

Appendix 3 – Statutory Compliance Table

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

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
Environmental Planning and Assessment Act 1979			
Section 1.3	(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 facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, (c) to promote the orderly and economic use and development of land, (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), (g) to promote good design and amenity of the built environment,	The objects of the Act are address in the assessment of impacts section of the EIS.	Section 4

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	(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,		
Section 4.15	(a) the provisions of— (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), (v) (Repealed) that apply to the land to which the development application relates,	The relevant provisions of the EPIs and DCPs have been addressed in this EIS.	Section 4 of this EIS and this table.
	(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the development have been addressed in detail in the EIS.	Sections 6 and 7
	(c) the suitability of the site for the development,	The site has been specifically ear marked for the proposed development and is the subject of an approved Concept Plan which provides site layout and building envelopes for residential development. The proposed development is consistent with the site layout and building envelopes (as proposed to be modified) and therefore is suitable for the proposed development.	Sections 2.4, 6 and 7

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		The site is located immediately adjacent to the Showground Station metro and has a very high level of accessibility and is an ideal location for high density residential development. Finally, the redevelopment of the site will include a large public part. The assessment of the key issues demonstrates that the development will not result in any unreasonable impacts on the surrounding properties or the public domain having regard to the design measures implemented into the design and the proposed mitigation measures.	
	(d) any submissions made in accordance with this Act or the regulations,	Submissions will be considered following the public exhibition of the application.	-
	(e) the public interest.	The proposed development will deliver substantial social and economic benefits.	Section 7
Environmental Planning and Assessment Regulation 2021			
Clause 191	Clause 191 of the EP&A Reg provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Clause 191 of the EP&A Regulations and SEARs.	Section 6 of the and Appendix 1
Water Management Act 2000			
Section 90	In accordance with section 90(2) of the Water Management Act 2000, an water management work approval is required for construction dewatering. Notwithstanding this in accordance with clause 4.41(1)(g) of the EP&A Act a water management work approval for construction dewatering under section 90 of the Water Management Act 2000 is not required for SSD that is authorised by a development consent granted under Division 4.7 of the EP&A Act.	The Geotechnical Report prepared by EI Australia indicates that groundwater was encountered which will require some dewatering and drained basements.	Appendix 46

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017			
Section 7.9	In accordance with clause 7.9 of the Biodiversity Conservation Act 2016 an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development is to be accompanied by a biodiversity development assessment report unless that Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.	A delegate of the Secretary of the Department of Planning and Environment and a Delegate of the Secretary within the Environment and Heritage Group have determined that the proposed development is not likely to have any significant impact on biodiversity values and that a BDAR is not required to accompany any application for development consent for the proposed development. A waiver for the preparation of a BDAR was provided on 24 October 2023.	Appendix 51
State Environmental Planning Policy (Planning Systems) 2021			
Clause 2.6	Chapter 2 of State Environmental Planning Policy (Planning Systems) 2021 (SEPP (Planning Systems)) identifies development which is State significant development. In accordance with clause 2.2 word and expressions used in this Chapter have the same meaning as they have in the standard local environmental planning instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006. Pursuant to clause 2.6(1)(b) development is declared to be State significance development for the purposes of the Act if the development is specified in Schedule 1 or 2. Part 19(2)(a) of Schedule 1 of the SEPP provides that the following is State Significant Development (SSD): <i>19 Rail and related transport facilities</i> <i>(2) Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes—</i> <i>(a) commercial premises or residential accommodation,</i>	The subject proposal is for residential accommodation associated with railway infrastructure and the project has a value in excess of \$30 million and therefore the proposal satisfies the requirements of Part 19(2)(a) of Schedule 1 of the SEPP.	Appendix 36

