

## Appendix H Statutory Compliance Table

Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
<b>Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</b>			
	The EPBC Act establishes a process for assessing the environmental impact of activities and developments where MNES may be affected. Under the Act, any action which 'has, will have, or is likely to have a significant impact on a matter of MNES' is defined as a controlled action, and requires approval from the Commonwealth Department of Agriculture Water and Environment (DAWE), which is responsible for administering the EPBC Act	<p>A Biodiversity Development Assessment Report (BDAR) was prepared by Eco Logical Australia in support of the development. An Assessment of Significance for listed threatened species and ecological communities that represent Matters of National Environmental Significance was undertaken.</p> <p>The BDAR concluded that the proposed works are considered unlikely to have a significant impact on the grey-headed flying-fox. A referral to the Commonwealth Department of Agriculture, Water and the Environment is not recommended.</p>	Section 7.7 of EIS Appendix Y
<b>Environmental Planning and Assessment Act 1979</b>			
Section 1.3 – Objectives of the Act	(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal supports social and economic welfare by delivering a high-quality residential development on an underutilised site that will contribute towards housing supply within a TOD Precinct. The location of the development will promote the use of existing planned infrastructure in the Sydney Metro.	Appendix B Appendix Z Section 3 of the EIS Section 8.5 of EIS
	(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The development integrates economic viability, environmental protection, and social benefits, including affordable housing, housing diversity, energy-efficient design, and consideration of local context to support sustainable living measures.</p> <p>In support of the application, is an ESD report which details how those principles have been integrated into the design and the specific measures that have been implemented.</p>	Appendix X
	(c) to promote the orderly and economic use and development of land,	The proposal responds to the State Governments vision for housing supply through the provision of housing supply in highly accessible locations. The proposal is an efficient use of established infrastructure within a TOD	Section 3 of EIS

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		<p>Precinct and has been planned for a greater density of development.</p> <p>The proposal is the result of a detailed strategic planning exercise through the State Governments TOD Program and subsequent detailed consideration of the site and its context through the design development phase. The density and layout accord with the planning framework for the site and is considered to be an orderly and economic use of the land.</p>	
	(d) to promote the delivery and maintenance of affordable housing,	The development will provide 7% of the residential gross floor area (GFA) of the development as affordable housing. This will be delivered by way of the payment of monetary contributions as allowed for under cl.7.28 of The Hills LEP 2019.	Section 3.1.11 of EIS
	(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal seeks to avoid and minimise the impacts on threatened ecological communities that are found on the site. This includes the retention of existing vegetation where possible and the creation of a restricted development area to maintain the biodiversity values. In support of the application is a Biodiversity Development Assessment Report which has informed the design and assessment the direct and indirect impacts of the proposal and required mitigation measures.	Appendix Y Section 7.7 of EIS
	(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The site has been identified as having aboriginal cultural values. A detailed assessment of the values of the site has been undertaken in the supporting Aboriginal Cultural Heritage Assessment Report and provides management practices for items that are found within the Aboriginal Cultural Heritage Management Plan.</p> <p>There are no listed built heritage items within the site or in proximity to the site that would be impacted by the proposal.</p>	Appendix BB Appendix CC Section 7.8 of EIS

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	<i>(g) to promote good design and amenity of the built environment,</i>	The proposal has gone through extensive design development having been reviewed by the State Design Review Panel on two occasions. The SDRP confirmed that the development demonstrated the ability to achieve design excellence and agreed to the proposal progressing to formal lodgement without the need for further review.	Appendix J Section 7.2 of EIS
	<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The development provides a high degree of amenity to the building occupants with respect to solar performance, cross ventilation and thermal performance. Materials with respect to the building form and communal / landscape areas have been selected with consideration for their ongoing maintenance requirements and longevity. The development has otherwise been considered with respect to compliance with the National Compliance Code as part of the SSDA.	Section 7.4 of EIS
	<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The development is to be assessed by the Department of Planning Housing and Infrastructure (DPHI). The Hills Shire Council as well as government agencies have been engaged throughout the process and will be engaged once the SSDA has been lodged.	Appendix J
	<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	Detailed community and stakeholder engagement has been undertaken in the preparation of the SSDA, as detailed in Section 5 of the EIS. Through the assessment period, there will be another opportunity for community and stakeholders to respond to the proposed development. The Applicant will respond to any concerns raised during the notification of the SSDA	Appendix J Section 6 of EIS

