—
  - (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or
  - (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and
- (b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and
- (c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and
- (d) (Repealed)
- (e) (Repealed)
- (f) the design of the building will be compatible with—
  - (i) the desirable elements of the character of the local area, or
  - (ii) for precincts undergoing transition—the desired future character of the precinct.

The co-living housing component complies with the relevant provisions of Clause 69(1) as follows:

- In relation to (a), the land is not zoned R2 Low Density Residential, R3 Medium Density Residential, or R4 High Density Residential.
- In relation to (b), the co-living tower achieves the minimum building separation distances specified in the Apartment Design Guide in relation to neighbouring properties, exceeding 24m separation distance to 6 White Hart Drive to the north. Within the site, a variation is sought between the co-living tower and the middle BTR tower to the north. While the wall-to-wall separation between the co-living and the middle BTR tower is 9.2m, angled windows have been utilised which have been utilised on the southern elevation of the middle BTR tower which provide a separation distance of 12.3m between the living room of the BTR units and the non-habitable co-living lobby. The POS of the BTR unit closest to the co-living tower is approximately 11.4m from the closest co-living unit which does not comply with the 18m and 24m separation distance requirement for habitable-to-habitable rooms or balconies. Privacy screening is utilised on the POS of the BTR unit to ensure privacy is maintained between the co-living and BTR units (shown below). Impacts associated with this variation are therefore considered suitably mitigated.

**Section 4**  
**Appendix G**  
**Amendment Report**  
**Appendix B,**  
**Appendix E**



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		<ul style="list-style-type: none"> <li>In relation to (c), at least 3 hours of direct solar between 9am and 3pm at mid-winter will be provided to the communal living area.</li> <li>In relation to (f), the design of the building complements the evolving character of the Rouse Hill Town Centre through its articulated podium and tower forms, high-quality materials, and active street frontages that reinforce a human-scaled public realm. The building's proportions, façade rhythm and landscape integration respond directly to the Town Centre's established streetscape and emerging high-density built form.</li> </ul>		
	Clause 70 provides that development consent must not be granted for the subdivision of co-living housing into separate lots.	The project does not include the subdivision of the co living housing into separate lots. The co living component will be retained in single ownership and managed as one entity in accordance with Clause 70 of the Housing SEPP.	<b>Section 4</b>	
<b>Chapter 3 – Part 4 Build-to-rent housing</b>				
Chapter 3, Part 4 of the Housing SEPP relates to development for the purposes of BTR housing. Part 4 sets out statutory planning provisions that apply to BTR housing development.				
	Clause 72(3) provides that development consent may be granted for development to which Part 4 applies if: <ul style="list-style-type: none"> <li>(a) the development will result in at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and</li> <li>(b) all buildings containing the dwellings are located on the same lot of land.</li> </ul>	<p>In relation to Clause 72(3)(a), the development will result in at least 50 dwellings to be occupied by individuals under residential tenancy agreements.</p> <p>In relation to Clause 72(3)(b), the buildings containing the BTR dwellings are located on the same lot.</p>	<b>Section 4</b>	
	Clause 73(1) provides that development consent must not be granted to development to which Part 4 part applies unless the consent authority is satisfied that, during the relevant period, the tenanted component of the building— <ul style="list-style-type: none"> <li>(a) will not be subdivided into separate strata lots, and</li> <li>(b) will be owned and controlled by 1 person, and</li> <li>(c) will be operated by 1 managing agent, who provides on-site management.</li> </ul>	<p>In relation to Clause 73(1)(a), the tenanted component of the buildings (i.e. BTR apartments) will not be subdivided into separate strata lots.</p> <p>In relation to Clause 73(1)(b), the tenanted component of the buildings (i.e. BTR apartments) will be owned and controlled by one entity.</p> <p>In relation to Clause 73(1)(c), the tenanted component of the building will be operated by a managing agent who will provide on-site management.</p>	<b>Section 4</b>	
	Clause 74 identifies development standards for particular matters relating to development for the purposes of build-to-rent housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. The following are non-discretionary development standards in relation to the carrying out of the development to which this Part applies—			
	(a) the building height of all proposed buildings is not more than the maximum building height permitted under Chapter 5 or another environmental planning instrument for a building on the land,	The site does not have a maximum building height control under the LEP.	<b>Section 4</b>	
	(b) for development on land in a zone in which no residential accommodation is permitted under another environmental planning instrument—a floor space ratio that is not more than the maximum permissible floor space ratio for other development on the land under another environmental planning instrument,	The site does not have a maximum floor space ratio control under the LEP.	<b>Section 4</b>	
	(c) if paragraph (b) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land under Chapter 5 or another environmental planning instrument,	The site does not have a maximum floor space ratio control under the LEP.	<b>Section 4</b>	
	(d) for development carried out wholly or partly on land in the Eastern Harbour City, Central River City or Western Parkland City— <ul style="list-style-type: none"> <li>(i) for land within an accessible area—0.2 parking spaces for each dwelling, or</li> <li>(ii) otherwise—0.5 parking spaces for each dwelling, or</li> </ul>	<p>The site is located on land in the Central River City.</p> <p>There are 66 x car parking spaces allocated to the BTR housing component. The compliance of the residential parking provision is assessed in the updated Traffic Impact Assessment and Traffic and Transport Statement (<b>RTS Appendix G</b>).</p>	<b>Section 4</b> <b>Appendix W</b>	<b>Amendment Report Appendix G</b>