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State Environmental Planning Policy (Transport and Infrastructure) 2021			
Clause 2.98 and 2.99	In accordance with clauses 2.98(2) and 2.99(2) of State Environmental Planning Policy (Transport and Infrastructure) 2021, the consent authority before determining a DA for development adjacent to rail corridors and/or involves excavation in, above, below or adjacent a rail corridor, must: • within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and • take into consideration - • any response to the notice that is received within 21 days after the notice is given, and • any guidelines that are issued by the Planning Secretary for the purpose of these clauses and published in the Gazette	Lot 3 is located directly above the metro corridor and as the development involves excavation within the rail corridor, it must be referred to TfNSW/ Sydney Metro and take into consideration any response received.	Appendix 66 to 75 have been prepared to specifically address the relationship of the proposal with the Sydney Metro tunnel and identify how impacts will be managed
Clause 2.100	Under clause 2.100(2) and (3), the consent authority before determining the DA, must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded— <i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i> <i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i>	The proposal is for residential development adjacent to a rail corridor. Section 6.11 and Appendix 59 which contains an acoustic report prepared by Acoustic Logic accompanies the application at and addresses these criteria.	Section 6.11 and Appendix 59 .
Clause 2.119	Clause 2.119 Development with frontage to classified road provides that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— <i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i>	The site has a frontage to Showground Road which is a classified road, however, the development does not involve vehicular access direction from Showground Road.	Section 6.9 and Appendix 15 .

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	<i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i> <i>(i) the design of the vehicular access to the land, or</i> <i>(ii) the emission of smoke or dust from the development, or</i> <i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i>		
Clause 2.120	Clause 2.120 applies to residential development adjacent to the road corridor with an annual average daily traffic volume of more than 20,000 vehicles and requires a consent authority to consider the impacts of road noise and vibration on residential development. This section specifically requires: <i>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following Lae1 levels are not exceeded—</i> <i>(a) In any bedroom in the residential accommodation—35dB(A) at any time between 10pm and 7am,</i> <i>(b) Anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40dB(A) at any time.</i>	The site is adjacent to Showground Road which has a volume of more than 20,000 vehicles per day. Section 6.11 and Appendix 59 which contains an acoustic report prepared by Acoustic Logic accompanies the application at and addresses these criteria.	Section 6.11 and Appendix 59.
Clause 2.122	Clause 2.122(1)(a) of State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to development specified in Column 1 of the Table to schedule 3 that involves a new premises of the relevant size of capacity. Carparks (whether or not ancillary to other development with 200 or more car parking spaces and residential apartment development with more than 300 apartments are identified in the Table in Schedule 3. In accordance with clause 2.122(4)	As the proposal involves parking for greater than 200 motor vehicles and has more than 300 apartments, the application will need to be referred to the TfNSW during the assessment period. The Traffic and Parking Assessment prepared by JMT which accompanies the application provides an assessment of the proposal which demonstrates that it will not result in an unacceptable impact in relation to the performance of the surrounding road network.	Section 4 of the EIS and Appendix 15

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	<i>(4) Before determining a development application for development to which this section applies, the consent authority must—</i> <i>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</i> <i>(b) take into consideration—</i> <i>(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</i> <i>(ii) the accessibility of the site concerned, including—</i> <i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i> <i>(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</i> <i>(iii) any potential traffic safety, road congestion or parking implications of the development.</i> <i>(5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</i>		
State Environmental Planning Policy (Resilience and Hazards) 2021			
Clause 4.6	Chapter 4 'Remediation of Land' in State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the whole of the State. In accordance with clause 4.6 of the SEPP a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable	Parts of the land require contaminated material to be removed before it is used for the proposed development. The application is accompanied by a Detailed Site Investigation prepared by EI Australia at Appendix 44 and a Remediation Action Plan (RAP) prepared by EI Australia at Appendix 45 . Subject to conditions of consent to require remediation in accordance with the RAP, the Department can be satisfied that the site will be made suitable for the proposed development.	Section 6.16 of the EIS and Appendix 44 and 45 .

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	after remediation) for the purpose for which the development is proposed to be carried out. Clause 4.6 also provides that before determining an application for consent to carry out development that would involve a change or use to carry out development for a recreational purposes the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.		
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
Chapter 2 Vegetation in Non-Rural Area	Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the Hills Shire Council and requires approval for removal of trees on the site.	Development consent 988/2022/JPZ for civil works and subdivision already permits removal of all trees in Lot 4 and most trees in Lot 5. Eight trees are located within the location of the Concept Plan building footprints on Lot 5, whilst five trees are located within the location of the Concept Plan building footprint on Lot 3, and therefore these trees require removal to facilitate the anticipated development of the site as envisaged by the Concept Plan. The proposed tree removal has been informed by the Arboricultural Impact Assessment provided at Appendix 54.	Section 6.7 and Appendix 55.
Chapter 6 Water Catchments	The site is located within the Hawkesbury-Nepean system and Clause 6.6 requires consideration of water quality and quantity including: <i>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</i> <i>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</i> <i>(c) whether the development will increase the amount of stormwater run-off from a site,</i>	The impact of the development on water quality has been addressed in the EIS. Water Sensitive Urban Design measures are to be implemented.	Section 6.13 and Appendix 22

