



APPENDIX C – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	<p>The proposal seeks to repurpose a site which is currently underutilised in the R4 High Density Residential setting. As detailed in the SIA, the proposal will result in several social and economic benefits to the community.</p> <p>The EIS includes thorough environmental, economic, and social assessments to inform the design of the proposal and ensure its suitability for the site. Where appropriate, mitigation measures are provided to manage the social and economic welfare of the community during construction and operational phases of the development.</p>	Section 6
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms in accordance with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p> <p>In addition, an ESD Report and BASIX Certificate have been prepared to accompany the EIS which identify how ESD best practice principles are incorporated into the design and ongoing operation of the proposed development and how the development minimises greenhouse gas emissions and consumption of resources.</p> <p>In addition, the development will be constructed and operated to contribute towards the net zero priorities as outlined within the DPIE, Net Zero Plan 2020-2030. In support of this, and as required by the Sustainable Buildings SEPP.</p>	Section 6.4, Appendix U, Appendix LL and Appendix Y
	<i>To promote the orderly and economic use and development of land</i>	<p>The proposed redevelopment of the site responds to the State's growing population and the need to build more homes in accessible locations, to boost housing supply and improve affordability. The redevelopment of the site has been informed by a thorough site and local context analysis, environmental assessments and assessment against strategic and statutory planning policies to promote the orderly and economic use and development of the land.</p>	Section 2, Section 4 and Section 6
	<i>To promote the delivery and maintenance of affordable housing,</i>	<p>The proposal includes the delivery of 30 affordable apartment units which will be managed by a Community Housing Provider for at least 15 years.</p>	Section 3.1
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	<p>A BDAR Waiver has been issued for the proposal, confirming that the development is unlikely to have any significant impact on biodiversity values on or off site.</p>	Section 6.11
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	<p>The site is not identified as containing any items of heritage significance under the Paramatta LEP or <i>Heritage Act 1977</i>.</p> <p>The site is not located near any local heritage or State heritage items. The proposed development is not anticipated to have any adverse impacts on the heritage significance of any heritage items.</p> <p>An Aboriginal Heritage Impact Assessment (AHIA) was prepared for the proposed development. It confirmed that the site has a history of deforestation, land clearing and residential uses. No Aboriginal objects were observed during the visual inspection and no archaeological potential was identified. It was found that it was highly unlikely that the site has the potential to contain any archaeological items.</p>	Section 6.11
	<i>To promote good design and amenity of the built environment,</i>	<p>An Architectural Design Report has been prepared that confirms the proposed design and amenity outcome is appropriate for the site and locality. The additional height and FSR afforded by the Housing SEPP have been skilfully provided to avoid adverse external amenity impacts, particularly regarding overshadowing to neighbouring residential development.</p>	Section 6.1 and Appendix H
<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	<p>Community and stakeholder engagement has been undertaken during 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.</p>	Section 5 and Appendix E.	
Section 4.15	<u>Relevant environmental planning instruments:</u>	See detail below under State Environmental Planning Policies (SEPPs).	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ▪ <i>State Environmental Planning Policy (Housing) 2021</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> ▪ <i>Parramatta Local Environmental Plan 2023</i> 		
	Draft environmental planning instruments	None are relevant to the proposal	N/A
	Relevant planning agreement or draft planning agreement	None relevant to the proposed development	N/A
	Environmental Planning and Assessment Regulation 2021 – Schedule 2	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	N/A
	Development control plans:	Clause 2.10 of the Planning Systems SEPP provides that DCPs do not apply to SSDAs. As such, the Parramatta DCP 2023 is not a relevant consideration.	N/A
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, social and economic impact on the locality is assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	Section 7
	Any submission made	Submissions will be considered following exhibition of the application.	N/A
	The public interest	<p>The proposed development satisfactorily responds to the relevant planning instruments and controls applying to the site. The proposal will not create any adverse social, economic or environmental impacts that can't be mitigated by the proposed mitigation measures provided at Appendix D.</p> <p>On balance, the benefits of the development outweigh any adverse impacts, and the development is deemed to be in the public interest.</p>	Section 7 Appendix D