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	(iii) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument,	The car-parking assessment is based on the maximum number of BTR units (332).		
	(e) if paragraph (d) does not apply—at least the number of parking spaces required under the relevant development control plan or local environmental plan for a residential flat building.	N/A	Section 4	
	<p>Clause 75 applies to ‘residential apartment development’ (including development for the purposes of shop top housing).</p> <p>In determining a development application for the carrying out of residential apartment development, the consent authority must:</p> <p>(a) be flexible in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4, items 4E, 4G and 4K, and</p> <p>(b) in its consideration of the objectives set out in the Apartment Design Guide, Part 4, consider the following—</p> <p>(i) the amenities proposed to be provided to tenants residing in the building through common spaces and shared facilities and services,</p> <p>(ii) whether the configuration and variety of dwellings in the building will provide adequate options to prospective tenants in relation to the size and layout of the dwellings,</p> <p>(iii) (iii) whether tenants residing in the building will be able to relocate to other dwellings in the building that will better accommodate their housing requirements if their requirements change.</p>	The Urban Design Report ( <b>EIS Appendix G</b> ) and updated ADG Assessment Table ( <b>Amendment Report Appendix E</b> ) assess the proposal’s alignment with the design criteria of the Apartment Design Guide ( <b>ADG</b> ), applying the flexibility available to Build to Rent developments in accordance with the DPHI Fact Sheet. The project demonstrates a high level of alignment with the ADG objectives, ensuring design excellence and a high standard of amenity for residents. The proposal has been refined through engagement with the SDRP to deliver a well resolved architectural and urban design outcome.	Section 4 Appendix G	Amendment Report Appendix E
	<p>Clause 76 applies to development to which Part 4 applies if the development is on land in a business zone, including as part of a mixed use development.</p> <p>Clause 76(3) provides that development consent must not be granted for development to which this section applies unless the consent authority is satisfied that a building resulting from the development will have an active street frontage.</p>	The development is on land in a business zone (MU1 Mixed Use zone). The ground floor retail tenancies and residential lobbies contribute to the activation of White Hart Drive and Tempus Street.	Section 4	
	<p><b>Chapter 4 Design of Residential Apartment Development</b></p> <p>Under Chapter 4 of the Housing SEPP, the consent authority must consider:</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide,</p>	<p>The Design Report (<b>EIS Appendix G</b>) provides a detailed assessment of the proposal against the design principles for residential apartment development and the ADG. The assessment demonstrates that the proposal achieves alignment with the key numerical requirements of the ADG including:</p> <ul style="list-style-type: none"> <li>▪ Solar and daylight access (74%)</li> <li>▪ Natural ventilation (60%)</li> <li>▪ Apartment size and layout</li> <li>▪ Ceiling heights</li> <li>▪ Visual privacy</li> <li>▪ Communal open space (38.8%)</li> <li>▪ Deep soil area (14.6%)</li> <li>▪ Storage</li> </ul>	Section 4 Appendix G	Amendment Report Appendix E
State Environmental Planning Policy (Sustainable Buildings) 2022	The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings.	<p><b>Complies</b></p> <p>The ESD Report (<b>EIS Appendix S</b>), BASIX Certificate (<b>EIS Appendix V</b>), and Net Zero Statement (<b>EIS Appendix T</b>) demonstrate how the project achieves a high level of energy efficiency and environmental sustainability, with a strong emphasis placed on natural ventilation mechanisms and solar access.</p> <p>An Embodied Emissions Report also accompanies the ESD and BASIX Report which quantifies the amounts of key materials used in the construction of the proposed development.</p>	Appendix S Appendix V Appendix T	