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	(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse, (e) the impact of the development on the level and quality of the water table, (f) the cumulative environmental impact of the development on the regulated catchment, (g) whether the development makes adequate provision to protect the quality and quantity of ground water. Clause 6.6(2) provides that development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures— (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and (b) the impact on water flow in a natural waterbody will be minimised.		
State Environmental Planning Policy (Sustainable Buildings) 2022			
Chapter 2 Standards for residential development - BASIX	State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the development and aims to encourage sustainable residential development.	A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.	Appendix 29 and Appendix 30
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development			
Clause 28	SEPP 65 applies to development for the purpose of a new residential flat building, shop top housing or mixed use development, the substantial redevelopment/refurbishment of one of these buildings or the conversion of an existing building into one of these types of buildings provided the building is at least 3 or more storeys and the building contains at least 4 or more dwellings. The development meets the definition of a	The advice from the design review panel is addressed in detail in the Design Excellence Report at Appendix 14. The design quality of the development when evaluated in accordance with the nine applicable design quality principles, and the Apartment Design Guide (ADG) are addressed in Appendix 7 Architectural Statement (SEPP 65) prepared by	

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	residential flat building. As such the provisions of SEPP 65 are applicable to the proposed development. SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes. In order to satisfy these aims and improve the design quality of residential apartment buildings in the State, the plan sets design principles in relation to context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics A consent authority is required by clause 28(2) of SEPP 65 to take into consideration the following: - the advice (if any) obtained from the design review panel, - the design quality of the development when evaluated in accordance with the nine applicable design quality principles, and - the Apartment Design Guide (ADG).	Turner architects and Appendix 9 Architectural Statement (SEPP 65) prepared by Group GSA architects. The proposed development satisfies the design principles of the plan as follows: Context and Neighbourhood Character The development is considered to be contextually appropriate for the following reasons: - The proposed development is permissible in the R1 General Residential zones pursuant to the Hills Local Environmental Plan 2019, meets the objectives of these zones and is consistent with the desired future character of the area. - The proposed development will deliver the urban renewal of a large vacant site adjacent to Showground metro station Station which will contribute profoundly to the vibrancy, open space, amenity, economic success and housing choice within the area. The siting, scale, bulk, and massing of the development is generally consistent with that anticipated for the site by the approved Concept Plan SSD 90653 and represents an appropriately designed development which will contribute positively to the area. - The proposed massing of the development provides a high level of modulation in scale between the various buildings and components of buildings within the development whilst also realising the environmental capacity of the site. The proposed massing of the development facilitates a high level of environmental performance within the development, reduced impacts on surrounding properties, allows for integration with the surrounding landscape and appropriate levels of solar access, combined with a high level of visual permeability and connectivity throughout the site. - The proposal is a transit orientated development that will provide additional housing choice with excellent access to	

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		the Showground metro station as well as being located close to other nearby centres including Castle Hill Town Centre and is in close proximity to a range of recreational opportunities and services and facilities. - Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location having regard to the future desired character of the area and the emerging context. In this regard the development will be compatible with its emerging context. Built Form and Scale The scale of the proposed buildings is appropriate to the scale of the street and the forthcoming development of the surrounding properties for the following reasons: - The scale of the proposed buildings is generally consistent with the height expressed for the site under The Hills Local Environmental Plan 2019. The scale of the buildings is also as anticipated for the site under the approved Concept Plan SSD 9653. - The scale of the proposed buildings is modulated with a range of heights from 3 to 16 storeys and responds positively to the scale and siting of future development within the visual catchment of the site, particularly with higher buildings to the west at Doran Drive Plaza. - The proposed design delivers appropriate separation between the towers as well as a superior level of environmental performance within the development, and a high level of visual permeability throughout the site. - The proposal incorporates a high level of materiality and demonstrates fine grain active frontages and the buildings architecture combined with the public domain improvements	

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		will serve to activate and enliven the street frontages of the site. - The architectural packages include solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on adjacent and nearby sites. - The scale of the proposed buildings will not be perceived as jarring or antipathetic in the future streetscape and urban design context which will develop in the area. - The proposed development will provide a high quality contemporary new development which will contribute positively to the emerging urban character of the area. Density The approved Concept Plan SSD 9653 establishes the density for the proposed development of 86,275 square metres of Gross Floor Area and 873 apartments. The proposal has a Gross Floor Area 86,275 square metres and 873 apartments which complies with the anticipated density under the Concept Plan. The proposed density of the development is appropriate for the site and its location in that: - The availability and capacity of the local infrastructure, public transport and recreational opportunities supports the proposed number of apartments. The site is located immediately opposite the Showground metro station and the site is also in close proximity to the nearby Castle Towers shopping centre, and nearby parks. - The density proposed does not give rise to any significant impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact as detailed in this Statement.	