Environmental Planning and Assessment Regulation 2021			
Schedule 2	Schedule 2 of the Regulations 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 Schedule 2 of the Regulations and SEARs.	Appendix A
Section 26	Section 26 of the Regulations outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered Section 26 of the Regulations outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered community housing provider.	A letter has been prepared by Link Wentworth, a tier 1 registered Community Housing Provider confirming that subject to a property management agreement intends to manage the affordable housing dwellings at the site for 15 years in accordance with the Housing SEPP.	Appendix CC
Section 173	Section 173 of the Regulations 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 173 of the EP&A Regulation and SEARs.	Section 1, Appendix A
Section 193	Section 193 of the Regulations requires an assessment against the principles of ESD.	The EIS has addressed the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms.	Appendix U Section 6.4
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	A BDAR Waiver has been issued for the proposed development confirming that the development is unlikely to have any significant impact on biodiversity values of the site and surroundings.	Appendix V Appendix W Section 6.11

Statutory Reference	Relevant Considerations	Relevance	Section in EIS																										
State Environmental Planning Policies																													
<i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i>	<p>In accordance with Schedule 1, Section 26A of the Planning Systems SEPP, the following development is SSD:</p> <ul style="list-style-type: none"> Development to which Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and Has an EDC of \$75M+ (for the residential components); and Is not prohibited under an EPI applying to the land; and Will provide at least 10% of the overall GFA as affordable housing for at least 15 years. 	<p>The residential component of the proposal has an estimated EDC of \$101,819,136 (ex GST)</p> <p>The proposed land uses being “residential flat building” and “centre-based childcare care facility” are permitted with consent in the R4 high density residential zone under the Parramatta LEP 2023.</p> <p>The proposal also provides 15% affordable housing and meets the locational criteria of the Housing SEPP. Therefore, the proposal qualifies as SSD.</p>	<p>Appendix C Appendix GG</p>																										
<i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i>	<p>Chapter 2 Affordable Housing</p> <p>Section 15C The in-fill affordable housing provisions of the Housing SEPP apply to development that includes residential development if –</p> <ul style="list-style-type: none"> The development is permitted with consent under an EPI. The affordable housing component is at least 10%. The development is carried out in an accessible area. 	<p>The proposed residential accommodation and centre-based child care centre is permitted with consent under the Parramatta LEP 2023. At least 10% of the total GFA is proposed to be affordable housing. The site is located in an accessible area as it is within approx. 250m walking distance of Carlingford Court Shopping Centre.</p>	<p>Appendix B</p>																										
	<p>Section 16 Affordable housing requirements for additional floor space ratio</p> <p>The minimum affordable housing component is 10%. 30% additional FSR is permitted for proposals delivering up to 15% affordable housing, based on the maximum permissible FSR for the land, in accordance with Section 16 (1) and (2).</p> <p>In accordance with Section 16 (3), the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p>	<p>15% of the total GFA proposed is provided as affordable housing (2,129sqm / 30 apartments). Therefore, the proposal seeks to utilise the 30% FSR and height bonus available.</p> <p>The table below identifies the FSR bonus calculations. Underneath that is proposals FSR breakdown given the FSR bonus.</p> <table border="1"> <thead> <tr> <th>Building</th> <th>LEP FSR Control</th> <th>LMR FSR</th> <th>Max. Permissible FSR (LMR + 30%)</th> <th>Max. Permissible GFA (based on site area of 5,948sqm)</th> </tr> </thead> <tbody> <tr> <td>Buildings A1 and B</td> <td>1:1</td> <td>2.2:1</td> <td>2.86:1</td> <td>17,007.28sqm</td> </tr> <tr> <td>Building A2</td> <td>1.49:1</td> <td>2.2:1</td> <td></td> <td></td> </tr> </tbody> </table> <p>This proposal provides an FSR of 2.36:1 and the following breakdown of GFA:</p> <ul style="list-style-type: none"> Affordable housing – 2,129 (15% of total GFA) Market Housing – 11,502sqm Total residential GFA – 13,631sqm Child care – 413sqm Total GFA - 14,044sqm <p>The table below identifies the height bonus calculations. The proposed building height is 31.7 metres. The height exceedance relates to the top of the lift overruns, stairs and the upper most portion of the roof parapet on Buildings A1, A2 and Building B, and the upper most portion of the top level of Building B. A Clause 4.6 Variation Request (Height) is submitted at Appendix F, providing justification for this non-compliance.</p> <table border="1"> <thead> <tr> <th>Building</th> <th>LEP Height Control</th> <th>LMR Height</th> <th>Max. Permissible Height (LMR + 30%)</th> </tr> </thead> <tbody> <tr> <td>Buildings A1 and B</td> <td>16m</td> <td>22m (6 storeys)</td> <td rowspan="2">Up to max. 28.6 metres</td> </tr> <tr> <td>Building A2</td> <td>21m</td> <td>22m (6 storeys)</td> </tr> </tbody> </table>	Building	LEP FSR Control	LMR FSR	Max. Permissible FSR (LMR + 30%)	Max. Permissible GFA (based on site area of 5,948sqm)	Buildings A1 and B	1:1	2.2:1	2.86:1	17,007.28sqm	Building A2	1.49:1	2.2:1			Building	LEP Height Control	LMR Height	Max. Permissible Height (LMR + 30%)	Buildings A1 and B	16m	22m (6 storeys)	Up to max. 28.6 metres	Building A2	21m	22m (6 storeys)	<p>Section 3.4 Appendix B Appendix F</p>
