

APPENDIX C – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Environmental Planning and Assessment Act			
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>		Refer Section 4 of EIS.
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>		
	<i>To promote the orderly and economic use and development of land</i>		
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>		
Section 4.15	Relevant environmental planning instruments: ▪ <i>Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999</i> ▪ <i>NSW Biodiversity Act 2016</i>	State Environmental Planning Instruments and Environmental Planning Instruments have been assessed.	Refer to Section 4 of EIS.

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2021</i> <i>Biodiversity Conservation Act 2016 (BC Act)</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021</i> <i>Hills Local Environmental Plan 2019 (HLEP 2019)</i>		
	Relevant planning agreement or draft planning agreement	Not applicable	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>Environmental Planning and Assessment Regulation 2000</i> – Schedule 2	This EIS has been prepared in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000.	
	Development control plans: Hills Shire Development Control Plan 2019 (HDCP 2019)	See detail below under development control plan	
	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 including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Refer to Section 6 of the EIS.
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	Refer to Section 7 of the EIS.
	Any submissions made	Submissions will be considered following exhibition of the application.	
	The public interest	The proposed development is compliant with the relevant planning instruments and controls applying to the site. The proposal will not create any adverse significant social, economic or environmental impacts which cannot be mitigated via the proposed mitigation measures in this application.	Refer to Section 7 of the EIS

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		This project represents a significant opportunity to promote and enhance Kellyville Park for the benefit of the community.	
Environmental Planning and Assessment Regulation 2021			
Division 5	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.	Refer to Section 4 of the EIS.
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). 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.	The SEARs require the preparation of a BDAR as the proposal seeks to remove vegetation on the site. The assessment indicates that the removal of this native vegetation will require a total of one (1) ecosystem credit of PCT 849. The project proposes to satisfy the credit obligation through the payment into the Biodiversity Conservation Fund.	Section 6.9 and Appendix P
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	In accordance with Schedule 1, clause 13 of the Planning System SEPP, cultural, recreation and tourist facilities that have a capital investment value of more than \$30 million are considered SSD.	The proposed works have an estimated CIV of \$XX and accordingly, the proposal is SSD for the purposes of the Planning System SEPPSEPP.	Appendix BB

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	In accordance with the ISEPP, car parking with more than 50 spaces adjacent to a classified road require referral to RMS. The Proponent will consult with the TfNSW during preparation of the EIS for the project, which will be referred to TfNSW for review and comment during the public exhibition period.	In accordance with Clause 104 Traffic-generating development under Schedule 3, the site adjoins a classified road being “Memorial Avenue”. More than 50 spaces are not being provided.	
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Clause 4.6 states that land must not be developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	The EIS has been supported by a Detailed Site Investigation (DSI).	Section 6.6 and Appendix L
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	A person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Policy.	There is no new signage or advertising proposed as part of this development application.	N/A
<i>State Environmental Planning Policy (Biodiversity)</i>	A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.	The removal of vegetation will be undertaken in accordance with the BDAR prepared. The assessment indicates that the removal of this native vegetation will require a total of one (1) ecosystem credit of PCT 849. The project	Chapter 6.8 of the EIS.

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>and Conservation) 2021</i>		proposes to satisfy the credit obligation through the payment into the Biodiversity Conservation Fund. Pursuant to Schedule 5 of the SEPP, the Chapter 6 does not apply as the Hills Shire Council is not included as “bushland in urban areas”.	
Hills Local Environmental Plan 2019			
Zoning and Land Use	The proposed development involves recreation facility (major) which is a permissible use with consent in the RE1 Public Recreation Zone.	The proposal is entirely consistent with the objectives of the zone given: It is upgrading existing recreational playing fields to the benefit of the community promoting healthy, connected and inclusive services to meet the needs, while enhancing the natural surroundings.	Section 4 of the EIS
4.3 Height of Buildings	Not specified	The proposed development will have a maximum height of 12.75m.	Section 3.2 & 4 and Appendix B
4.4 Floor Space Ratio	Not specified	The proposed development will have a total GFA of 5,877sqm. Together with the existing development, the proposed FSR for the entire site is 0.17:1.	Section 3.2 & 4 and Appendix B
5.10 Heritage Conservation	Development consent is required to	No	Section 4 of EIS

