



APPENDIX C – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Environmental Planning and Assessment Act 1979			
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>	The proposed use of the site as a 'hospital' and 'medical centre' will provide a key piece of community infrastructure which will service the broader community. The development will contribute to the creation of a safer and healthier community promoting greater social welfare.	N/A
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposed development has been designed with respect for principles of ESD and will create a facility that is environmentally conscious.	
	<i>To promote the orderly and economic use and development of land</i>	The proposal facilitates the orderly and efficient use of the site and represents sustainable development.	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The proposal will not result in unacceptable environmental impacts including in relation to ecology, biodiversity, heritage, noise and views.	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Section 4.15	Relevant environmental planning instruments: <ul style="list-style-type: none"> ▪ <i>Environmental Planning and Assessment Act 1979</i> ▪ <i>NSW Biodiversity Act 2016</i> ▪ <i>Environmental Planning Assessment Regulation 2021</i> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ▪ <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>Sydney Local Environmental Plan 2012</i> ▪ <i>Sydney Development Control Plan 2012</i> 	See detail below under State Environmental Planning Policies (SEPPs).	N/A
	Draft environmental planning instruments: <ul style="list-style-type: none"> ▪ Southern Enterprise Area Review LEP and DCP amendments 	See detail below under SEPPs.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Relevant planning agreement or draft planning agreement	A draft VPA letter of offer has been prepared and is provided at Appendix I.	Section 6.2.13 and Appendix I
	<i>Environmental Planning and Assessment Regulation 2021 – Clause 192</i>	This EIS has been prepared in accordance with Clause 192 of the Environmental Planning and Assessment Regulation 2021.	N/A
	Development control plans: <ul style="list-style-type: none">Sydney Development Control Plan 2012 (SDCP 2012)	See detail below under development control plan	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, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	<ul style="list-style-type: none"> The development is permitted with consent in the B7 Business Park Zone and is consistent with the relevant zone objectives. The site benefits from access to the regional road network and sustainable transport modes and is compatible with the surrounding development. Subject to the implementation of appropriate mitigation measures (refer to Appendix D) the proposal will result in minimal environmental impact. The proposal is consistent with the aims and objectives of the Southern Enterprise Area Review in that will increase the amount of employment floor 	Section 7



Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		space in North Alexandria while also facilitating the dedication of land so that development can be supported by a legible network of public streets, land and open space and retain the distinct fine grain low-scale built form to the north of North Alexandria.	
	Any submissions made	Submissions will be considered following exhibition of the application.	
	The public interest	The proposed use of the site as a 'hospital' and 'medical centre' will provide a key piece of community infrastructure will service the broad community. The facility will provide unique services targeted at privately insured patients aged 18 + with mood disorders. Anxiety disorders, and those with comorbid drug and alcohol disorders. The facility will provide both inpatient and outpatient services to suit the specific needs of the patients.	Section 7
Environmental Planning and Assessment Regulation 2021			
Schedule 2	Clause 192 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 192 of the EP&A Regulations and SEARs.	N/A
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the	Section 7.9 of the Biodiversity Conservation Act 2016 requires preparation of a Biodiversity Development	Section 6.2.2



Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	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.	<p>Assessment Report for SSD that are assessed under Part 4 of the EP&A Act. This Concept SSDA will be assessed under Part 4 of the EP&A Act, and, therefore, would normally be required to include a BDAR.</p> <p>However, section 7.9(2) of the BC Act 2016 allows for exemption from the requirement where the development is not likely to have any significant impact on biodiversity values. A request for a waiver for submission of a BDAR was submitted to the DPE and the Office of Environment and Heritage.</p> <p>Subsequently, a waiver under section 7.9(2) of the BC Act 2016 was issued on 26 April 2022 and is provided at Appendix R. Accordingly, a BDAR is not required to be submitted with this EIS.</p>	Appendix R
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	<p><i>State Environmental Planning Policy (Planning Systems) 2021</i> identifies development that is considered to have significance on a state-wide level.</p> <p>Clause 14 of Schedule 1 of the SEPP identifies hospitals, medical centres and health research facilities as state significant:</p>	The proposed development is to have a capital investment value of \$92,594,663 and is for the purpose of a 'hospital' and 'medical centre'. Therefore, the proposed development is considered to be state significant development.	Appendix F



Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p><i>14 Hospitals, medical centres and health research facilities</i></p> <p><i>Development that has a capital investment value of more than \$30 million for any of the following purposes—</i></p> <p><i>(a) Hospitals</i></p> <p><i>(b) Medical Centres</i></p> <p><i>(c) 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).</i></p>		
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p> <p>(T&I SEPP)</p>	<p>The T&I SEPP requires certain traffic generating developments to be referred to TfNSW.</p>	<p>The proposed development requires referral to TfNSW.</p> <p>The Concept Development Application seeks approval for a new hospital and will result in additional traffic generation. Accordingly, the application will be referred to TfNSW.</p> <p>The SSDA will also be referred to the relevant utility service providers to confirm that the siting and layout of the proposed development will not impact on relevant easements and/or infrastructure corridors.</p>	<p>Section 5, Appendix M</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	As the development will involve a change of use within an investigation area a report specifying the findings of a preliminary investigation of the land concerned has been carried out in accordance with the contaminated land planning guidelines.	The Detailed Site Investigation confirms that, subject to the completion of the remedial works and a site validation assessment, the site can be made suitable for development. A Framework Remediation Action Plan has been prepared and Interim Audit Advice has been received, confirming acceptability of the Framework Remediation Action Plan.	Section 6.1.9 and Appendix O, Appendix P and Appendix Q
<i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>	A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.	As this project requires consent under the EP&A Act, the Vegetation SEPP is not relevant.	N/A
Draft Environmental Planning Instruments			
Draft SLEP 2012 Amendment - Enterprise Area Review	The Sydney Local Environmental Plan 2012 (SLEP 2012) is the principal planning instruments relevant to development on the site. The Sydney Development Control Plan 2012 (SDCP 2012) also applies to the site and provides more detailed locality/land use specific development guidelines. Council is in the process of reviewing the planning controls that apply to the Southern	See the table below for an assessment of the proposed concept SSDA against the provisions of the draft SLEP 2012 and DCP Amendments in relation to the Enterprise Area Review.	Section 2.2



Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>Enterprise Area, which includes the subject site, as set out in the following documents which were publicly exhibited between 15 November and 13 December 2021:</p> <ul style="list-style-type: none"> ▪ Planning proposal PP-2021-4808 to amend Sydney Local Environmental Plan 2012 ▪ Draft Sydney Development Control Plan 2012 – Southern Enterprise Area. <p>In relation to the subject site, the planning proposal seeks to increase the maximum height of building control from 35m to 45m.</p> <p>The Concept SSDA envelope seeks to fully align with the draft LEP and DCP controls to be amended as part of the Southern Enterprise Corridor.</p>		

Table 1 Sydney LEP 2012 and Sydney DCP 2012 Controls

Provision	Current Controls	Draft Controls (Southern Enterprise Area Review)	Compliance
Sydney LEP 2012 Controls			

Provision	Current Controls	Draft Controls (Southern Enterprise Area Review)	Compliance
Clause 2 Zoning	B7 Business Park	B7 Business Park (no change)	<p>The proposed uses are permissible with consent in B7 Business Park.</p> <ul style="list-style-type: none"> ▪ Hospital ▪ Pharmacy ▪ Health consulting ▪ General practitioner clinic
Zone objectives	<ul style="list-style-type: none"> ▪ To provide a range of office and light industrial uses: ▪ To encourage employment opportunities: ▪ To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area: ▪ To ensure uses support the viability of nearby centres: 	No change	<ul style="list-style-type: none"> ▪ The proposal will provide approximately 11,442.2m² of floor space for medical centre, hospital and ancillary uses. ▪ The proposal will create 700 jobs in construction and 130 full time jobs in operation. ▪ Allied health related jobs will be delivered across the balance of the site. ▪ The proposal will provide a large investment in infrastructure spending and developer contributions. ▪ The proposal will facilitate the orderly and economic development of site in accordance with the relevant planning controls. ▪ The proposal will improve the urban realm experience by providing landscaping features,