Building	LEP FSR Control	LMR FSR	Max. Permissible FSR (LMR + 30%)	Max. Permissible GFA (based on site area of 5,948sqm)																									
Buildings A1 and B	1:1	2.2:1	2.86:1	17,007.28sqm																									
Building A2	1.49:1	2.2:1																											
Building	LEP Height Control	LMR Height	Max. Permissible Height (LMR + 30%)																										
Buildings A1 and B	16m	22m (6 storeys)	Up to max. 28.6 metres																										
Building A2	21m	22m (6 storeys)																											

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Non-discretionary development standards 19(2)(a) Minimum site area of 450m ²	The site has a total area of 5,948m ² .	Appendix B
	19(2)(b) minimum landscaped area that is the lesser of: <ul style="list-style-type: none"> 35m² 30% of the site area 	The site has a total proposed landscaped area of 2,131m ² which is 35.8% of the site area.	Appendix S Section 6.5
	19(2)(c) 15% deep soil zone, with: <ul style="list-style-type: none"> Minimum dimensions of 3m 65% located at the rear of the site 	As per 19(3), subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. The site has a total proposed deep soil zone of 1,053m ² which is 17.7% of the site and in excess of the ADG requirements. Given the site has two frontages, the majority of deep soil planting areas are along the eastern, northern and western boundaries. These deep soil zones are capable of supporting large canopy tree plantings, which will contribute to a more established landscape setting over time and enhance privacy and outlook for both residents and the surrounding public domain.	Appendix S Section 6.5
	19(2)(d) living rooms and POS in at least 70% of dwelling receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter.	As per 19(3), subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. As the proposal includes a residential flat building, Chapter 4 and the ADG controls apply and have been duly addressed. 96 dwellings (70.5%) will receive at least 2 hours solar access as per the ADG standard.	Appendix H Section 6.2
	19(2)(e) car parking for affordable housing dwellings: <ul style="list-style-type: none"> 1 bedroom: 0.4 parking spaces 2 bedroom: 0.5 parking spaces 3 bedroom: 1 parking space 	The development proposes to provide 164 residential parking spaces, comprising 138 market residential parking spaces and 26 affordable parking spaces, consistent with the SEPP requirements. Refer to Parking and Traffic Impact Assessment (Appendix M) for further breakdown.	Appendix M Section 3 Section 6.6
	19(2)(f) car parking for non-affordable housing dwellings: <ul style="list-style-type: none"> 1 bedroom: 0.5 parking spaces 2 bedroom: 1 parking spaces 3 bedroom: 1.5 parking space 		
	Section 20 Design Requirements Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with: <ul style="list-style-type: none"> the desirable elements of the character of the local area, or for precincts undergoing transition—the desired future character of the precinct. 	As demonstrated in the accompanying Design Report and EIS, the proposed development has been designed in response to the desirable elements of the local area, which are characterised by low/medium density residential development.	Appendix H Section 6.1
	Section 21 Must be used for affordable housing for at least 15 years The consent authority is to be satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development, the development will include the affordable housing component specified above, and the affordable housing component will be managed by a registered community housing provider.	The proponent is committed to providing 15% of the total proposed GFA as affordable housing to be managed by a Community Housing Provider for a period of 15 years.	Appendix CC
	Chapter 4 Design of Residential Apartment Development Under Chapter 4 of the Housing SEPP, the consent authority must consider: <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>	A detailed assessment of the proposal against the design principles for residential apartment development and the Apartment Design Guide (ADG) is provided in the accompanying Design Report, prepared by Capió. The assessment demonstrates that the proposal achieves a high level of consistency with the key numerical requirements of the ADG including: <ul style="list-style-type: none"> Solar and daylight access. Natural ventilation. 	Appendix H Section 6.1 Section 6.2

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(b) the Apartment Design Guide	<ul style="list-style-type: none"> ▪ Apartment size and layout. ▪ Ceiling heights. ▪ Private open space and balconies. ▪ Communal Open Space. ▪ Visual Privacy. ▪ Storage. 	