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>(a) demolish or move any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)</i> <i>(i) a heritage item,</i> <i>(ii) an Aboriginal object,</i> <i>(iii) a building, work, relic or tree within a heritage conservation area,</i>	The site does not contain a heritage item and is not located in an HCA.	
7.1 Flood Planning	Minimise the flood risk to life and property associated with the use of land.	A Flood Report has been prepared at Appendix XX and accompanies the EIS demonstrating that the proposal will not result flood impacts subject to appropriate mitigation measures.	Section 6.9 and Appendix Q
7.2 Terrestrial Biodiversity	Maintain terrestrial biodiversity by protecting native fauna and flora, ecological processes and encouraging the conservation and recovery of native fauna and flora.	A Biodiversity Development Assessment Report (BDAR) has been prepared and accompanies the EIS.	Section 6.8 and Appendix P
The Hills Development Control Plan 2019			
Part C Section 1 Parking			
Table 1 Required Minimum Car Parking Provisions	Recreational Facilities - Submit parking study to substantiate proposed car parking provisions.	The specific use is not categorised or provided with a parking provision rate and as such proposed parking provisions are to be substantiated based on the provision of a parking study prepared by WSP.	Section 6.4 and Appendix J

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
2.2. Parking for disabled persons and parents with prams	The use of the site as a Recreational Facility has a requirement that 3% of total car parking spaces are to be provided as DDA compliant spaces.	A total of nine (9) DDA compliant parking spaces are already provided across the existing 290 off-street parking spaces, in line with the required provisions rates, therefore the proposal for a further 40 parking spaces would require the provision of 1 more DDA complaint space. The development plans meet this requirement with the provision of 1 additional DDA compliant space located in the new parking area.	Section 6.4 and Appendix J
2.3 Bicycle Parking	Bicycle parking requirements for a variety of proposed development uses are provided, however does not provide a provision rate for the identified use of the site as a Recreational Facility.	Consideration has subsequently been given to the provision of bicycle parking based on ESD input which has identified the following rates for the provision of secure bicycle parking facilities: — 7.5% of total regular site occupants. — 5% of peak site visitors. Based on the above, it is considered that the site may require the provision of 53 bicycle parking spaces. In line with this requirement, the plans show the provision of 53 spaces comprising a mixture of at-grade and vertical hanging spaces situated along the outer walls of the COE and CF.	Section 6.4 and Appendix J
2.4 Motorcycle parking	Clause 2.4 to Part C of The Hills 2012 Development Control Plan (DCP), where more than 50 onsite parking spaces are proposed, motorcycle parking should also be	Given the proposed site upgrade proposes the provision of an additional 40 spaces as part of the	Section 6.4 and Appendix J

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	provided at a rate of 1 space per 50 parking spaces or part thereof.	redevelopment, it is not considered that any motorcycle parking is required. However, on the basis of a total post development provision of 330 spaces, it is considered that allowance for 7 motorcycle spaces would be appropriate and in line with the statutory requirements. In line with this requirement, the architectural plans have shown a provision of 7 motorcycle parking spaces located along the western edge of the existing parking area.	
2.7. Car park design and layout	AS 2590.1 –1993 Parking Facilities – Part 1 Off Street Car Parking. For further design requirements for car park design and layout please refer to the Australian Standard. The preferred parking angle should be at 90 degrees to the aisle. Where site area is limited other angles of parking will be considered. For angle parking design requirements other than at 90 degrees refer to AS 2890.1-1993 – Parking Facilities – Part 1: Off Street Parking.	The additional car spaces are all to have minimum dimensions of 2.5m width by 5.4m length and are to be accessed from an aisle of 7.1m. These dimensions all accord with or exceed the required dimensions as per AS2890.1:2004.	Section 6.4 and Appendix J
2.9. Loading and delivery requirements	All loading and delivery areas are to be provided on-site.	On-site loading/servicing and waste collections are to be facilitated via the provision of a loading area accessed from an access aisle extending out of the new car park, to the onsite	Section 6.4 and Appendix J

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Loading and delivery facilities are to be designed in accordance with AS 2890.2-1989, Off Street Parking - Part 2: Commercial vehicles facilities	loading/service area on the eastern side of the CoE. A turning area is to be provided off this access aisle, such that loading vehicles can enter and exit the service aisle in a forward's direction and undertake any required turning movements proximate to the loading bay. A swept path diagram has been prepared using an 8.8m MRV form AS2890.2 which confirms that there will be sufficient room for a loading vehicle to undertake the required turning manoeuvre in a single movement.	
2.10.Access driveways	Access driveway widths are to comply with AS 2890.1-1993 Parking Facilities – Part 1: Off Street Car Parking.	In order to facilitate vehicle turnaround movements in the event that all spaces are occupied, it is considered that the loading/service bay access, located towards the northern end of the car park, will also function in the capacity of a turnaround bay as per the requirements of AS2890.1:2004 for a blind aisle car park. On this basis, the proposed access/egress for car park lifts and site access/egress is considered satisfactory.	Section 6.4 and Appendix J
Part C Section 3 Landscaping			