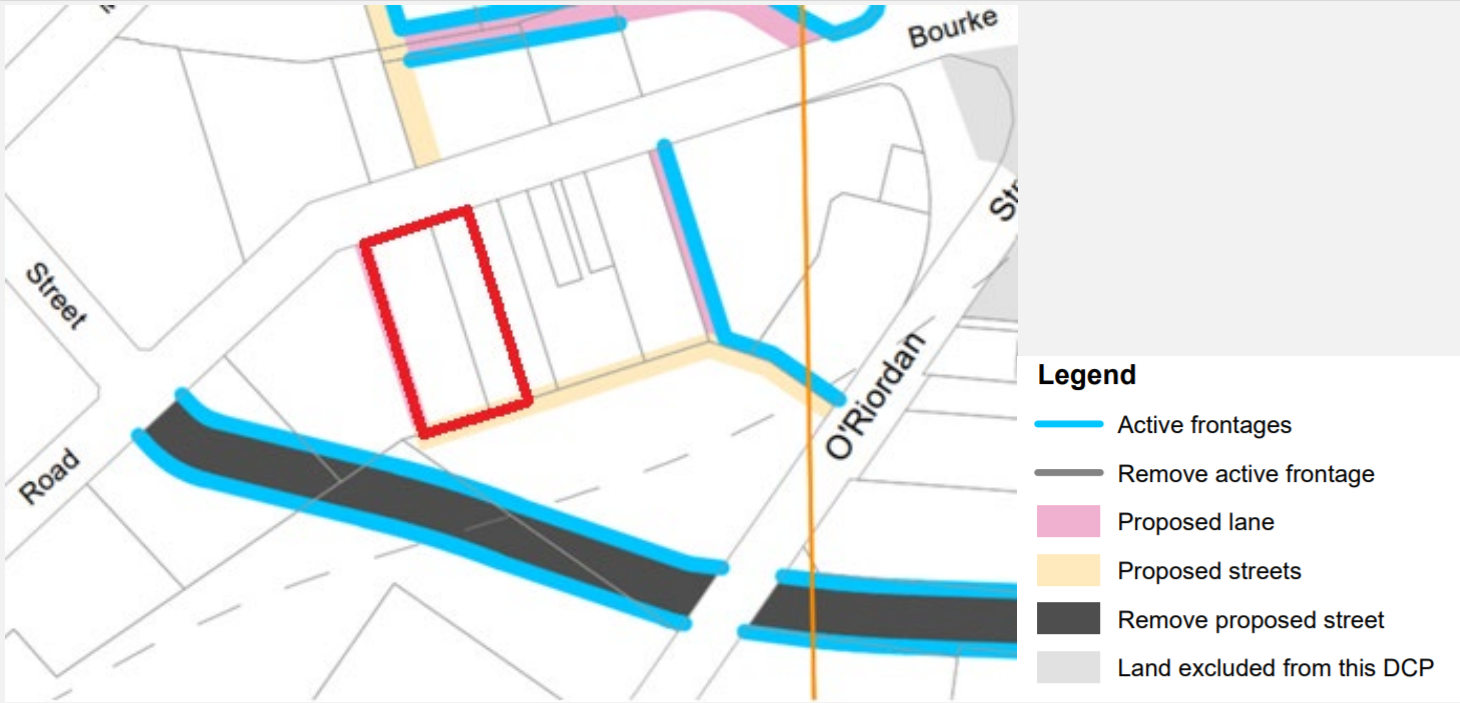
Provision	Current Controls	Draft Controls (Southern Enterprise Area Review)	Compliance
			larger setbacks, through site links and places to stay and sit.
Clause 4.3 Height	35 metres	45 metres	<p>The concept envelope will exceed the current LEP control of 35m, as it seeks a maximum height of 45m (inclusive of lift overruns and plant).</p> <p>It is noted however, that the concept envelope will comply with the amended LEP height of buildings control of 45m.</p> <p>It is also noted that the reference scheme developed for the site indicates that a maximum FSR of 3.85:1 is likely to equate to a height of approximately 40.8m (inclusive of lift cores and plant).</p> <p>It is noted that the LEP amendment has been through public exhibition, has been endorsed by Council and gazettal is imminent with the LEP currently with DPE and Parliamentary Counsel. The proposal is directly aligned with the Amendment. A Clause 4.6 Variation Request has been prepared to support the technical non-compliant building height at the time of submission. However it is noted, given the certain and imminent gazettal of the LEP amendment, it is likely the Clause 4.6 will be made redundant during the assessment of the proposal.</p>