	<p><u>Chapter 6 Low and mid rise housing</u></p> <p>175 Development standards—low and mid rise housing inner area</p> <p>(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential.</p> <p>(2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer.</p> <p>(3) Development consent must not be granted for development for the purposes of a building containing shop top housing with a building height of up to 24m unless the consent authority is satisfied the building will have 6 storeys or fewer.</p> <p>(4) In this section, a storey does not include a basement within the meaning of the standard instrument.</p>	<p>(1) The site is located within 400m walking distance of Carlingford Court Shopping Centre which is mapped as a town centre under Chapter 6 (Low and mid rise housing) of the Housing SEPP. The site is zoned R4 High Density and is therefore located within a “low and mid rise housing inner area” and is subject to the development standards under the Low and Mid-Rise Housing Policy (LMR) of the Housing SEPP 2021. The LMR provisions of the Housing SEPP apply to the proposal as the development:</p> <ul style="list-style-type: none"> • Is not located on bush fire prone land, or land identified as a coastal vulnerability area or a coastal wetlands or littoral rainforests area. • Is not located within a transit oriented development (TOD) precinct, an “Accelerated TOD Precinct” or a “deferred TOD area” (and is therefore not subject to the provisions under Chapter 5 of the Housing SEPP). • Is not on land that is a heritage item, or on which a heritage item is located. • Meets the locational requirements of the Housing SEPP. • Is not in a flood planning area within any of the identified LGAs. • Is not on land affected by ANEF noise contours. • Is not located on land within 200 metres of a relevant pipeline. • Is not located within 800 metres of a public entrance to a railway, metro or light rail station as listed in Schedule 12 of the Housing SEPP. <p>The site is located on land zoned R4 High Density Residential under the Parramatta LEP 2023 and proposes the construction of two residential apartment buildings.</p> <p>These provisions permit ‘residential flat buildings’ on the land zoned R4 High Density Residential with a maximum building height of 22m and a maximum floor space ratio (FSR) of 2.2:1.</p> <p>These provisions establish new base FSR and maximum building height controls above the Parramatta LEP 2023. These provisions are considered to be the ‘base control’ to which the in-fill affordable housing provisions then apply.</p> <p>(2) The building height exceeds 6 storeys due to the infill affordable housing bonus provisions.</p> <p>(3) N/A</p> <p>(4) Noted.</p>	N/A
	<p>180 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4</p> <p>(1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.</p> <p>(2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area—</p> <p>(a) a maximum floor space ratio of 2.2:1,</p> <p>(b) for residential flat buildings—a maximum building height of 22m,</p> <p>(c) for a building containing shop top housing—a maximum building height of 24m.</p> <p>(3) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing outer area—</p> <p>(a) a maximum floor space ratio of 1.5:1,</p> <p>(b) a maximum building height of 17.5m.</p>	<p>2a) The maximum FSR is established by applying a 30% bonus to the 2.2:1, being 2.86:1. The maximum FSR proposed is 2.36:1.</p> <p>2b) The maximum building height is established by applying a 30% bonus to 22m, being 28.6m. The maximum height proposed is 31.7m and a Clause 4.6 Variation Request has been prepared in this regard,</p> <p>2c) N/A</p> <p>3) N/A</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS											
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	A Preliminary Site Investigation (PSI) has been prepared for the site as part of the SSDA. The PSI concludes that the potential for significant contamination is considered low and that the site can be made suitable for residential and child care uses, subject to the implementation of mitigation measures identified in Appendix D .	Appendix R Appendix D Section 6.11											
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</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.	An ESD Report and BASIX Certificate accompany the proposal which demonstrates how a high level of energy efficiency and environmental sustainability are achieved in the proposed development, with a strong emphasis placed on the passive efficiency of the building, including passive heating, cooling, natural lighting and natural ventilation. The proposal meets the relevant BASIX targets.	Appendix U Appendix X Section 6.4											