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		• A high level of amenity is provided within the proposed development. • The proposed density assists in meeting the demand for housing, employment and retail and business services in the local government area in a highly appropriate location. Sustainability The proposed development has been designed to reflect best practice sustainable building principles to improve environmental performance, in relation to energy and water efficient design and technology and use of renewable energy. An Environmental Performance and ESD Report prepared by E-Lab accompanies the subject application which details how ESD principles have been incorporated in the design and construction of the project and are intended to be incorporated in the ongoing operation of the development. The proposed development has aimed to integrate a variety of sustainability initiatives outlined in regional policies, local planning policies, SEARs and commitments of Landcom, Sydney Metro and Deicorp. This draws from the sustainability actions identified within the concept approval and develops up implementation details appropriate to this stage of design. In addition, the project has been designed to comply, and seek, a 5-star Green Star certification. Finally, the design provides for passive solar design principles, thermal massing and achieves cross ventilation to an acceptable number of dwellings within the development and a BASIX Certificate accompanies this application which confirms that the development will meet the NSW Government's requirements for sustainability for residential flat building. Landscape The proposed development incorporates a strong landscaped character with generous landscaped setbacks, large common	

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		open space areas, and a publicly accessible park within the centre of the site. The proposed development includes a comprehensive design for the landscaping of the site and all public domain areas surrounding the site. The Landscape Plan and Statement prepared by Land and Form that accompanies the application at Appendix 39 demonstrate that the proposal will result in a high density residential development within a generously landscaped setting having regard to the urban context of the site. The landscaping proposed represents an integral element in ensuring the development has an appropriate contextual fit and will positively contribute to the envisaged character of the Showground Station Precinct. The proposed development provides a range of common open space areas throughout the ground floor plane and on roof tops which exceed the minimum required 25% area. The common open space areas will be used for a range of activities and will include BBQs, soft and hard landscaping and outdoor seating. The common open space areas will receive good levels of solar access and will have a high level of amenity. The proposed development also provides unencumbered deep soil area which exceeds the 7% design criteria and design guidance of the ADG, and a further substantial contribution of soil on slab areas with soil depths and volumes which exceed the recommendations of the Apartment Design Guide. Amenity A high level of amenity is provided for the occupants of the development with the development providing generous apartment sizes and practical room dimensions and shapes, storage space, indoor and outdoor space and access for all age groups and degrees of mobility. The number of units with access to natural light and ventilation has also been maximised with over 60% receiving cross flow ventilation and over 70%	

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		receiving over 2 hours of solar access to a portion of the living room window between 9am and 3pm on 21 June. The separation distances within the site are generally consistent or exceed those suggested in the Apartment Design Guide and high levels of visual privacy between the apartments within the development has been achieved. Where separation distances are slightly less, this has been addressed with privacy measures such as screens, highlight windows, or blank wall treatments. Overall the design of the development ensures a particularly high level of amenity for the residents of the building. Safety Presently there is no built form of activation around the site. Accordingly, the safety and security of the public domain around the station will be significantly enhanced by introducing activity on the site and the casual surveillance of all surrounding streets from the commercial components and dwellings within the development. A detailed CPTED report prepared by Barker Ryan Stewart accompanies this application, however, in summary the entries to the development will be appropriately lit at night to enhance safety, visibility and legibility. Effective access control has been achieved through the provision of physical barriers to attract, channel and/or restrict the movement of people within the development. The internal areas within the development such as the entrances and lobbies will be well used by residents. The common areas will be under the supervision of the occupants of the apartments on the levels above. The use and supervision of the common areas will reduce the opportunities for crime. Housing Diversity and Social Interaction The proposed development provides a mix of 138 x 1 bedroom (16%), 525 x 2 bedroom (60%) and 210 x 3 bedroom (24%).	