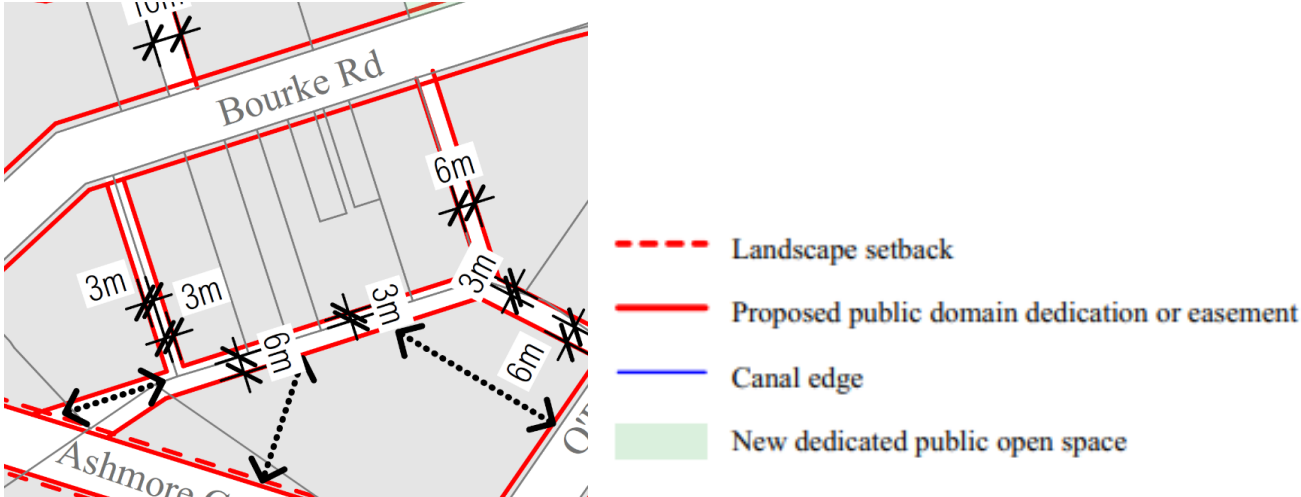
Provision	Current Controls	Draft Controls (Southern Enterprise Area Review)	Compliance
Clause 4.4 FSR	<p>Base FSR - 2:1 (See image below)</p> <p>Under Clause 6.14 – Community Infrastructure Floor Space at Green Square, an additional floor space (+1.5:1) when community infrastructure is provided – <u>3.5:1</u></p> <p>Design excellence – additional 10% - <u>3.85:1</u></p>	No change	<p>Complies</p> <p>3.85:1</p> <p>Base FSR - 2:1</p> <p>Under Clause 6.14 – Community Infrastructure Floor Space at Green Square, an additional floor space (+1.5:1) when community infrastructure is provided – 3.5:1</p> <p>Design excellence (subject to competitive design alternatives process) - additional 10% - 3.85:1</p>
Clause 6.21 Design Excellence	<p>Clause 6.21(5) requires a competitive design process to be held for a building that has, or will have, a height above ground level (existing) greater than 25 metres on land outside Central Sydney.</p> <p>Clause 6.21(7) contains provisions where a building demonstrating design excellence may have a height or FSR bonus of up to 10%.</p>	A site-specific clause to be introduced into the LEP to limit the use of Clause 6.21 to additional floor space only (and not height) in North Alexandria.	A Design Excellence Strategy has been prepared by Urbis (Appendix L) and has been submitted to the Government Architect NSW (GANSW) in support of the Competitive Design Process for 'Alexandria Health Centre' 28-32 Bourke Road, Alexandria (the site) for redevelopment as a 'hospital' and 'medical centre'. The parameters of the built form will be informed by the concept envelope addressed as part of the Concept state significant development application (SSD-38600121).
Transport and Parking	Set out in Sydney LEP 2012, Part 7 Division 1 'Car parking ancillary to other development'	No change	It is noted that the LEP does not have specific rates for hospital uses.



Provision	Current Controls	Draft Controls (Southern Enterprise Area Review)	Compliance
	<p>For buildings over 1.5:1 on Category F land, the following formula is to be used:</p> $M = (G \times A) / (50 \times T)$ <p>M is the max number of parking spaces</p> <p>G is the GFA of all office premises and business premises in the building in square metres</p> <p>A is the site area in square metres</p> <p>T is the total GFA of all buildings on the site in square metres</p>		Refer to the Traffic Impact Assessment at Appendix M, which sets out that adequate car parking can be provided within the concept envelope.

