



Appendix B – Statutory Compliance Table - Royal Prince Alfred Redevelopment

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Acknowledgement of Country

Architectus acknowledges the Australian Aboriginal and Torres Strait Islander peoples of this nation as the Traditional Custodians of the lands on which we live and work.

We pay our respects to Elders, past and present and emerging.

Architectus is committed to honouring Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters, and seas and their rich contribution to society.

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1. Statutory Requirements

To satisfy the requirements of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), this EIS addresses the statutory requirements governing the carrying out of the project and have been taken into consideration in the environmental assessment of the proposed development.

The statutory requirements that have been assessed against the proposed development are:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- Airports Act 1996 (*Commonwealth*);
- Airports (Protection of Airspace) Regulations 1996 Regulation (*Commonwealth*);
- Heritage Act 1977;
- Biodiversity Conservation Act 2016;
- 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 (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- Sydney Local Environmental Plan 2012; and
- Draft State Environmental Planning Policy (Environment).

Note, Sydney Development Control Plan 2012 is considered below, notwithstanding development control plans do not apply to State Significant Development.

2. Compliance with Controls

2.1 Environmental Planning and Assessment Act 1979 & Environmental Planning and Assessment Regulation 2021

Objects of the Environmental Planning and Assessment Act 1979

The objects of the Environmental Planning and Assessment Act 1979 (EP&A Act) are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

A response to the objects of the EP&A Act is provided at **Table 1**.

Table 1 Objects of the Act

Objects of the EP&A Act	Response
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The site is suitable for use as a health services facility and the redevelopment would not unreasonably negatively impact the economic welfare of the community, or the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposed development aligns with targeted initiatives under the HI DGN-058 ESD Evaluation Tool which is closely modelled on <i>Green Star Design & As Built v1.3</i> . The development proposes a minimum of 60 points (5 stars) under this framework. The proposed development also meets the ESD principles. Refer 'Ecologically Sustainable Development' below. Refer to the ESD Report, at Appendix Z .
(c) to promote the orderly and economic use and development of land,	The proposed development is an orderly and economic development and use of the land as a health services facility.
(d) to promote the delivery and maintenance of affordable housing,	This item is not relevant to the proposed development.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	Impacts to flora and fauna have been considered by the ecologist in the Biodiversity Development Assessment Report (BDAR) (Appendix X). Impacts of tree and vegetation removal has additionally been addressed through the Arboricultural Impact Assessment at Appendix Y .
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<u>Aboriginal heritage</u> An Aboriginal Cultural Heritage Assessment Report (ACHAR) is appended at Appendix T to the EIS which determined that there is low potential for Aboriginal sites to be present within the study area due to the high levels of previous disturbance. The ACHAR concluded that no previously unrecorded Aboriginal cultural sites were identified during field investigations, and no areas of (archaeological) sensitivity were identified. Refer to Section 6.3 of the EIS. <u>Non-Aboriginal heritage</u> The site and environs contain several local and state heritage items, and the site is also within a heritage conservation area, being the University of Sydney Conservation Area. A Statement of Heritage Impact (SOHI) was undertaken to determine risks and mitigation strategies to manage and preserve the site's heritage, at Appendix Q . Refer to Section 6.2 of the EIS.
(g) to promote good design and amenity of the built environment,	The proposed development was the winning scheme in a design competition and is considered

Objects of the EP&A Act	Response
	to achieve design excellence. Refer to the Architectural Plans and Design Report at Appendices I and J respectively, and Section 2.12 below.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed development will promote proper construction and maintenance of the buildings.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Consultation has been undertaken with relevant state agencies and the City of Sydney Council and consideration of their responses incorporated into the design. Refer to the Engagement Report at Appendix V and a community engagement summary at Appendix E .
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Consultation with local community members has been undertaken as part of the Social Impact Assessment (SIA)(refer to Appendix W) and the Connecting with Country Framework (refer Appendix J).

Section 4.15(1) Matters for Consideration

Section 4.15(1) of the EP&A Act identifies the matters for consideration that apply to State Significant Development (SSD) in accordance with section 4.40 of the EP&A Act. Table 2 represents a summary for which additional information and consideration is provided in **Section 6** of the EIS and relevant appendices.