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Section 4.15(1) – Matters for Consideration-general	<i>(i) any environmental planning instrument, and</i>	The proposal has been assessed against all relevant EPIs, including the State Environmental Planning Policies and The Hills Local Environmental Plan 2012, where applicable. The proposal is consistent with the zoning objectives and permissible land uses and complies with key development standards except for height and FSR which are supported by Clause 4.6 variations to the development standards.	Appendix H Section 5 of EIS
	<i>(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</i>	At the time of preparation, no proposed EPIs that would materially affect the assessment of this development apply.	N/A
	<i>(iii) any development control plan, and</i>	In accordance with Clause 2.10 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> , Development Control Plan (DCP) do not apply to State Significant Development. Nevertheless, consideration has been given to The Hills DCP to the extent it is relevant.	N/A
	<i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	In support of the application are draft letters of offer issued to The Hills Shire Council with the intent to enter into a Voluntary Planning Agreement.	Appendix HH Section 7.4 of EIS
	<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The development has considered the matters prescribed by the <i>Environmental Planning and Assessment Regulation 2021</i> , including the preparation of an Environmental Impact Statement (EIS) that addresses relevant technical and planning requirements.	Section 8 of EIS
	<i>(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.</i>	The likely impacts of the development are assessed in detail within the EIS.	Section 7 of EIS

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	<i>(c) the suitability of the site for the development,</i>	The site is zoned appropriately with benefits from proximity to transport, services, and community infrastructure, and has the capacity to accommodate the proposed scale and intensity of development without adverse impacts. The suitability of the site for the proposal is demonstrated in the EIS	Section 8.5 of EIS
	<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Submissions will be considered following exhibition of the application.	Section 6 of EIS
	<i>(e) the public interest.</i>	The proposal is in the public interest as it supports the delivery of housing, including affordable housing, within a strategic growth area. It aligns with relevant State and local planning objectives and contributes to the social and economic development of the region while managing environmental and amenity considerations.	Section 7 & 8 of EIS

**Environmental Planning and Assessment Regulation 2021**

Clause 190 – Form of environmental impact statement	(1) An environmental impact statement must contain the following information— (a) the name, address and professional qualifications of the person who prepared the statement, (b) the name and address of the responsible person, (c) the address of the land— (i) to which the development application relates, or (ii) on which the activity or infrastructure to which the statement relates will be carried out, (d) a description of the development, activity or infrastructure, (e) an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.	The EIS includes all of the required information.	
	(2) The person preparing the statement must have regard to— (a) for State significant development—the State Significant Development Guidelines, or	The EIS has had due regard to the State Significant Development Guidelines, ensuring the content, format, and approach to assessment are consistent with the guidance for State Significant Development applications.	Section 1 of EIS

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	(b) for State significant infrastructure—the State Significant Infrastructure Guidelines.		
	(3) An environmental impact statement must also contain a declaration by a relevant person that— (a) the statement has been prepared in accordance with this Regulation, and (b) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and (c) the information contained in the statement is not false or misleading, and (d) for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines.	The EIS includes a signed declaration by the EIS preparer stating that:  (a) The statement has been prepared in accordance with the Regulation (b) All relevant and available information has been included. (c) The information presented is accurate, not false or misleading. (d) For this SSD, the EIS includes all information required under the Registered Environmental Assessment Practitioner Guidelines.	EIS
Clause 193 – Principles of Ecologically Sustainable Development	(1) <i>The principles of ecologically sustainable development are the following—</i> (a) <i>the precautionary principle,</i> (b) <i>inter-generational equity,</i> (c) <i>conservation of biological diversity and ecological integrity,</i> (d) <i>improved valuation, pricing and incentive mechanisms.</i>	The EIS has been prepared with due consideration of the principles of Ecologically Sustainable Development (ESD) as defined.	Section 8.7 of EIS
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>			