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		This mix is aligned with the requirements of the Urban Design Guidelines for Showground Station Precinct East. Aesthetics The proposed development provides for a contemporary and attractive development which is compatible with the built form character envisaged within for the site under the Concept Plan SSD 9653. The proposed development introduces a broad variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes. The proposed built form and composition of the development responds to the desired future character for the area and will provide a particularly positive contribution to the visual quality of the area	
Clause 30	Pursuant to clause 30 of SEPP 65 if an application for a development application to which the Policy applies the consent authority must not refuse the application because of those matters: • if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide. • if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide, • if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	• The proposed car parking is required to be consistent with the car parking rates within the approved Concept Plan pursuant to S4.24 of the EP&A Act, notwithstanding Clause 30 of SEPP 65. The proposed car parking is consistent with that which is required by the Concept Plan. • Each apartment complies with the minimum area requirement. • Each apartment has a minimum ceiling height of 2.7 metres for habitable rooms, which requires 3.2m floor to floor heights and is the basis for the concurrent S4.55 modification to the approved building envelopes under the Concept Plan approval.	

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The Hills Local Environmental Plan 2010			
Clause 2.3 Zone Objectives and Land Use Table	The site is zoned R1 General Residential <i>1 Objectives of zone</i> <i>To provide for the housing needs of the community.</i> <i>To provide for a variety of housing types and densities.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.</i>	The proposed development is entirely consistent with the objectives of the zone, in that it provides for the residential needs of the community in a high density environment and with a variety of housing typologies.	
Clause 2.6 Subdivision	Clause 2.6 of the THLEP states that Land to which this Plan applies may be subdivided, but only with development consent.	The application proposes site consolidation which requires consent.	
Clause 4.1 Minimum Subdivision Lot Size	Clause 4.1 of the THLEP applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The Lot Size Map identifies a minimum lot size of 1,800 square metres	The proposed subdivision results in lot sizes which exceed the minimum 1,800 square metre requirement.	
Clause 4.3 Height of Buildings	The height of a building is not to exceed the maximum height shown for the land on the height of buildings map.	A maximum height of 52 metres is shown on the height of buildings map. The proposed development marginally exceeds the 52 metres height control, in accordance with the building envelopes under the Concept Plan (as proposed to be modified). Justification for the variation is provided in Section 6.1.2 of the EIS.	
Clause 4.4 FSR	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	The site is subject to an FSR control of 3:1. Whilst the site area is 28,226sqm, Clause 9.2 provides that for the purpose of calculating FSR the dedicated roads are to be	

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		added to the site area, which means that the site area for calculating FSR is 31,886sqm. The application proposes a GFA of 86,275sqm in accordance with the Concept Plan approval, resulting in an FSR of 2.7:1 which complies with the 3:1 FSR control.	
Clause 5.10 Heritage conservation	In accordance with clause 5.10(5) the consent authority may, before granting consent to any development on land that is in the vicinity of land on which a heritage item is located, require a heritage management document to be prepared that assessed the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.	The following reports have been prepared by Urbis in relation to heritage impacts: • An Aboriginal Cultural Assessment Report at Appendix 52 • A Statement of Heritage Impact at Appendix 53 • An Archaeological Due Diligence report at Appendix 54 The closest local heritage item to the site (128–132 Showground Road) is directly to the east of the site on the opposite side of Showground Road. The proposal is not considered to have an impact on the setting or significance of the heritage item noting the significant separation between those items and the subject site. There are no identified heritage items within the site and the site is unlikely to contain any archaeological sites. A more detailed discussion is provided in Sections 6.18 and 6.19 of the EIS.	Section 6.18 and 6.19 and Appendix 53 , and Appendix 54 .
Clause 5.21 Flood planning	<i>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i> <i>(a) is compatible with the flood function and behaviour on the land, and</i> <i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i>	The proposal is supported by accompanied by a Flood Impact Assessment prepared by Mott Macdonald, which undertook a detailed flood assessment for the proposed development. Flood modelling was carried out to assess the impact of the proposed development. The Flood Impact Assessment concludes that: • the proposed development has insignificant impact on the surrounding properties, assets, or infrastructure • there is no active overland flow path through the site and hence the proposed development does not affect any existing flow conveyance	Section 6.14 and Appendix 25