Table 2 Section 4.15(1) EP&A Act matters for consideration

Section 4.15(1) EP&A Act Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. Consideration of the relevant Environmental Planning Instruments (EPIs) is provided at Section 2.8 below.
(a)(ii) any proposed instrument	Satisfactorily complies. Consideration of the relevant EPIs is provided below.
(a)(iii) any development control plan (DCP)	Under Section 2.10(a) of the Planning Systems SEPP, DCPs do not apply to SSD. Notwithstanding, the relevant provisions of the Sydney Development Control Plan DCP 2012 (SDCP 2012) have been considered in Section 2.9 below.
(a)(iii) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation.
(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 impacts of the proposed development have been assessed (refer Section 6 of EIS) and appropriately mitigated (refer Appendix D for mitigation measures).
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 6 of the EIS.
(d) any submissions	Consideration has been given to the submissions received during the community consultation period. Refer to Section 5.4 of EIS which summarises issues raised by community members.
(e) the public interest	Refer to Sections 3, 7 and 8 of the EIS.

Ecologically Sustainable Development

The Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- The precautionary principle;
- Inter-generational equity;

- Conservation of biological diversity and ecological integrity; and
- Improved valuation, pricing and incentive mechanisms.

The proposed development is consistent with ESD principles as outlined in **Appendix Z**, which has been prepared in accordance with the requirements of Section 193 of the EP&A Regulation.

Environmental Planning and Assessment Regulation 2021

The EIS has addressed the criteria within Sections 190 and 192 of the EP&A Regulation. Refer to **Appendix A** for an outline of how the SEARs have been addressed within the EIS and subsequent consultant deliverables.

2.2 Airports Act 1996 (Commonwealth)

Section 182 of the Airports Act 1996 provides that a controlled activity approval includes the construction of a building or structure that intrudes into a prescribed airspace.

Section 183 of that Act provides that a person must not carry out a controlled activity in relation to prescribed airspace unless the carrying out of activity is in accordance with an approval under the Airports (Protection of Airspace) Regulations 1996.

Section 181 provides that “Prescribed airspace” is defined under the Regulations.

2.3 Airports (Protection of Airspace) Regulations 1996 (Commonwealth)

Regulation 6 defines “prescribed airspace” for the purposes of Section 181 of the Act as “the airspace above any part of either an OLS or a PANS-OPS surface for the airport”.

Regulation 7 of the Airports (Protection of Airspace) Regulations 1996 provides the proponent of a proposed controlled activity must obtain the approval of the Secretary.

The RPA Redevelopment, its HLS, and the cranes used to construct it will enter “prescribed airspace”, namely the Obstacle Limitation Surface (OLS) or the Procedures for Air Navigation Services Operations Surface for the Sydney (Kingsford-Smith) Airport. Approvals need to be made through Sydney Airport Corporation Limited (SACL).

2.4 Heritage Act 1977

Part of the subject site is listed on the NSW State Heritage Register (Victoria and Albert Pavilions). Listing on the Register provides statutory heritage protection to the site under the Heritage Act 1977 (‘the Act’).

Listing on the State Heritage Register signifies that the item:

- is of particular importance to the people of NSW and enriches the understanding of our history and identity;
- is legally protected as a heritage item under the NSW Heritage Act; and
- requires approval from the Heritage Council of NSW for major changes.

The following works are proposed which require assessment under the provisions of Section 57(1) and Section 60 of the Heritage Act 1977, because they affect a listing on the NSW State Heritage Register:

- Alterations and additions to the Albert Pavilion for the Emergency Department;
- The carrying out of other development in relation to the land on which the buildings are situated / land within the precinct; and
- Removal of tree or other vegetation from the land / precinct.

The SSDA will be referred to the Heritage Council / Heritage NSW during the public exhibition process.

Refer to **Section 6** of the EIS and **Appendix Q** for the SOHI for an assessment of heritage impacts.

2.5 Roads Act 1993

Under Section 138 of the Roads Act 1993, “a person must not erect a structure or carry out a work in, on or over a public road otherwise than with the consent of the appropriate roads authority”. Works are proposed within the Missenden Road reserve which is a local public road. These works include the addition of “keep clear” line marking, minor kerb realignment and four additional kerbside parking bays for public drop-off. Approval from the City of Sydney as the roads authority is therefore required.

2.6 Biodiversity Conservation Act 2016

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

A BDAR has been prepared by Narla Environmental and is provided at **Appendix X**. The BDAR has considered impacts on species and ecological communities listed under the BC Act. The development is expected to result in no significant impacts to any Threatened Ecological Communities (TECs) or threatened species. In addition, no TECs or ecological communities identified as being vulnerable to Serious and Irreversible Impacts (SAILs) were identified within the site. As such, the development is unlikely to be a ‘controlled action’ and no referral is necessary.

The BDAR does not identify the requirement for any biodiversity offset contributions.

