

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	<p>(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,</p> <p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p> <p>(c) to promote the orderly and economic use and development of land,</p> <p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p> <p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p> <p>(g) to promote good design and amenity of the built environment,</p>	The objects of the Act are address in the assessment of impacts section of the EIS.	Section 5

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
	(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 (iiiia) 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7.4, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), (v) (Repealed) that apply to the land to which the development application relates,	The relevant provisions of the EPIs and DCPs have been addressed in this EIS.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 5 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 7 and 8
	(c) the suitability of the site for the development,	The site is located within an R4 High Density zone and the proposed development will sit comfortably within the emerging context of the Showground Station precinct and the variety of scale of development evident within the visual catchment of the site.	Sections 2.4, 7 and 8

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		<p>The site 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 affordable housing.</p> <p>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.</p>	
	(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 8
Section 4.36	<p>Section 4.36(3) of the EP&A Act states that:</p> <p><i>The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.</i></p>	<p>The site was declared to be SSD under the HDA, specifically pursuant to State Significant Declaration Order (No 4) 2025 (Order) issued on 2 April 2025, which specifies development in EOI application 235559 dated 31 January 2025, including development for the purposes of a residential flat building with provision of affordable housing at 16 Carrington Road; 18 Carrington Road; 20 Carrington Road; 2 Middleton Avenue; 4 Middleton Avenue; 6 Middleton Avenue; 8 Middleton Avenue; 10 Middleton Avenue; 12 Middleton Avenue; 4 Fishburn Crescent; 6 Fishburn Crescent; 31 Sexton Avenue; 29 Sexton Avenue, 27 Sexton Avenue; 25 Sexton Avenue Castle Hill, is SSD. The site has since been consolidated into one title and is now known as 2 Fishburn Crescent, Castle Hill.</p> <p>The Order enables SSD-83112728 to be undertaken through the Housing Delivery Authority (HDA) pathway with a Concurrent Rezoning to The Hills Local Environmental Plan 2019 (THLEP 2019). Accordingly, this Report sets out both the development sought under SSD-83112728 and the amendments sought to</p>	Section 5.1.1

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		the THLEP 2019, and the relevant matters for consideration under Division 4.7 and Section 3.33 of the EP&A Act..	
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 7 of the and Appendix 1
Water Management Act 2000			
Section 90	<p>In accordance with section 90(2) of the Water Management Act 2000, an water management work approval is required for construction dewatering.</p> <p>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.</p>	A Hydrogeological Report and Dewatering Management Plan prepared by Foundation Earth accompanies the application and is included as Appendix 12 . Groundwater was not encountered at the depths of the proposed basement levels and so dewatering will not be required as a consequence of the proposed development.	Appendix 12
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.	Appendix 34

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
State Environmental Planning Policy (Transport and Infrastructure) 2021			
Clause 2.98 and 2.99	<p>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:</p> <ul style="list-style-type: none"> • 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 - <ul style="list-style-type: none"> • 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 	The site is located adjacent to the metro corridor it must be referred to TfNSW/ Sydney Metro and take into consideration any response received.	Appendix 41 has 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	<p>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—</p> <p><i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i></p> <p><i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p>	The proposal is for residential development adjacent to a rail corridor.	Section 7.11 and Appendix 16 which contains an acoustic report prepared by Pulse White Noise Acoustics.
Clause 2.120	<p>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:</p> <p><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</i></p>	The site is adjacent to Carrington Road which carries daily traffic volumes more than 20,000 vehicles per day.	Section 7.11 and Appendix 16 which contains an acoustic report prepared by Pulse White Noise Acoustics.