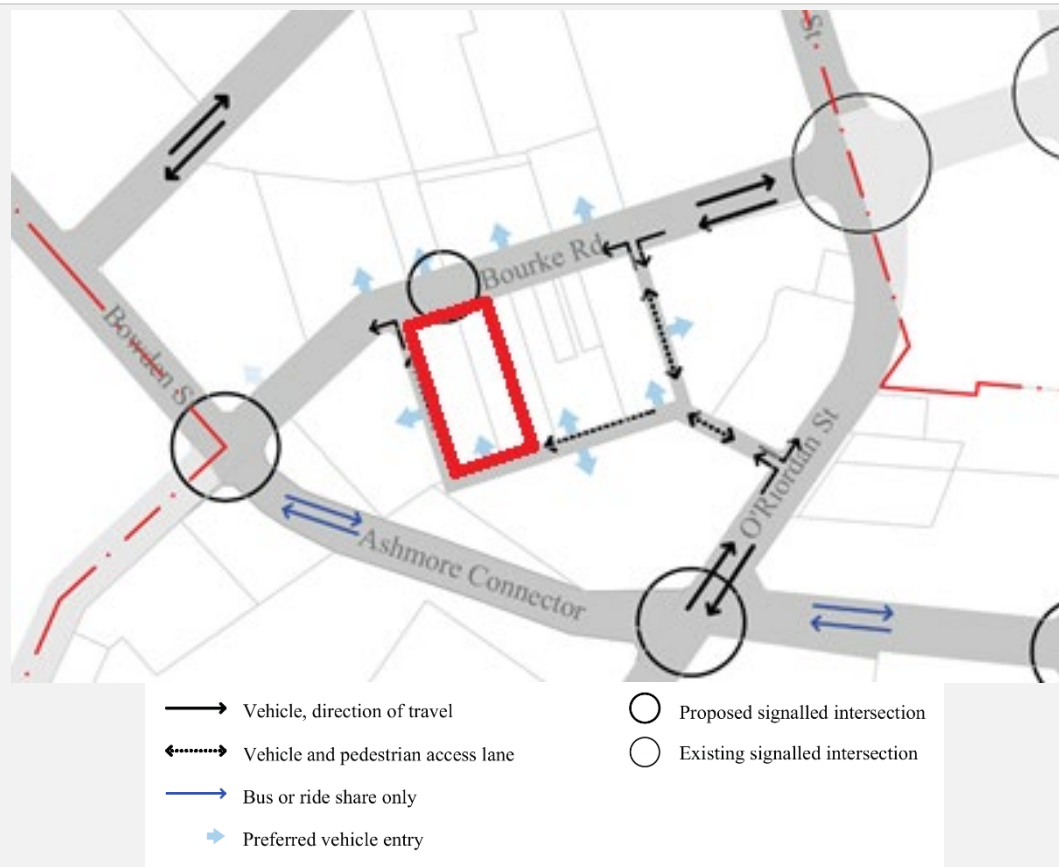
Sydney DCP 2012 Controls			
Provision	Current Controls	Draft Controls (Southern Enterprise Area Review)	Compliance
5.8.4.3.4 - Active Frontages	NA	<p>A new lane (6 m) is identified along the western boundary of the site.</p> <p>A new street (9 m) is identified along the southern boundary of the site.</p>	The building envelope has been carefully designed to comply with the laneway dedication requirements as discussed below.

		Active frontages are not identified for any of the site's frontages.	
	 <p>Legend</p> <ul style="list-style-type: none"> Active frontages Remove active frontage Proposed lane Proposed streets Remove proposed street Land excluded from this DCP 		
5.8.7.2 - Public domain setbacks	2.4 m front setback – land to be dedicated to Council for the purpose of footpath widening.	No change	The building envelope has been designed to provide for a 2.4m pedestrian footpath. Dedication of this footpath has been addressed as part of the draft VPA Letter of Offer (Appendix I).

5.8.7.2 - New streets, lanes and through-site links	None applicable on the site (other than 2.4 m setback – footpath widening)	<p>New lane dedications identified along the western and southern boundaries of the site.</p> <p>Applicable setbacks (see image below):</p> <p>South boundary: 3 m setback (at ground)</p> <p>West boundary: 3 m setback (at ground)</p>	<p>Complies.</p> <p>The concept envelope will allow for the dedication towards Council's proposed future laneway along the southern and western sides of the site, as required by Council's Draft DCP.</p> <ul style="list-style-type: none"> • South boundary: 3 m setback (at ground) • West boundary: 3 m setback (at ground)
			