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	<i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i> <i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i> <i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i>	- provision of OSD is likely to maintain the existing runoff regime and hence not adversely impact the beneficial inundation of the floodplain environment (Cattai Creek) due to the proposed development - the proposal does not result in increased runoff and hence the downstream environment (Cattai Creek) is not affected due to increase in flood flow, velocity, or depth.	
Clause 7.1 Acid Sulphate Soils	The site is not identified as being affected by acid sulfate soils on the Acid Sulfate Soils Map.	The proposal is supported a Detail Site Investigation report, prepared by EI Australia at Appendix 44 , which identifies there is no appreciable risk of acid sulfate soil (ASS) presence within natural residual soils at the site, and therefore no future management for the potential presence of ASS is required during future ground disturbance works	Appendix 44
Clause 7.2 Earthworks	Pursuant to clause 7.2 development consent is required for earthworks, unless: (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or (b) the work is ancillary to other development for which development consent has been given. <i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i> <i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> <i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i> <i>(c) the quality of the fill or the soil to be excavated, or both,</i>	The plans in Appendix 6 and 8 show the proposed extent of earthworks. The extent of proposed earthworks are unlikely to result in a significant or adverse disruption of drainage patterns at the site. A detailed stormwater management and drainage plan has been prepared and accompanies this application at Appendix 20. The plans detail the provision for onsite stormwater detention and various control measures across the site. The proposed development is unlikely to disrupt or negatively impact on neighbouring land uses or structures with adequate measures proposed to mitigate against potential instability during the construction of the basement car parking. The proposed earthworks will achieve a positive outcome for the area because they will result in basement levels with minimal protrusion above existing ground level, serving to reduce the apparent mass and scale of the development and provide an	Appendix 6, Appendix 8, Appendix 20

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
	<i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i> <i>(e) the source of any fill material and the destination of any excavated material,</i> <i>(f) the likelihood of disturbing relics,</i> <i>(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,</i> <i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i> <i>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</i>	improved relationship between the buildings and surrounding public domain. Waste from the site will be disposed of appropriately. It is not expected that relics will be unearthed given the site has previously been developed. The site is not significant in terms of its contribution to habitat nor is it environmentally sensitive. All reasonable measures will be taken to avoid, minimise or mitigate the impacts of the development. It is noted that this level of excavation is representative of other development recently approved in the area..	
Clause 7.4 Biodiversity (Terrestrial)	Clause 7.4(2) states that this clause applies to land that is shown as "Biodiversity" on the Terrestrial Biodiversity Map.	The site is not identified as Landslide Risk on the Landslide Risk Map.	
Clause 7.6 Landslide Risk	Clause 7.6(2) states that this clause applies to land that is identified as "Landslide Risk" on the Landslide Risk Map.	The site is not identified as Landslide Risk on the Landslide Risk Map.	
Part 9 Showground Station Precinct			
Clause 9.1 Minimum lot sizes for residential flat buildings and shop top housing	Clause 9.1 states that despite any other provision of this Plan, development consent may be granted to development on a lot within the Showground Station Precinct in the R4 High Density Residential zone for the purposes of a residential flat building with a building height of 11 metres or more, if the area of the lot is equal to or greater than 3,600 square metres.	The currently lot size is 28,226 square metres and exceeds the minimum required lot size of 3,600 square metres for buildings to exceed 11 metres in height. It is also noted that The Hills Shire Council has granted consent to Development Application 988/2022/JPZ for subdivision of Precinct East which will create three residential development lots with the following lot sizes: - Lot 3: 2,209 square metres - Lot 4: 6,178 square metres	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		Lot 5: 11,980 square metres For the purpose of Clause 9.1, these are <u>future</u> and not existing lots sizes. Nonetheless, it is appropriate to consider that Lot 3 will be beneath the 3,600 square metre lot size in the future. The proposed development on Lot 3 will exceed 11 metres in height, however, the proposed Building C on Lot 3 is 14 storeys which is required in order to satisfy the requirement of consistency with the approved Concept Plan 9653 as required by Section 4.24(2) of the <i>Environmental Planning & Assessment Act 1979</i>. In the event that Lot 3 was already registered, <i>Karimbla Properties (No. 59) Pty Limited v City of Parramatta Council</i> [2023] NSWLEC 1365 provides that as the determination of a subsequent development application for the detailed proposal of a site cannot be inconsistent with the concept development consent under Section 4.24(2) of the <i>Environmental Planning & Assessment Act 1979</i>, a Clause 4.6 request would not be required in relation to the development standard of 3,600 square metres in Clause 9.1 for Building C which exceeds 11 metres in height.	
Clause 9.2 Site area of proposed development includes dedicated land	Clause 9.2 provides that: <i>The site area of proposed development on land within the Showground Station Precinct is, for the purpose of applying a floor space ratio under clause 4.5, taken to include land that—</i> <i>(a) is dedicated to the Council or a public authority for a public purpose (including roads, drainage or open space), and</i> <i>(b) would have been part of the site area if it had not been so dedicated.</i>	The site area for calculating FSR is 31,886sqm in accordance with the approved Concept Plan.	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
9.3 Minimum building setbacks	Development consent must not be granted to development on land within the Showground Station Precinct unless the front building setback of any building resulting from the development is equal to, or greater than, the distance shown for the land on the Building Setback Map.	The site is identified as requiring 5 metre setbacks from Carrington Road and the internal road and the proposal is compliant with the setbacks.	Appendix 6 and Appendix 8
9.4 Development requiring the preparation of a development control plan	Development consent must not be granted for development on land to which this clause applies unless— (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for or applies to the land, or (b) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated	The site is subject to a Concept Approval, which was lodged in lieu of preparing a site-specific development control plan, in accordance with section 4.23 of the EP&A Act..	
9.5 Design Excellence	(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land within the Showground Station Precinct. (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. (5) In addition, development consent must not be granted to development to which this clause applies unless— (a) if the development is in respect of a building that is, or will be, higher than 21 metres or 6 storeys (or both) but not higher than 66 metres or 20 storeys (or both)— (i) a design review panel reviews the development, and (ii) the consent authority takes into account the findings of the design review panel	The proposed built form has been designed having regard to the Concept Plan approval and in particular the Urban Design Guidelines, as addressed in Section 6.2 of the EIS as well as the Design Excellence Report at Appendix 13 and the Design Integrity Report at Appendix 14 . The proposed development has also been the subject of design review by the State Design Review Panel and the issues raised have been considered through subsequent revisions and refinement to the proposal. In summary, the proposed development is considered to exhibit design excellence for the following reasons: - The proposal provides for a high density residential flat development that is consistent with the Concept Plan approval for the site as well as the Urban Design Guidelines which requires the provision high density residential development on the subject and surrounding sites as part of the Showground Station Priority Precinct. - The impact of the proposal with respect to design and site planning is positive. The proposed distribution of built form	Section 6.2, 6.3, 6.4 and 6.3