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)</i>	Chapter 2 Vegetation in non-rural areas aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	The accompanying Arboricultural Impact Assessment (Appendix T) demonstrates how the proposal seeks to minimise tree removal and replace any tree removal as much as possible. Trees to be removed are because of the topographical and ecological constraints of their retention. These trees directly conflict with the proposed development footprint and proposed level changes. Trees to be removed are to be replaced. The accompanying BDAR Waiver confirms the proposal is unlikely to have any significant impact on biodiversity values of the site and surroundings.	Appendix T Appendix V Appendix W Section 6.5											
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</i>	Clause 2.122 relates to traffic generating development and requires that before granting consent the consent authority must refer certain development for with access to any road to Transport for NSW. Clause 3.23 Centre-based child care facility – matters for consideration by consent authorities. <i>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</i>	This clause applies to residential development comprising 75 or more dwellings where vehicular access is located within 90 metres of a connection to a classified road. While Moseley Street connects to the Pennant Hills Road, the proposed vehicle access point is located more than 90 metres from this intersection and therefore does not trigger the clause. The proposal seeks consent for a child care centre land use at the Ground level of Building B (identified on Level 2 floor plan due to site slope). The childcare centre is 413 sqm and the Architectural Plans provide an indicative floorplan layout. The DA does not seek consent for any physical works or operational / management matters. The detailed fit out, internal design, and operation of the tenancy will be subject to a future development consent. An assessment of the proposal against the Child Care Planning Guideline is available within the Urban Design Report.	N/A Appendix H											
Parramatta Local Environmental Plan 2023														
2.3 Zoning and Land Use	The proposed development involves residential accommodation and centre-based child care facilities which are a permissible use with consent in the R4 High Density Residential Zone.	The proposal is entirely consistent with the objectives of the zone given: <ul style="list-style-type: none"> The proposed development will provide 136 additional dwellings in a high-density residential development The proposed development will provide a mix of different apartment types as well as providing affordable and market housing A centre-based child care facility will also be provided as part of the proposed development which will provide a facilities/service to meet the day to day needs of residents and members of the local community The site is located approx. 250m walking distance of Carlingford Court Shopping Centre 	N/A											
4.3 Height of Buildings	16m for the northern portion of the site 21m for the southern portion of the site	Non-compliant – variation proposed. The site is located approx. 250m walking distance of Carlingford Court Shopping Centre which is mapped as a town centre under Chapter 5 (Low and mid rise housing) of the Housing SEPP. The site is therefore located within a "low and mid rise housing inner area" and the proposal seeks to utilise the uplift in development standards under the LMR provisions (as set out within Sections 175 and 180 of Chapter 5 of the Housing SEPP). Therefore, these development standards become the "new" base height control for the site. A 'Residential Flat Building' that provides at least 15% of total GFA as affordable housing (in addition to any other required affordable housing required under another planning instrument) for a minimum of 15 years will be eligible for 130% of the Height of Building control for residential accommodation (in addition to the FSR bonus described above). The 130% height is calculated on the maximum permissible building height for the land (being the LMR building height). Therefore, based on the above methodology, the following calculation has been made for this site	Appendix F Section 6.1											
<table border="1"> <thead> <tr> <th>Building</th> <th>LEP Height Control</th> <th>LMR Height</th> <th>Max. Permissible Height (LMR + 30%)</th> </tr> </thead> <tbody> <tr> <td>Buildings A1 and B</td> <td>16m</td> <td>22m (6 storeys)</td> <td rowspan="2">Up to max. 28.6 metres</td> </tr> <tr> <td>Building A2</td> <td>21m</td> <td>22m (6 storeys)</td> </tr> </tbody> </table>				Building	LEP Height Control	LMR Height	Max. Permissible Height (LMR + 30%)	Buildings A1 and B	16m	22m (6 storeys)	Up to max. 28.6 metres	Building A2	21m	22m (6 storeys)
Building	LEP Height Control	LMR Height	Max. Permissible Height (LMR + 30%)											