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
	<p><i>will be taken to ensure that the following Lae1 levels are not exceeded—</i></p> <p><i>(a) In any bedroom in the residential accommodation—35dB(A) at any time between 10pm and 7am,</i></p> <p><i>(b) Anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40dB(A) at any time.</i></p>		
<p>Clause 2.122</p>	<p>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.</p> <p>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.</p> <p>In accordance with clause 2.122(4)</p> <p><i>(4) Before determining a development application for development to which this section applies, the consent authority must—</i></p> <p><i>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</i></p> <p><i>(b) take into consideration—</i></p> <p><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></p> <p><i>(ii) the accessibility of the site concerned, including—</i></p> <p><i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p>	<p>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.</p> <p>The Traffic and Parking Assessment prepared by Varga 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.</p>	<p>Section 7.9 and Appendix 13 which contains a TIA.</p>

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
	<p><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></p> <p><i>(iii) any potential traffic safety, road congestion or parking implications of the development.</i></p> <p><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></p>		
State Environmental Planning Policy (Resilience and Hazards) 2021			
Clause 4.6	<p>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 after remediation) for the purpose for which the development is proposed to be carried out.</p> <p>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.</p>	<p>The application is accompanied by a Preliminary Site Investigation at Appendix 9 prepared by Foundation Earth which identifies that soils sampled across the site were assessed against the Site Acceptance Criteria (SAC) provided by the National Environment Protection (Assessment of Site Contamination) Measure (NEPM 2013) Table 1A - Residential B and the soil data concluded the following:</p> <ul style="list-style-type: none"> • The soil laboratory results were below the adopted detection limits and/or the relevant guideline criteria. • No identified asbestos was detected in the soil samples analysed. No fibro cement fragments were observed in the fill material located within the borehole locations at the time of the site inspection. <p>Based on the historical review, environmental information, proposed development and laboratory results of the investigation, Foundation Earth confirms that the site is suitable for the proposed development, subject to the recommendations in the Report.</p> <p>Based on the above, it is considered that the consent authority can therefore be satisfied that the site is suitable for the proposed development subject to appropriate conditions of</p>	Section 7.16 of the EIS and Appendix 9.

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		consent which reflect the recommendations in the Preliminary Site Investigation.	
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.	<p>There are a range of trees on and around the site which are identified in the Arboricultural Impact Assessment (AIA) prepared by Raintree Consulting (Appendix 21). The assessment considered 16 trees comprising 9 trees within the Council verge and 3 trees on the neighbouring site.</p> <p>The proposed development requires extensive excavation which will necessitate the removal of 2 of the 4 trees within the site. Whilst the trees proposed to be removed provide some amenity for the site, the reasonable development of the site in accordance with the new vision for the area is not possible with the retention of these trees, particularly having regard to the required excavation. Notwithstanding this, the redevelopment of the site will include a coordinated landscaping regime with more suitable tree species which will achieve a high quality landscaped treatment for the site as illustrated in the landscape plans prepared by Arcadia landscape architects which accompany this application..</p>	Section 7.7.1 and Appendix 21.
Chapter 6 Water Catchments	<p>The site is located within the Hawkesbury-Nepean system and Clause 6.6 requires consideration of water quality and quantity including:</p> <p><i>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</i></p> <p><i>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</i></p>	The impact of the development on water quality has been addressed in the EIS. Water Sensitive Urban Design measures are to be implemented.	Section 7.13 and Appendix 23 and 24