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Subdivision 2 – 2.119 Development with frontage to classified road	<p>(1) <i>The objectives of this section are—</i></p> <p>(a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p>(b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> <p>(2) <i>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></p> <p>(a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p>(b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p>(i) <i>the design of the vehicular access to the land, or</i></p> <p>(ii) <i>the emission of smoke or dust from the development, or</i></p> <p>(iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p>(c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	<p>The development has frontage to Memorial Ave. which is a classified road. Vehicular access to the development is proposed from Free Settlers Drive being a local road consistent with the clause. The roundabout construction and bridge across the creek corridor have already been approved as part of a DA.</p> <p>The development has been appropriately located and designed to mitigate impacts with respect to traffic noise and vehicle emissions. Only Building A addresses Memorial Ave and is located at least 10m from the property boundary. In support of the application is an acoustic report which considers the impact of road noise on the development and the design and mitigation measures to ensure noise does not impact on the use of the apartments.</p>	Appendix N Section 7.11 of EIS
Subdivision 2 - 2.122 Traffic-generating development	<p>2.122 <i>Traffic-generating development</i></p> <p>(1) <i>This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</i></p> <p>(a) <i>new premises of the relevant size or capacity, or</i></p> <p>(b) <i>an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i></p> <p>(2) <i>In this section, relevant size or capacity means—</i></p> <p>(a) <i>in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</i></p> <p>(b) <i>in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to</i></p>	<p>The site is located within an Accelerated Transport Oriented Development (TOD) Precinct and is exempt pursuant to Clause 2.122A, refer to below. As such the development is not considered to be traffic generating development. Nevertheless, during the preparation of the EIS, TfNSW were engaged with and their views considered in the proposed design.</p>	Appendix J

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	<p>a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</p> <p>(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</p> <p>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and</p> <p>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p>		
Subdivision 2 - 2.122A Traffic-generating development-exemption for Accelerated TOD Precincts	<p>2.122A Traffic-generating development—exemption for Accelerated TOD Precincts</p> <p>(1) Section 2.122 does not apply to development for the purposes of residential accommodation on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.</p> <p>(2) This section does not apply in relation to—</p> <p>(a) a development application made, but not finally determined, before the commencement of this section, or</p> <p>(b) a development application made on or after 30 November 2027.</p>	<p>The subject is identified within an Accelerated TOD Precinct under the Accelerated Transport Oriented Development Precincts Rezoning Areas Map. Furthermore, this application is being made after the commencement of Clause 2.122A and before 30 November 2027, and therefore, the exemption under Clause 2.122A(2) is applicable.</p> <p>Nevertheless, during the preparation of the EIS, TfNSW were engaged with and their views considered in the proposed design.</p>	Section 5 of EIS  Appendix J

<b>Statutory Compliance Table</b>			
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2.48 Determination of development applications-other development	<p><i>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</i></p> <p><i>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i></p> <p><i>(b) development carried out—</i></p> <p><i>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></p> <p><i>(ii) immediately adjacent to an electricity substation, or</i></p> <p><i>(iii) within 5m of an exposed overhead electricity power line,</i></p> <p><i>(c) installation of a swimming pool any part of which is—</i></p> <p><i>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i></p> <p><i>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i></p> <p><i>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i></p> <p><i>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i></p> <p><i>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i></p> <p><i>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p>	<p>The application would require referral to the relevant electrical supply authority (Endeavour Energy). It is considered unlikely that issues will be raised noting no concerns were raised with the development approved by the District Planning Panel and the authority were engaged as part of the preparation of the SSDA.</p>	Section 6 of EIS
<b>State Environmental Planning Policy (Planning Systems) 2021</b>			

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2.6 Declaration of State significant development: section 4.36	<p>(1) <i>Development is declared to be State significant development for the purposes of the Act if—</i></p> <p>(a) <i>the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</i></p> <p>(b) <i>the development is specified in Schedule 1 or 2.</i></p> <p>..</p>	<p>The proposed development comprises a residential flat building development located within an Accelerated Transport Oriented Development (TOD) Precinct, as identified on the Accelerated TOD Precincts Rezoning Areas Map.</p> <p>The estimated development cost of the proposal is \$297,841,959.00, well in excess of the \$60 million threshold, and has been lodged within the required time period.</p>	Appendix GG
Schedule 2 State significant development – identified sites – 19 Development in Accelerated TOD Precincts	<p><b>19 Development in Accelerated TOD Precincts</b></p> <p>(1) <i>Development for the purposes of residential accommodation on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, if the development has an estimated development cost of more than \$60 million.</i></p> <p>(2) <i>A mixed use development on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map that includes development for the purposes of residential accommodation, if the part of the development that is for the purposes of residential accommodation has an estimated development cost of more than \$60 million.</i></p> <p>(3) <i>This section does not apply in relation to a development application made on or after 30 November 2027.</i></p>		
State Environmental Planning Policy (Housing) 2021			
Chapter 4 Design of residential apartment development  144 Application of chapter	<p>(1) <i>In this policy, development to which this chapter applies is referred to as <b>residential apartment development</b>.</i></p> <p>(2) <i>This chapter applies to the following—</i></p> <p>(a) <i>development for the purposes of residential flat buildings,</i></p> <p>(b) <i>development for the purposes of shop top housing,</i></p> <p>(c) <i>mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.</i></p> <p>(3) <i>This chapter applies to development only if—</i></p> <p>(a) <i>the development consists of—</i></p> <p>(i) <i>the erection of a new building, or</i></p>	The SEPP applies to the development comprising a residential flat building development.	Section 4 of EIS