5.8.4.2 - Street frontage height	Maximum street frontage height must be consistent with the street frontage height in storeys of adjacent buildings, or the predominant street frontage height in	New Street frontage height control of 4 storeys:	<p>Complies.</p> <p>The proposed concept envelope consists of a 4 storey podium and a tower form above the podium.</p>



	storeys in the vicinity of the proposed building.		
5.8.4.3 - Setback for Buildings along Bourke Street	NA	<p>Along Bourke Road - 12 m upper-level setback</p> <p>Along rear boundary of the site - 4 m upper-level setback</p>	<p>Complies.</p> <p>The proposed concept envelope complies with both front and rear setbacks for levels above 4 storeys.</p>
5.8.7.2 - Movement of Vehicles	NA	See image below for details	<p>Complies.</p> <p>The proposed vehicle access arrangements will be constructed to Council's specifications while the design of the driveways will comply with the requirements of AS2890.1 & 2. The lane way will be relatively level at the driveway connections and there will be good sight distances available. It is noted the proposal will consolidate two existing driveways on the site into one.</p>



5.8.7.2 - Movement of Pedestrians and Cyclists	NA	A pedestrian crossing is identified in front of 28-32 Bourke Road.	Movement for pedestrians and cyclists will be considered in further detail during the future design competition and detailed SSD application.
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Building setbacks	<p><u>Landscape setback of 6m</u> unless a smaller setback would provide a more consistent relationship to the predominant alignment of existing buildings along the street.</p> <p><u>Setbacks from new boundaries:</u> none identified for the site</p>	<p>The building setback from any existing and future street is to:</p> <p>For an office building type of more than three storeys – <u>have no setback from the street boundary</u> (i.e. be built on the street boundary); or</p> <p>in all other circumstances – have a landscape setback open to the sky of <u>6m between the building and the street boundary.</u></p>	<p>The proposed envelope provides nil metre setback to Bourke Road (from the new boundary of the site post dedication of the 2.4m pedestrian footpath) with a four storey street frontage as required by the draft DCP.</p> <p>A 12m setback is provided above the four storey street frontage.</p>
5.8.4.6 - Landscaping	<p>Minimum of 10% of the site as deep soil planting</p> <p>Minimum dimension – 3m in any direction</p> <p>Deep soil planting is to be provided in the front building setback and external breakout spaces.</p>	<p>No change</p>	<p>The final deep soil zones will be determined by a future design competition and detailed SSD application.</p> <p>Site area after dedication (west laneway, south laneway and footpath) is 2535m², meaning the required deep soil zone is 253m².</p> <p>This control will be difficult to achieve on the subject site for the following reasons;</p> <ul style="list-style-type: none"> • The ideal location for deep soil is at the Bourke Rd frontage, where it can contribute to the streetscape • The Bourke Rd frontage is the shorter boundary of the site

			<ul style="list-style-type: none"> The 4-storey street wall to this frontage would block access to sunlight and water required for deep soil <p>The reference scheme (Appendix G) shows a possible solution using an architectural screening element to contribute to the street wall while also providing deep soil and permeability to the main street frontage. This allows deep soil to be located where it has the most public impact and gives the scheme a dynamic interaction with the pedestrian walkways.</p>
5.8.4.7 - Transport and parking	<p>DCP provisions are in addition to Part 7 Division 1 of Sydney LEP 2012.</p> <p><i>Section 3.11 of the DCP provides further detail in relation to transport and parking, which should be referred to in calculating transport and parking requirements.</i></p>	No change	<p>The concept envelope includes provision for the following bicycle and motorbike spaces at the proposed development:</p> <ul style="list-style-type: none"> 6 motorcycle spaces 12 staff bicycle spaces 38 visitor bicycle spaces <p>The proposed motorcycles and bicycles will comply with Council's DCP criteria.</p>
5.8.4.8 - Above ground parking	<p>Where the water table is high or where site remediation is environmentally unsustainable, up to 50% of the proposed car parking spaces may be above ground, subject to the provisions within this section.</p> <p>Above ground car parking must be screened along the street frontages.</p>	<p>This Section does not apply to development in North Alexandria, where above ground floor parking is not permitted due to its potential impact on that area's desired character.</p> <p>The Draft DCP notes that above ground floor parking is not</p>	<p>A majority of the parking has been provided in the basement.</p> <p>Further basement levels for parking on the site are constrained due to flooding and contamination considerations.</p>

		permitted in North Alexandria due to its potential impact on the areas desired character.	
5.8.4.2 - Floor to ceiling heights	<p>Buildings with commercial/retail use to have min. floor to ceiling height of:</p> <p>4.5m on the ground floor;</p> <p>3.6m on the first commercial floor and any commercial floor above.</p> <p>The minimum floor to floor height of an above ground parking level must be 4.5m on the ground floor and 3.6m on any parking level above to facilitate the conversion of above ground car parking to other uses.</p>	No change	<p>Complies.</p> <p>The concept envelope has been designed to accommodate the required floor to ceiling heights.</p>