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
	<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>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—</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>		
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 18
State Environmental Planning Policy (Housing) 2021 – Chapter 4– Design Quality of Residential Apartment Development and the Apartment Design Guide			
Clause 147	<p>Clause 147 of the SEPP requires that:</p> <p>(1) <i>Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified,</i></p>	<p>The advice from the design review panel is addressed in detail in the Design Excellence Report at Appendix 7.</p> <p>The design quality of the development when evaluated in accordance with the nine applicable design quality principles,</p>	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
	<p><i>unless the consent authority has considered the following—</i></p> <p><i>(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,</i></p> <p><i>(b) the Apartment Design Guide,</i></p> <p><i>(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.</i></p>	<p>and the Apartment Design Guide (ADG) are addressed in Appendix 7 Architectural Statement prepared by Turner architects.</p> <p>The proposed development satisfies the design principles of Schedule 9 of the SEPP as follows:</p> <p>Context and Neighbourhood Character</p> <p>The development is considered to be contextually appropriate for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development is permissible in the R4 zone 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 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 	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		<p>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.</p> <ul style="list-style-type: none"> 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. <p>Built Form and Scale</p> <p>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:</p> <ul style="list-style-type: none"> The proposed distribution of built form and massing of the building across the site is the result of a considered analysis of the context of the site, the emerging character of the area, the applicable planning provisions and the desire to deliver a positive urban design outcome as well as affordable housing. The proposed development has been specifically designed as a robust architectural solution, with the scale of the proposed buildings modulated with a range of heights from 8 to 20 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 north around the Showground Station. The proposed design delivers generous separation between the buildings as well as a superior level of environmental performance within the development, and a high level of visual permeability throughout the site. 	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		<ul style="list-style-type: none"> • The proposal incorporates a high level of materiality and demonstrates fine grain active frontages and the buildings architecture combined with the public domain improvements will serve to activate and enliven the street frontages of the site. • The architectural package includes 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. <p>Density</p> <p>The density of dwellings proposed is considered appropriate for the site and its location in that:</p> <ul style="list-style-type: none"> • The proposal facilitates the delivery of much needed housing within the demonstrated environmental capacity of the site. • The availability and capacity of the local infrastructure, public transport and recreational opportunities supports the proposed number of apartments. The site is extremely well located in terms of access to public transport infrastructure within Showground Station precinct. • 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. • An acceptable level of amenity is provided for occupants of the development having regard to the constraints of the site. 	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		<ul style="list-style-type: none"> The scale of each individual building within the overall development is considered and achieves a high quality urban design outcome which matches the emerging street wall height within the context of the site, and provides additional housing within towers which provide modulation to the skyline. The scale of the proposed development does not result in any unreasonable impacts on the surrounding properties in terms of loss of views, loss of visual or acoustic privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on adjacent and nearby sites. <p>Sustainability</p> <p>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.</p> <p>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.</p> <p>Landscape</p> <p>The proposed development incorporates a strong landscaped character with generous landscaped setbacks, a large common open space area centrally within the site, and rooftop common open space areas. 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 Arcadia that accompanies the</p>	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		<p>application at Appendix 8 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.</p> <p>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.</p> <p>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.</p> <p>Amenity</p> <p>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% receiving over 2 hours of solar access to a portion of the living room window between 9am and 3pm on 21 June.</p> <p>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</p>	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		<p>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.</p> <p>Overall the design of the development ensures a particularly high level of amenity for the residents of the building.</p> <p>Safety</p> <p>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.</p> <p>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.</p> <p>Housing Diversity and Social Interaction</p> <p>The proposed development provides a mix of 41 x 1 bedroom (9%), 251 x 2 bedroom (58.2%) and 122 x 3 bedroom (32.2%). This mix is aligned with the need for larger apartments in the Showground Station precinct.</p> <p>Aesthetics</p> <p>The proposed development provides for a contemporary and attractive development which is compatible with the emerging</p>	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		<p>character within the area. The proposed development introduces a 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 of the Showground Station precinct and will provide a positive contribution to the visual quality of the area.</p>	
<p>Clause 30</p>	<p>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:</p> <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. 	
The Hills Local Environmental Plan 2010			
<p>Clause 2.3 Zone Objectives and Land Use Table</p>	<p>The site is zoned SP2 Infrastructure and R4 High Density Residential zone pursuant to The Hills Local Environmental Plan 2019 (THLEP).</p> <p>Clause 2.3(2) of the THLEP provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>The objectives of the R4 High Density Residential zone are:</p>	<p>The application seeks consent for the dedication of land zoned SP2 and a residential flat building development on land zoned R4 High Density Residential. Pursuant to the Land Use Table of the THLEP, a residential flat building is permitted with consent in the R4 zone</p> <p>The proposed development provides for a residential flat development which is compatible with the emerging character of development in the R4 High Density Residential zone. The proposal provides for a total of 431 residential apartments with a</p>	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
	<ul style="list-style-type: none"> To provide for the housing needs of the community within a high density residential environment. To provide a variety of housing types within a high density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To encourage high density residential development in locations that are close to population centres and public transport routes. 	<p>mix of 1 bedroom, 2 bedroom and 3 bedroom apartments proposed. Provision is made for adaptable apartments. The proposal will provide a variety of housing types that will appropriately provide for the housing needs of the community.</p> <p>The proposal exhibits a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression. The proposed development includes a comprehensive design for the landscaping of the site that 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 emerging character of the Showground Station precinct.</p> <p>The proposed development involves the consolidation of existing allotments and will not result in the fragmentation of any land that may preclude future high density residential development.</p> <p>For the reasons the proposal is considered to be consistent with the objectives of the R4 zone.</p>	
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 4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings	Clause 4.1A of the THLEP requires a minimum lot size for residential flat buildings in the R4 zone of 4,000 square metres. However, Clause 9.1 Minimum lot sizes for residential flat buildings and shop top housing prevails and provides a minimum lot size of 3,600 square metres for a residential flat building above 11 metres in height in the R4 zone.	The subject site area exceeds 3,600 square metres and complies with this 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.	In accordance with clause 4.3 'Height of Buildings' 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'. The	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		proposed maximum height for the site is compliant with the proposed 72 metre height control.	
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 proposed maximum floor space ratio for the site is compliant with the proposed 4.1:1 FSR control.	
Clause 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>	The site is not flood affected.	
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 site is not identified as being affected by acid sulfate soils on the Acid Sulfate Soils Map.	
Clause 7.2 Earthworks	<p>Pursuant to clause 7.2 development consent is required for earthworks, unless:</p> <p>(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p>	<p>The plans in Appendix 6 show the proposed extent of earthworks.</p> <p>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</p>	Appendix 6, Appendix 23,