Statutory Reference	Relevant Consideration	Assessment	Section in EIS	RTS Reference
<b>Hills Shire Local Environmental Plan 2019</b>				
Zoning and Land Use	MU1 Mixed Use Zone	<p><u>Commercial premises</u></p> <p>'Commercial premises' is permitted with consent in the MU1 zone.</p> <p><u>Shop top housing</u></p> <p>'Shop top housing' is permitted with consent in the MU1 zone.</p> <p><u>Co-living housing</u></p> <p>Co-living housing is prohibited in the MU1 Zone (as it falls under the definition of 'residential accommodation'). However, Clause 67(b) of the Housing SEPP provides:</p> <p><i>"Development for the purposes of co-living housing may be carried out with consent on land in a zone in which—</i></p> <p><i>(b) development for the purposes of residential flat buildings or shop top housing is permitted under Chapter 5 or another environmental planning instrument."</i></p> <p>'Shop top housing' is permitted with consent in the MU1 zone; therefore, 'co-living housing' is permitted with consent pursuant to Clause 67(b) of the Housing SEPP.</p> <p>The project is consistent with the relevant objectives of the MU1 zone as follows:</p> <ul style="list-style-type: none"> <li>▪ The retail and commercial land uses will generate employment opportunities.</li> <li>▪ The ground plane achieves diverse and active street frontages that will attract pedestrian traffic and contribute to a vibrant, diverse, and functional public domain at this gateway location.</li> <li>▪ Retail and commercial land uses are provided on the ground floor of the development</li> <li>▪ The project delivers high density housing that well integrated with the surrounding public domain.</li> </ul>	<b>Section 4</b>	
Clause 4.3	The site is not subject to a maximum building height development standard	N/A	-	
Clause 4.4	The site is not subject to a maximum FSR development standard.	N/A	-	
Clause 5.10	The objectives of the Clause are to conserve the environmental heritage of Willoughby and to conserve heritage significance of heritage items and heritage conservation areas.	The site is not listed as a local or State heritage item nor is it within a heritage conservation area.	<b>Section 6</b>	<b>Appendix II</b>
Clause 5.21	Clause 5.21 provides that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless it is satisfied the development meets specified criteria.	<p>The Flood Risk Assessment (at <b>EIS Appendix DD</b>) concludes as follows:</p> <p>Results show that the site is marginally affected by overland flow, but not by mainstream flooding.</p> <ul style="list-style-type: none"> <li>▪ The peak flood depth for the 1% AEP storm event under existing conditions ranges from 0.15m to 0.25m. Additionally, the peak velocity for the 1% AEP storm is generally around 1.5 m/s, reaching up to 1.8 m/s. Flood hazard on White Hart Drive reaches H5, which is unsafe for people and vehicles, during the 1% AEP design event, while the flood hazard category within the site is H1.</li> <li>▪ Similar results were obtained for post-development conditions. The increase in flood levels (afflux) for proposed conditions compared to existing conditions is approximately 10mm on adjacent private land.</li> <li>▪ The flood impacts due to the proposed development are considered negligible and within the accuracy of hydraulic model.</li> <li>▪ Since the proposed finished floor levels for habitable areas are above the PMF level and given the short-duration flooding for both the 1% AEP and PMF storm events, shelter-in-place is a feasible option in addition to flood evacuation via Tempus Street.</li> </ul> <p>The proposed development is suitable and should not require additional mitigation strategies.</p>	<b>Section 4</b>	<b>Appendix Q</b>

Statutory Reference	Relevant Consideration	Assessment	Section in EIS	RTS Reference
Clause 6.3	Clause 6.3 provides that development consent must not be granted for development on land in an urban release area unless Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.	The Infrastructure Delivery, Management and Staging Plan (at <b>EIS Appendix LL</b> ) assesses the capability of existing public utility infrastructure to serve the proposed development and identifies any augmentations, extensions, or additions required.	<b>Section 6</b>	<b>Appendix LL</b>
Clause 7.1	Clause 7.1 provides that development consent must not be granted for the carrying out of works unless an acid sulfate soils management plan has been prepared in accordance with the Acid Sulfate Soils Manual and provided to the consent authority.	The Geotechnical Report ( <b>EIS Appendix Z</b> ) and Preliminary Hydrogeological Assessment ( <b>EIS Appendix AA</b> ) assesses potential impacts on soil resources and related infrastructure and riparian lands on and near the site, including acid sulfate soils. It concludes that the site is not mapped on the acid sulphate soil risk.	<b>Section 6</b>	<b>Appendix Z</b> <b>Appendix AA</b>
Clause 7.2	Clause 7.2 provides that development is required for earthworks.	Consent is sought for earthworks to accommodate a basement parking area. The accompanying technical documentation provides details on the existing ground conditions to inform methods of excavation and precautionary actions to mitigate potential impacts of the earthworks activity.	<b>Appendix Z</b>	
Clause 7.7	Clause 7.7 provides that development consent must not be granted to development involving the erection of a new building if the building has a height of 25 metres or more unless the consent authority considers that it exhibits design excellence.	<p>The project is the outcome of ongoing engagement with the State Design Review Panel (<b>SDRP</b>).</p> <p>The applicant and project team have twice met with the SDRP to present the scheme. The architecture, landscape, and urban design of the project has been refined to respond to feedback and recommendations provided by the SDRP. The Panel was convened by the consent authority (DPHI) for the purposes of reviewing the design excellence of the development.</p> <p>The project is consistent with the objectives of Clause 7.7 to achieve the highest standard of architectural and urban design. As detailed in the Design Report (<b>EIS Appendix G</b>), the project is consistent with the design excellence matters listed in Clause 7.7(a) – (f) and addresses the advice and recommendations of the SDRP convened by DPHI for the purposes of reviewing the design excellence of the development.</p>	<b>Section 6</b>	<b>Appendix G</b>