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		and massing of the building across the site is the result of a considered analysis of the context of the site and the desire to deliver a positive urban design outcome which is consistent with the established built form parameters under the Concept Plan. The proposal incorporates a diversity of scale and form across the site. The proposal generates a high level of visual interest with modulation to the skyline as well as creating an engaged ground floor plane incorporating landscaping. • The buildings exhibit a high level of environmental performance, provide a high level of amenity and an attractive contemporary architectural expression. • The proposed materials and finishes are of a high quality and will contribute positively to the locality. • The proposal demonstrates fine grain active frontages with the buildings architecture combined with the public domain improvements that will serve to activate and enliven the street frontages. • The proposed development does not adversely impact view corridors from the public domain. • The proposed development has maximised internal amenity having regard to the constraints of the site. • The proposal achieves the principles of ecologically sustainable development. • The proposed development will not result in any significant adverse impacts (existing or proposed) on the same site or on neighbouring sites in terms of solar access, separation, setbacks, amenity and urban form. • The proposal will have a compatible built form relationship within surrounding development when these sites are	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		redeveloped in accordance with the Showground Precinct Structure Plan. • The proposal provides for cycle, vehicular and service access and is designed to comply with relevant Australian Standards in terms of circulation and access requirements. • The redevelopment of the site will deliver substantial public benefits for the community with upgrades to the public domain including a new public park enhancing the amenity and liveability for residents, workers and visitors. • The proposed development includes a comprehensive design for the landscaping of the site and all public domain areas surrounding the site. The proposal will result in a residential development within a suitably landscaped setting having regard to the urban context of the site. The landscaping proposed represents an integral element in ensuring the development has an appropriate contextual fit and will positively contribute to the forthcoming character of the Showground Station Precinct. • The proposal will deliver 5% affordable housing in the Showground Station precinct and provides much needed accommodation for the community in this locality.	