Buildings A1 and B	16m	22m (6 storeys)	Up to max. 28.6 metres											
Building A2	21m	22m (6 storeys)												

Statutory Reference	Relevant Considerations	Relevance	Section in EIS															
		The proposed building height is 31.7 metres. The height exceedance relates to the top of the lift overruns, stairs and the upper most portion of the roof parapet on Buildings A1, A2 and Building B, and the upper most portion of the top level of Building B. A Clause 4.6 Variation Request (Height) is submitted at Appendix F																
4.4 Floor Space Ratio	1:1 for the northern portion of the site 1.49:1 for the southern portion of the site	<p>The site is located approx. 250m walking distance of Carlingford Court Shopping Centre which is mapped as a town centre under Chapter 5 (Low and mid rise housing) of the Housing SEPP. The site is therefore located within a “low and mid rise housing inner area” and the proposal seeks to utilise the uplift in development standards under the LMR provisions (as set out within Sections 175 and 180 of Chapter 5 of the Housing SEPP). Therefore, these development standards become the “new” base FSR control for the site.</p> <p>A ‘Residential Flat Building’ that provides at least 15% of the total GFA as affordable housing (in addition to any other affordable housing required under another planning instrument) for a minimum of 15 years is eligible for an additional 30% of the permitted FSR control (in addition to the Height bonus described below). The 130% calculation is based on the maximum permitted FSR on the land (being the LMR FSR). Therefore, based on the above methodology, the following calculation has been made for this site:</p> <table border="1"> <thead> <tr> <th>Building</th> <th>LEP FSR Control</th> <th>LMR FSR</th> <th>Max. Permissible FSR (LMR + 30%)</th> <th>Max. Permissible GFA (based on site area of 5,948sqm)</th> </tr> </thead> <tbody> <tr> <td>Buildings A1 and B</td> <td>1:1</td> <td>2.2:1</td> <td>2.86:1</td> <td>17,007.28sqm</td> </tr> <tr> <td>Building A2</td> <td>1.49:1</td> <td>2.2:1</td> <td></td> <td></td> </tr> </tbody> </table> <p>This proposal provides an FSR of 2.36:1 and the following breakdown of GFA:</p> <ul style="list-style-type: none"> Affordable housing – 2,129 (15% of total GFA) Market Housing – 11,502sqm Total residential GFA – 13,631sqm Child care – 413sqm Total GFA - 14,044sqm 	Building	LEP FSR Control	LMR FSR	Max. Permissible FSR (LMR + 30%)	Max. Permissible GFA (based on site area of 5,948sqm)	Buildings A1 and B	1:1	2.2:1	2.86:1	17,007.28sqm	Building A2	1.49:1	2.2:1			Appendix B
Building	LEP FSR Control	LMR FSR	Max. Permissible FSR (LMR + 30%)	Max. Permissible GFA (based on site area of 5,948sqm)														
Buildings A1 and B	1:1	2.2:1	2.86:1	17,007.28sqm														
Building A2	1.49:1	2.2:1																
5.10 Heritage Conservation	Development consent is required to (a) <i>demolish or move any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)</i> (i) <i>a heritage item,</i> (ii) <i>an Aboriginal object,</i> (iii) <i>a building, work, relic or tree within a heritage conservation area,</i>	The site is not identified as containing items of heritage significance under the Parramatta LEP or <i>Heritage Act 1977</i> .	N/A															
5.21 Flood Planning	(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— (a) is compatible with the flood function and behaviour on the land, and (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 (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 (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (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. (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development,	The site is not identified as flood prone land; therefore the proposed development will not change any flooding behaviour of the surrounding area.	Appendix HH Appendix KK Section 6.11															

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
6.5 Stormwater Management	<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, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> <p>(2) Development consent must not be granted to development unless the consent authority is satisfied the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces, having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and land used for water-based recreation or, if the impacts cannot be reasonably avoided, minimises and mitigates the impacts.</p>	<p>The proposed development is accompanied by a Sediment and Erosion Control Plan, which addresses the potential for stormwater infiltration during site preparation and tree removal activities.</p> <p>The works will not result in any adverse impacts on native bushland, receiving waterways, or land used for water-based recreation.</p>	Appendix I