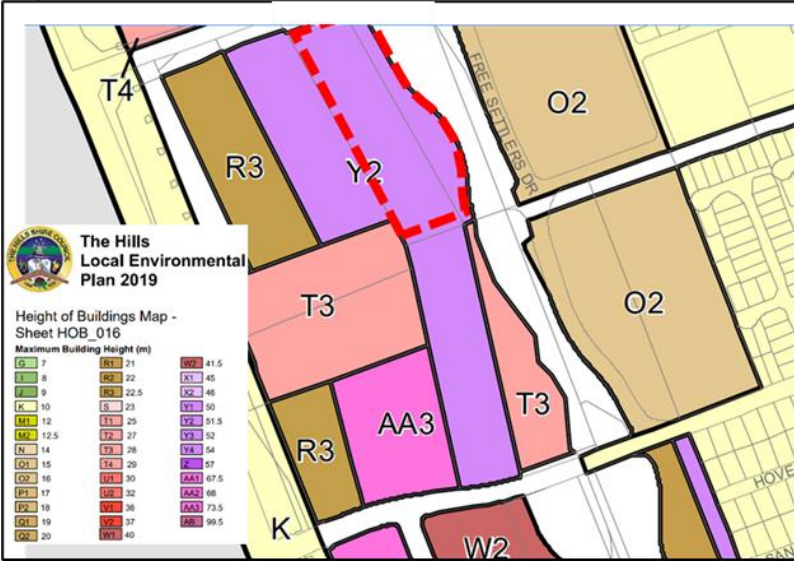
<b>Statutory Compliance Table</b>			
<b>Statutory Reference</b>	<b>Relevant Considerations</b>	<b>Relevance and Assessment</b>	<b>Section in EIS</b>
	<p>(ii) the substantial redevelopment or substantial refurbishment of an existing building, or</p> <p>(iii) the conversion of an existing building, and</p> <p>(b) the building is at least 3 storeys, not including underground car parking storeys, and</p> <p>(c) the building contains at least 4 dwellings.</p>		
147 Determination of development applications and modification applications for residential apartment development	<p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</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>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</p>	<p>In support of the SSDA is a comprehensive Design Report prepared by Turner Studio which address the design principles for residential apartment development in Schedule 9. Turner undertook an assessment against the ADG with respect to its objectives and design criteria; and addresses the outcomes of the two reviews undertaken by the SDRP and how the matters raised have been addressed in the submitted design.</p> <p>Finally, a design verification statement is provided as part of the report.</p>	Appendix A Appendix B
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>			
4.6 Contamination and remediation to be considered in determining development application	<p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), 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 &amp; Detailed Site Investigation (PSI) has been undertaken by Sydney Environmental Group to assess potential contamination. The findings indicate that the site is suitable for the proposed residential development.</p>	Appendix V