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
	<p>(b) the work is ancillary to other development for which development consent has been given.</p> <p><i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i></p> <p><i>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</i></p>	<p>prepared and accompanies this application at Appendix 23. 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.</p> <p>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 improved relationship between the buildings and surrounding public domain.</p> <p>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.</p> <p>It is noted that this level of excavation is representative of other development recently approved in the area.</p>	
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.	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
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 lot size is 14,219 square metres and exceeds the minimum required lot size of 3,600 square metres for buildings to exceed 11 metres in height.	
Clause 9.2 Site area of proposed development includes dedicated land	<p>Clause 9.2 provides that:</p> <p><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></p> <p><i>(a) is dedicated to the Council or a public authority for a public purpose (including roads, drainage or open space), and</i></p> <p><i>(b) would have been part of the site area if it had not been so dedicated.</i></p>	The site area for calculating FSR is 14,219 square metres.	
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.	Clause 9.3 states that 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 on the Building Setback Map as requiring a 10 metre front setback from Middleton Avenue and a 5 metre setback from Carrington Road. The proposal complies with these setback requirements	Appendix 6
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.	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.	Section 6.2, 6.3, 6.4 and 6.3

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
	<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>(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</p>	<p>In summary, the proposed development is considered to exhibit design excellence for the following reasons:</p> <ul style="list-style-type: none"> • The proposal provides for a residential flat development that is consistent with the Showground Precinct Structure Plan 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 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. 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, provides 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. 	

Statutory Reference	Relevant Considerations	Comment/Assessment	Section in EIS
		<ul style="list-style-type: none"> • 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 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 enhancing the amenity and liveability for residents, workers and visitors. The proposal also facilitates the widening of Carington Road. A number of existing vehicular crossings will become redundant resulting in additional space for on-street parking on the surrounding streets. • 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 and provides much needed accommodation for the community in this locality. 	