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
2.2. Biodiversity	Part 7 of the Biodiversity Conservation Act sets out the requirements for biodiversity assessment and sets out significant impact threshold criteria that trigger entry into the Biodiversity Offset Scheme (BOS).	The removal of vegetation will be undertaken in accordance with the BDAR prepared. The assessment indicates that the removal of this native vegetation will require a total of one (1) ecosystem credit of PCT 849. The project proposes to satisfy the credit obligation through the payment into the Biodiversity Conservation Fund.	Section 6.8 and Appendix J
3.1. General planning and design controls	To provide general design principles to ensure that appropriate landscaping is provided to complement the type of development proposed. To ensure that appropriate detail and information is provided on landscape plans.	Seven of the trees to be removed are constituents of the Shale Plains Woodland, which is listed as a Critically Endangered Ecological Community. However, these trees are located in an isolated stand located centrally within the site and are not contiguous with any larger area of indigenous vegetation. The site is proposed to support a new large area of local indigenous 'Cumberland Plain Woodland' ecological community plant species, which will significantly improve the urban tree canopy coverage of the local area.	Section 6.3 and Appendix P
3.2. Protection of trees and Understorey	Wherever trees are removed (with consent) as a consequence of the development, an equal or greater number of replacement trees must be incorporated into the landscaping of the new development	The Landscape Concept Plan indicates an area of more than 1,850 square metres for new plantings, including 88 new trees.	Section 3.2.5 and Appendix H

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
3.5. Drainage And On-Site Detention	All landscape works are to include provision for adequate drainage including collection or dispersal of stormwater run-off, prevention of ponding of water on pavements or discharge of run-off onto adjoining properties or public areas.	Conveyance of flows from the design major storm event – grading of the new carpark, footpath and landscaping has been completed to ensure adequate overland flow paths are available to convey flows at surface level safely away from the buildings. Where no adequate flow paths are available, the underground pipe network has been designed to cater for the 100 year ARI event.	Section 6.10 and Appendix R.
3.12. Car Parking	Outdoor parking areas are to be provided with two metre wide landscaping strips as depicted in Figure 6 – Landscaping and screening for car parking: - Between rows served by different aisles; and - Between spaces at a rate of one in every ten car parking spaces (as determined in Part C Section 1 - Parking).	Proposed trees have been strategically placed to maximise shade coverage of hard surface areas in the mid afternoon when the sun is at its hottest. This reduces the amount of heat absorbed and retained by the hard surfaces, helping to reduce the heat island effect. As shown diagrammatically below a large area of the proposed car will be shaded in the mid afternoon as well as shading of the main concourse pathway from the car park areas.	Section 6.3 and Appendix J
Part C Section 6 Flood Controlled Land			
Flood Impacts	The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: Loss of flood storage;	the proposed development is not affected by flooding from Strangers Creek up to the PMF event.	Section 6.9 and Appendix Q

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	- Changes in flood levels and velocities caused by alterations to the flood conveyance, including the effects of fencing styles; and, - The cumulative impact of multiple potential developments in the floodplain.	Thus, the proposed development is not expected to generate flood impacts related to Creek Flooding. The flood model results shows that the proposed development does not generate adverse flood impacts to the adjacent properties up to 0.2% AEP flood events. Increases in flood levels are contained within the site area. The flood model results shows that the proposed development does not generate adverse change in flow velocities to the adjacent properties in the 5%, 1% and 0.2% AEP flood events Change in flow velocities are contained within the site area. These changes are generally minor (below 0.4m/s). The flood model results shows that the proposed development does not generate adverse change in flood hazard to the adjacent properties in the 5%, 1% and 0.2% AEP flood events.	
1.5 Flood Compatible Building	Flood compatible building components and methods are a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, or the use of flood compatible materials for the reduction or elimination of	Overland flow velocities up to 3.5 m/s are expected in the PMF flood event. Flood compatible material would need to be considered	Section 6.9 and Appendix Q

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	flood damage. Flood compatible materials include those materials used in building that are resistant to damage when inundated.	to eliminate the risk of flood damage from overland flooding.	
1.6 Flood Planning Levels	A range of flood planning levels (FPL) may apply depending on the type of land use and Part C Section 6 Flood Controlled Land. The Hills Shire Council Page 2 the part of the development in consideration. In principle, a higher FPL will apply to land uses considered more sensitive to flood hazards or which may be critical to emergency management operations or the recovery of the community after a flood event. Different FPLs are also considered appropriate for different parts of development. For example, the non-habitable floor levels of a dwelling can be at a lower level relative to the habitable floor level. The following table outlines those FPLs to be applied within the development controls outlined later in this section of the DCP. FPL1: 20 year ARI FPL2: 100 year ARI FPL3: 100 year ARI + 0.5m FPL4: PMF	the proposed development is not affected by flooding from Stranger Creek up to and including the PMF flood event. Lower building level is at 63.6 m AHD which is above the peak PMF flood level which is 61.4 m AHD. Flood planning levels for the proposed building are above the requirements of the flood planning level FPL1.	Section 6.9 and Appendix Q