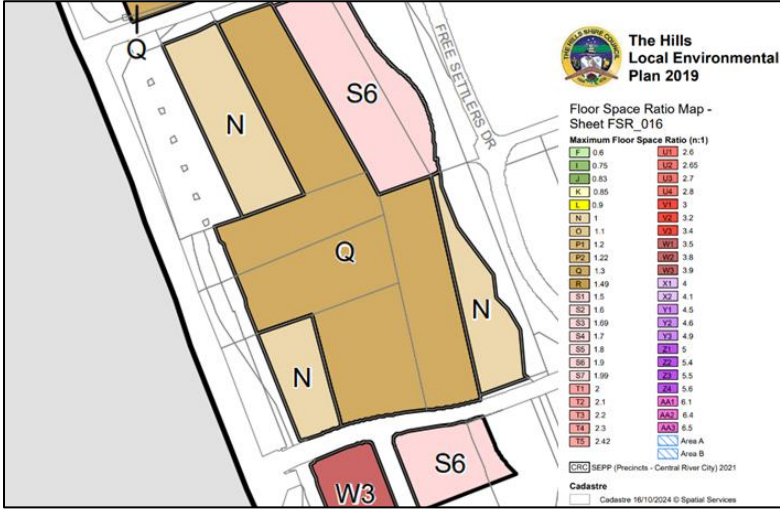
<b>Statutory Compliance Table</b>			
<b>Statutory Reference</b>	<b>Relevant Considerations</b>	<b>Relevance and Assessment</b>	<b>Section in EIS</b>
	<p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p> <p>...</p>		
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>			
2.6 Clearing that requires permit or approval	<p>(1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.</p> <p>(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.</p> <p>(3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.</p> <p>(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.</p> <p>(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.</p> <p>(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.</p>	Consent is sought for the clearing of land as part of the overall development. The impacts of the clearing are assessed within both the supporting BDAR and Arboriculturally assessment.	Appendix Y
Division 2 Controls on development generally - 6.6 Water Quality and quantity	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</p>	The development will not adversely affect water flow in any natural waterbody, nor will it significantly increase stormwater runoff from the site. Stormwater will be managed through on-site retention and reuse systems, and no adverse impacts are anticipated on groundwater	Appendix R Appendix P Appendix Q

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	<p>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</p> <p>(c) whether the development will increase the amount of stormwater run-off from a site,</p> <p>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</p> <p>(e) the impact of the development on the level and quality of the water table,</p> <p>(f) the cumulative environmental impact of the development on the regulated catchment,</p> <p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water</p>	<p>levels or quality. The cumulative environmental impacts have been considered and addressed.</p>	
	<p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</p> <p>(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</p> <p>(b) the impact on water flow in a natural waterbody will be minimised.</p>	<p>The site is located within the Hawkesbury-Nepean regulated catchment. The development ensures that water quality impacts are as close to neutral or beneficial as possible through integrated stormwater management and water-sensitive urban design (WSUD). Measures to minimise water flow impacts include on-site detention, filtration, and controlled discharge.</p>	<p>Appendix P</p> <p>Appendix Q</p>
<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>			
<p>Chapter 2 Standards for residential development</p> <p>Schedule 1 Standards for erection of BASIX buildings and change of use to BASIX buildings – 2 Energy use</p>	<p><i>The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings</i></p>	<p>An ESD Report accompanies the proposal which demonstrates that a high level of energy efficiency and environmental sustainability are achieved by the proposed development, with a strong emphasis placed on the passive efficiency of the building, including passive heating, cooling, natural lighting and natural ventilation.</p> <p>The proposal meets the relevant BASIX targets and has also calculated the embodied emissions with respect to the amount of key materials used the construction of the development.</p>	<p>Appendix X</p>
<b>Biodiversity Conservation Act 2016 (BC Act)</b>			

<b>Statutory Compliance Table</b>			
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Division 2 Biodiversity assessment requirements – 7.9 Biodiversity assessment for State significant development or infrastructure	<p>(1) <i>This section applies to—</i></p> <p>(a) <i>an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and</i></p> <p>(b) <i>an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure.</i></p> <p>(2) <i>Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</i></p> <p>(3) <i>The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</i></p>	The subject site contains biodiversity values, including a critically endangered ecological community. A Biodiversity Development Assessment Report (BDAR) has been prepared to assess and manage potential impacts, ensuring compliance with legislative requirements and avoiding unlawful damage to threatened habitats.	Appendix Y
7.14 State significant development or infrastructure	<p>(1) <i>This section applies to an application for development consent for State significant development under Part 4 of the Environmental Planning and Assessment Act 1979, or an application for approval for State significant infrastructure under the Environmental Planning and Assessment Act 1979, Division 5.2, that is required under Division 2 to be accompanied by a biodiversity development assessment report.</i></p> <p>(3) <i>If the relevant authority decides to grant development consent or approval and the biodiversity offsets scheme applies to the proposed development or infrastructure, the conditions of the consent or approval must, subject to subsection (3A), require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values of the number and class specified in the biodiversity development assessment report.</i></p>	The BDAR submitted with the EIS confirms that the development includes the removal of 0.11 ha of a critically endangered ecological community and triggers entry into the biodiversity offsets scheme that will need to be retired as part of the conditions of approval.	Appendix Y
<b>National Parks and Wildlife Act 1974 (NPW Act)</b>			
S90 Aboriginal heritage impact permits	It essentially grants permission to undertake actions that could potentially impact Aboriginal cultural heritage and outlines the conditions that must be followed.	Pursuant to s4.41 of the EP&A Act an Aboriginal Heritage Impact Permit is not required from Heritage NSW. Nevertheless, a detailed Aboriginal Heritage Cultural Heritage Assessment Report and Aboriginal	Appendix BB Appendix CC

Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
		Heritage Cultural Heritage Management Report which provides a detailed assessment of the impacts of the proposed development and the process to be followed with respect to the impact on objects of Aboriginal cultural heritage found within the site.	
<b>Roads Act 1993</b>			
138 Works and structures	<p>1) <i>A person must not—</i></p> <p>(a) <i>erect a structure or carry out a work in, on or over a public road, or</i></p> <p>(b) <i>dig up or disturb the surface of a public road, or</i></p> <p>(c) <i>remove or interfere with a structure, work or tree on a public road, or</i></p> <p>(d) <i>pump water into a public road from any land adjoining the road, or</i></p> <p>(e) <i>connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.</i></p> <p><i>Maximum penalty—10 penalty units.</i></p>	There are no works proposed within an existing road reserve that would necessitate an approval.	N / A
<b>Water Management Act 2000</b>			
S89 Water use approvals S90 Water management work approvals S91 Activity approval	Requires that certain activities and works require approval from NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).	<p>Pursuant to s4.41 of the EP&amp;A Act, approval is not required with respect to:</p> <p><i>(g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the <u>Water Management Act 2000</u>.</i></p> <p>Based on analysis undertaken as part of the Report on Preliminary Groundwater Impact Assessment prepared by Douglas Partners, the expected inflow rates for the proposed basements are approximately 50 ML/year both during construction and in the long-term. A Water Access License (WAL) is not required for this project during construction but may be required in the long-term where a drained basement is adopted.</p>	Appendix S

Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
<b>The Hills Local Environmental Plan 2019 (THLEP 2019)</b>			
2.2 Zoning of land to which Plan applies	<i>For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.</i>	The site is zoned R1 General Residential. Residential Flat Buildings are permitted with consent within the R1 zone.	Section 5 of EIS
2.3 Zone objectives and Land Use Table	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.</li> </ul>	The development provides for additional housing supply in an accessible location. Housing diversity is achieved with respect to both the size of the units that are provided, the provision of affordable housing achieved through contributions, adaptable housing and livable housing types. It has been demonstrated that the development is consistent with the zone objectives.	Section 3, 5 & 7 of EIS
4.3 Height of building	<p>(2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i></p> 	The Height of Building control that applies to the Site is 51.5 metres. The development proposes a maximum building height of 54.971m which does not comply with the maximum building height standard. Accordingly, a variation to this development standard is required for the proposed development under Clause 4.6.	Appendix F

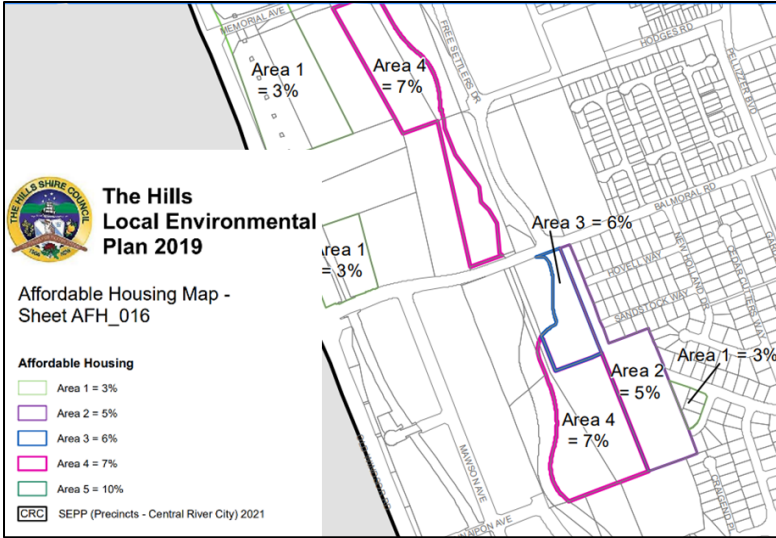
Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
4.4 Floor Space Ratio	<p>(2) <i>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i></p> 	<p>The FSR control which applies to the site allows for a maximum of 1.9:1 whereas the proposed development seeks an FSR of 1.954:1 which does not comply with the maximum FSR standard. Accordingly, a variation to this development standard is required for the proposed development under Clause 4.6.</p>	Appendix E
4.6 Exceptions to development standards	<p>(2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p>	<p>The proposed development exceeds both the Height of Building (Clause 4.3) and FSR (Clause 4.4) controls which apply to the site. Therefore, written variation requests form part of the application and which to vary those development standards.</p>	Appendix E Appendix F
5.10 Heritage conservation	<p>(1) <b>Objectives</b> <i>The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"> <li>(a) <i>to conserve the environmental heritage of The Hills,</i></li> <li>(b) <i>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></li> <li>(c) <i>to conserve archaeological sites,</i></li> <li>(d) <i>to conserve Aboriginal objects and Aboriginal places of heritage significance.</i></li> </ul>	<p>The site is not listed as containing a heritage item nor is the site in proximity to a listed heritage item under the LEP.</p> <p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) undertakes an assessment of the values of the land and the impact resulting from the proposed</p>	Section 7.8 of EIS Appendix BB Appendix CC

Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
		<p>development. Also in support is an Aboriginal Cultural Heritage Management Plan (ACHMP).</p> <p>The assessment concludes that the site is considered to have cultural significance to the Aboriginal community as a tangible link to their culture and ancestors. The site has been assessed as containing a moderately significant archaeological deposit which cannot be avoided by the proposed development within the study area and which is to be the subject of salvage and reburial onsite.</p>	
5.21 Flood planning	<p><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></p> <p><i>(a) is compatible with the flood function and behaviour on the land, and</i></p> <p><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></p> <p><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></p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><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></p> <p><i>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i></p> <p><i>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</i></p> <p><i>(b) the intended design and scale of buildings resulting from the development,</i></p>	<p>The site is flood affected and is supported by a Flood Impact Risk Assessment (FIRA). The development has been designed and sited to mitigate the impacts associated with flooding this includes the adoption of minimum habitable floor levels.</p>	<p>Appendix AA</p> <p>Section 7.12 of EIS</p>

Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
	<p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>		
6.1 Definitions	<p><i>In this Part—</i>  <b>public utility infrastructure</b>, in relation to an urban release area, includes infrastructure for any of the following—                      (a) the supply of water,                      (b) the supply of electricity,                      (c) the disposal and management of sewage.  <b>urban release area</b> means an area of land shown hatched and marked “Urban Release Area” on the <a href="#">Urban Release Area Map</a>.</p>	<p>The site is mapped as being within an ‘Urban Release Area’ and hence the clause applies. Sydney Water were engaged with during the process and a feasibility letter was issued which provides an indication of their systems’ capacities and possible requirements at the date of issue (2 July 2025). This confirms that with respect to water and sewer that there is sufficient capacity for the development.</p>	Section 4 and 6 of EIS
6.3 Public utility infrastructure	<p>(1) Development consent must not be granted for development on land in an urban release area unless the 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.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.</p>	<p>A Level 3 Accredited Service Provider applied to Endeavour Energy for a supply offer. A Supply Offer has been issued dated 29 July 2025.</p>	
7.1 Acid sulfate soils	<p>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the <a href="#">Acid Sulfate Soils Map</a> as being of the class specified for those works.</p>	<p>In support of the SSDA is an Acid Sulfate Soils Assessment which confirms that the site is unlikely to contain ASS.</p>	<p>Appendix U Section 7.13 of EIS</p>
7.2 Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—                      (a) the likely disruption of, or any detrimental effect on, flooding or drainage patterns and soil stability in the locality of the development,                      (b) the effect of the proposed development on the likely future use or redevelopment of the land,                      (c) the quality of the fill or the soil to be excavated, or both,</p>	<p>Bulk earthworks are required to facilitate the development as detailed in the supporting civil plans.</p>	Appendix P

Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
	<p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>		
7.27 Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide	<p>(1) This clause applies to land identified as “Area 3” on the <a href="#">Clause Application Map</a>.</p> <p>(2) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide.</p>	<p>Consideration was given in the design phase to the Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide (Precinct Design Guide). The proposed development is consistent with the provisions of the Precinct Design Guide as detailed in the accompanying compliance table.</p>	Appendix I
7.28 Affordable housing	<p>(1) In this clause, The Hills Shire Affordable Housing Principles are as follows—</p> <p>(a) affordable housing must be provided and managed to accommodate a diverse residential population in areas representative of all income groups in The Hills Shire,</p> <p>(b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,</p> <p>(c) dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,</p> <p>(d) the Council must use the following, received by or on behalf of the Council, to improve or replace, or provide additional affordable housing in The Hills Shire—</p> <p>(i) rent from affordable housing, excluding landlords’ expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,</p> <p>(ii) money from the disposal of affordable housing,</p>	<p>The proposal is within an area identified on the Affordable Housing Map which requires that 7% of the gross floor area (GFA) of the development comprise affordable housing.</p> <p>Affordable housing and this clause are to be satisfied by way of monetary contributions as outlined in the draft letter of offer issued to The Hills Shire Council with the intent of entering into a Voluntary Planning Agreement prepared in support of the application.</p>	Appendix HH Section 7.3

**Statutory Compliance Table**

Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
	<p>(e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy.</p> <p>(2) This clause applies to development on land identified as an “Area” on the <a href="#">Affordable Housing Map</a> resulting in—</p> <p>(a) the erection of a new building with more than 200m<sup>2</sup> of gross floor area used for the purposes of residential accommodation, or</p> <p>(b) alterations to an existing building that results in at least 200m<sup>2</sup> of additional gross floor area used for the purposes of residential accommodation.</p> <p>...</p> 		



Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
	<p>(2) Development consent must not be granted for development on land within the Bella Vista Station Precinct or the Kellyville Station Precinct unless—</p> <p>(a) a development control plan that provides for the matters specified in subclause (3) has been prepared for or applies to the land, or</p> <p>(b) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.</p>		
8.6 Design excellence in Bella Vista and Kellyville Station Precincts	<p>(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</p> <p>(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land within the Bella Vista Station Precinct or the Kellyville Station Precinct.</p> <p>(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.</p> <p>(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to in clause 8.5,</p> <p>(e) the requirements of the development control plan referred to in clause 8.5,</p> <p>(f) how the development addresses the following matters—</p> <p>(i) the suitability of the land for development,</p>	<p>In the preparation of the EIS the proposed design was considered by the State Design Review Panel on two (2) occasions. The recommendations of the SDRP have been incorporated into the design who confirmed that subject to further refinement the proposed development could achieve design excellence.</p> <p>The design has been developed in response to the DRP feedback and exhibits design excellence as outlined in the EIS and in further detail in the Urban Design Report.</p>	<p>Appendix A</p> <p>Appendix B</p> <p>Section 7.2 of the EIS</p>

Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
	<p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</p> <p>(v) bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</p> <p>(viii) the achievement of the principles of ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>(x) the impact on, and any proposed improvements to, the public domain,</p> <p>(xi) the impact on any special character area,</p> <p>(xii) achieving appropriate interfaces at ground level between the building and the public domain,</p> <p>(xiii) excellence and integration of landscape design.</p> <p>(5) In addition, development consent must not be granted to development to which this clause applies unless—</p> <p>(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)—</p> <p>(i) a design review panel reviews the development, and</p> <p>(ii) the consent authority takes into account the findings of the design review panel, or</p> <p>(b) if the development is in respect of a building that is, or will be, higher than 66 metres or 20 storeys (or both)—</p> <p>(i) a competitive design process is held in relation to the development, and</p> <p>(ii) the consent authority takes into account the results of the competitive design process.</p> <p>(6) Subclause (5)(b) does not apply if—</p> <p>(a) the consent authority certifies in writing that an a competitive design process is not required, and</p>		

Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Relevance and Assessment	Section in EIS
	<p>(b) a design review panel reviews the development, and</p> <p>(c) the consent authority takes into account the findings of the design review panel.</p> <p>(7) Subclause (5)(b) also does not apply if—</p> <p>(a) the development is on land identified as an “Accelerated TOD Precinct” on the <u>Accelerated Transport Oriented Development Precincts Rezoning Areas Map</u>, and</p> <p>(b) the development is for the purposes of residential accommodation or a mixed use development involving residential accommodation, and</p> <p>(c) the Planning Secretary certifies in writing that the development meets the criteria set out in the Transport Oriented Development Design Competition Exemption Pathway Advisory Note published by the Department in November 2024, and</p> <p>(d) a design review panel reviews the development, and</p> <p>(e) the consent authority takes into account the advice of the design review panel.</p>		