

## Appendix B – Statutory Considerations

### ENVIRONMENTAL PLANNING INSTRUMENTS

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the project are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Sutherland Shire Local Environment Plan 2011 (SSLEP) 2015

### COMPLIANCE WITH CONTROLS

#### State Environmental Planning Policy (Planning Systems) 2021

Table B 1| Planning Systems SEPP compliance table

Relevant sections	Consideration and comments	Complies
<b>2.1 Aims of Chapter</b> The aims of this policy are as follows: (a) to identify development that is State significant development	The project is identified as SSD.	Yes
<b>2.6 Declaration of State significant development: Section 4.36</b> (1) Development is declared to be State significant development for the purposes of the Act if: (a) 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 (b) the development is specified in Schedule 1 or 2.	The project is permissible with development consent. The development is a type specified in Schedule 1.	Yes
<b>Schedule 1 State significant development —general 14 Hospitals, medical centres and health research facilities</b> (1) Development that has a capital investment value of more than \$30 million for any of the following purposes:	The project comprises development for the purpose of a hospital and has a CIV in excess of \$30 million.	Yes

- Hospitals,
- Medical centres,
- Health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).

## State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

An assessment of the development against the relevant considerations of the Transport and Infrastructure SEPP is provided in **Table B 2**.

**Table B 2** | Transport and Infrastructure SEPP assessment

Clause(s)	Consideration and comments
2.60 Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.	R2 Zone (Low Density Residential) is identified under clause 2.60 as a prescribed zone where health services including hospitals are permissible with consent. The Department has considered compatibility of the development with surrounding land uses and has concluded that the development for the purposes of a hospital is suitable given the existing use of the site.
2.119 Development in or adjacent to road corridors and road reservations	<p>The site has a frontage to a classified road. In accordance with clause 2.119 of the Transport and Infrastructure SEPP the consent authority must be satisfied that, where practicable and safe, vehicular access is to be provided by a road other than the classified road and that the development would not impact on the safety, efficiency and ongoing operation of the classified road.</p> <p>The Department has considered potential traffic impacts at <b>Section 6</b> and is satisfied the project would not adversely affect the surrounding road network. The project provides for appropriate vehicle access arrangements and there would be no adverse impact on the ongoing safety and efficient operation of the adjoining classified roads.</p>
2.122 Traffic-generating development	The development constitutes traffic generating development in accordance with clause 2.122 of the Transport and Infrastructure SEPP as it increases the hospital to 182 beds. This meets the

definition of 'traffic generating development' as it includes '100 or more beds' and the site has access to a classified road.

The Department consulted with TfNSW and Council as the relevant roads authority for the classified road network. TfNSW did not raise any concerns in relation to the project (**Section Error! Reference source not found.**).

### State Environmental Planning Policy (Resilience and Hazards) 2021

The Resilience and Hazards SEPP aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes an Environmental Site Investigation Report and a Remedial Action Plan. The reports conclude that there are two areas of concern which require works to make the site suitable for the proposed use.

The Department is satisfied that the site can be made suitable for the proposed use subject to the recommendations of the Detailed Environmental Site Investigation Report and the Remedial Action Plan being actioned under clause 4.6(1)[c] of Resilience and Hazards SEPP. The Department has recommended conditions that require an unexpected finds protocol be developed for any unanticipated contamination found during future works.

### State Environmental Planning Policy (Industry and Employment) 2021

The Industry and Employment SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The Department has assessed the proposed signage against the relevant requirements in **Table B 3** and the specific assessment criteria of Schedule 5 of Industry and Employment SEPP in **Table B 4**.

**Table B 3** | Industry and Employment SEPP compliance table

Clause	Assessment Criteria	Comments	Compliance
<b>Part 3.2 Signage generally</b>			
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this Policy.	The project is consistent with the objectives of Industry and Employment SEPP, including being compatible with the desired amenity and visual character of the area, and providing effective communication and public benefit.	Yes
	The signage is to satisfy the assessment criteria in Schedule 1.	See <b>Table B 4</b>	Yes

**Table B 4 | Industry and Employment SEPP Schedule 5 assessment criteria table**

<b>Assessment Criteria</b>	<b>Comments</b>	<b>Compliance</b>
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are contemporary in design, would be compatible with the existing / future character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular themes exist for outdoor advertising in the area.	Yes
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any special areas.	Yes
<b>3 Views and vistas</b>		
Does the proposal: <ul style="list-style-type: none"> <li>• obscure or compromise important views?</li> <li>• dominate the skyline and reduce the quality of vistas?</li> <li>• respect the viewing rights of other advertisers?</li> </ul>	The signage does not obscure the viewing rights of other signage or dominate the skyline and reduce vistas.	Yes
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs would complement the hospital design and contribute to the visual interest of the streetscape.  The main sign is proposed to be located on the roof parapet of the top floor addressing vehicular approach to the corner of Hotham Road and President Avenue.  A number of small way finder signs are proposed to be located at entrances and outbuildings.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the signs are appropriate for the streetscape and setting within which it is proposed.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The sign/s is simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign would sit well below the height of proposed buildings.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed signs.	Yes

Assessment Criteria	Comments	Compliance
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The sign is of appropriate scale and proportion and is considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The sign is appropriately located at the site entrance and would not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the sign is to denote the entrance of the hospital and identify the hospital to the street.	Yes
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Lighting is designed as an integral part of both signs. The Applicant stated all electrical connections will be designed for outdoor conditions and hardwired separately to internal components to ensure that the circuitry to signage can be monitored in isolation.	Yes
<b>7 Illumination</b>		
Would illumination result in unacceptable glare?	The proposed sign would be internally illuminated. The lighting would be directed to ensure there will be no adverse impacts on the nearby residential area.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	No.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	No.	Yes
Can the intensity of the illumination be adjusted, if necessary?	Yes. The Department has recommended a condition that all signage be capable of having the intensity adjusted, if necessary.	Yes

Assessment Criteria	Comments	Compliance
Is the illumination subject to a curfew?	The Department does not consider a curfew is necessary given the lighting of all signs would not have adverse amenity impacts and will be capable of being adjusted if necessary.	Yes
<b>8 Safety</b>		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, extensive views of the footpath and entrance area would still be available.	Yes
Would the proposal reduce safety for any public road?	The design and location of the proposed signage would not impact on safety of any public road.	Yes

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

Biodiversity and Conservation SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Biodiversity and Conservation SEPP replaced seven SEPPs. The project is consistent with the applicable provisions of the Biodiversity and Conservation SEPP.

### Sutherland Shire Local Environmental Plan (SSLEP) 2015

The SSLEP 2015 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Sutherland Shire LGA. The SSLEP 2015 also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the SSLEP 2015 and those matters raised by Council in its assessment of the development. The Department concludes the development is consistent with the relevant provisions of the SSLEP 2015. Consideration of the relevant clauses of the SSLEP 2015 is provided in **Table B 5**.

**Table B 5** | Consideration of the SSLEP 2015

SSLEP 2015	Department Comment/Assessment
Land Use Table – Zone SP1 (Special Activities) and R2 Low Density Residential	Hospitals are permissible with consent in the SP1 zone. While the SSLEP does not nominate hospitals as a permissible use within the R2 zone, the Transport and Infrastructure SEPP makes this use permissible and allows medical services facilities to be located within R2 low density residential zoned land.

Clause 4.3 Building height	<p>Building height provisions vary across the site in each zone as follows:</p> <ul style="list-style-type: none"> <li>• SP1 Zone - unspecified</li> <li>• R2 Zone - 8.5m.</li> </ul> <p>The project maintains a maximum height of 13.470m within the SP1 Zone. The Applicant has submitted a clause 4.6 variation to development standards for project within the R2 zoned. The submission seeks the vary the height limit on the R2 zoned areas by 1.24m with a maximum building height within the R2 zoned area of 9.74m. See <b>Appendix C</b> for the full assessment and discussion of this aspect.</p>
Clause 4.4 Floor space ratio (FSR)	<p>Floor Space Ratio provisions variation of vary across the site in each of the zones as follows;</p> <ul style="list-style-type: none"> <li>• SP1 Zone – Unspecified</li> <li>• R2 Zone – 0.55:1</li> </ul> <p>For the development located in the R2 the Applicant has requested a variation to the development standard, the Applicant has identified an FSR of 1.16:1, a variation of 110% on the R2 zoned land. See <b>Appendix C</b> for the full assessment and discussion of this aspect.</p>
Clause 4.6 Exceptions to development standards	<p>As per <b>Section</b> Error! Reference source not found. of this report the Applicant has sought flexibility to vary the building height development standard and the Floor space ratio development standard. These requests have been supported on the basis that the project satisfactorily addresses Clause 4.6. See <b>Appendix C</b> for the full assessment and discussion of this aspect</p>
Clause 5.10 Heritage conservation	<p>The Department has considered the Applicant’s project including the Heritage Impact Statement and other supporting material. The demolition of Hotham house has been carefully considered including seeking comments from Heritage NSW and Council. The Department also sought independent advice in relation to the proposed demolition of Hotham House.</p> <p>Demolition of the local heritage item is providing for a modern medical facility which will further assist the community. See <b>Section</b> Error! Reference source not found. for the full assessment.</p>
Clause 6.14 Landscaped areas in certain zones	<p>The Department notes that the SSLEP landscaping requirements are only relevant to the R2 zone component of the project. Trees in this area of the site proposed to be removed are exotic and supported by the relevant arborist report. Perimeter landscaping around the site contributes to mitigating visual impact and improving amenity for workers and patients.</p>

---

Clause 6.16 Urban design - general	The Department has considered the Applicant's project and consider the application to be appropriate with regard to Clause 6.16 of SSLEP 2015. The SDRP considered the urban design of the project to be suitable (see <b>Section</b> Error! Reference source not found.).
------------------------------------	--

---

Clause 6.18 Urban design - non-residential development in residential areas	The Department has considered the Applicant's project and considers the application to be appropriate with regard to Clause 6.18 of SSLEP 2015. The SDRP considered the design of the project to be suitable within the locality. The assessment located in <b>Section 6</b> considers the non-residential developments impact on traffic and noise, identifying that the project is suitable subject to recommended conditions of consent.
---	---

---

### **Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)**

In accordance with the EP&A Regulation, the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1) have been complied with.