2.7 State Environmental Planning Policy (Planning Systems) 2021

The aims of Chapter 2 State and Regional Development of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) are to identify SSD and State Significant Infrastructure and confer the necessary functions to joint regional planning panels to determine development applications. An assessment of the development against the relevant considerations of the Planning Systems SEPP is provided in **Table 3**.

Table 3 Relevant Provisions of Planning Systems SEPP

Section	Response
2.6 Declaration of State Significant Development: Section 4.36	Chapter 2 of the Planning Systems SEPP identifies development or infrastructure types that are of state or critical significance. Under Schedule 1, Section 14 State Significant Development includes development that has a capital investment value of more than \$30 million for the purpose of hospitals, medical centres and health research facilities. The proposed development constitutes SSD as it comprises alterations and additions to a hospital with a CIV greater than \$30 million.
2.10 Exclusion of Application of Development Control Plans	DCPs do not apply to SSD. Notwithstanding, consideration of SDCP 2012 is provided at Section 2.9 below.
14 Hospitals, Medical Centres and Health Research Facilities	Refer response to Section 2.4 of Planning Systems SEPP above.

2.8 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

Table 4 Relevant Provisions of Transport and Infrastructure SEPP

Section	Response
<i>Chapter 2 Infrastructure</i>	
2.59 Definitions	The subject land is zoned SP2 Infrastructure – Health Service Facilities, which is a prescribed zone.

2.60 Development Permitted with Consent	<p>Section 2.60(1) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) provides development for the purposes of health services facilities may be carried out by any person with consent on land in a prescribed zone. The site is zoned SP2 Infrastructure for the purpose of Health Services Facilities and the SP2 zone is a prescribed zone for the purposes of the provision. Accordingly, the proposed development which is for the purpose of a health services facility (specifically a hospital), is permissible with development consent on the land.</p> <p>The proposed tree removal and tree planting on USYD land (off-site works) is an ancillary work to the primary development purpose, namely a hospital. The University land is zoned SP2 and so the tree removal, tree pruning and tree planting is permissible development on the land.</p>
2.122 Traffic-generating Development	This section applies to development for a new premises or enlargement or extension of a premises of a kind referred to in Schedule 3 (refer response below).
<i>Chapter 3 Educational Establishments and Childcare Facilities</i>	
3.46 Universities—development permitted with consent	<p>Tree removal, tree pruning and tree planting is proposed as an off-site work in USYD land for the purpose of a health services facility.</p> <p>Notwithstanding, it is noted these works could also be facilitated with development consent for the purpose of a University under Section 3.46(1) of the Transport & Infrastructure SEPP.</p>
Schedule 3 Traffic-generating Development to be Referred to TfNSW	<p>Development for the purpose of hospitals with size or capacity of 200 or more beds with access to a road (generally) is traffic-generating development that must be referred to TfNSW. Accordingly, the SSDA is required to be referred to TfNSW.</p>

2.9 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) includes *Chapter 3 Hazardous and Offensive Development* and *Chapter 4 Remediation of Land*.

Chapter 3 - Hazardous and Offensive Development

Table 5 Relevant provisions of Resilience and Hazards SEPP

Section	Response
3.10 Development to which Part 3 applies	<p>A Preliminary Hazards Analysis (PHA) has been prepared by Arup and is appended at Appendix AO. This PHA follows the <i>Applying SEPP 33</i> guidance document that concluded that the liquid storage tanks, cylinder storage and flammable liquid storage exceeded the screening threshold. Therefore, the PHA was conducted to determine the risk to off-site and on-site populations.</p> <p>The report assessed the dangerous goods storage arrangements across PRA Hospital including:</p> <ul style="list-style-type: none"> – The flammable gases (in cylinders) and cylinder storage area on west campus; – The cylinder storage at Gloucester House; – The proposed bulk oxygen tank; – The existing/ replaced bulk oxygen tanks; and – The proposed flammable liquids storage area in the Anatomical Pathology building (Building 12). <p>ARUP concluded that, complying with the relevant standards, current and proposed dangerous goods storage areas pose no risk to off and onsite populations.</p> <p>Note: the PHA covered the gas compound area within the west campus however works in this zone are not included within the subject application and are to occur under a separate planning pathway.</p> <p>Refer to Appendix AO for further details on PHA.</p>

3.11 Preparation of Preliminary Hazard Analysis	<p>The PHA completed by Arup at Appendix AO, concluded that, based on the proposed design and in complying with the relevant standards there would be no risk to off- and onsite populations.</p> <p>Further investigations in the form of a hazardous area assessment in areas containing flammable gasses was recommended by Arup. It is also recommended that Fire and Rescue NSW be informed, if appropriate thresholds are exceeded, of the volumes of dangerous goods being stored on the campus.</p>
3.12 Matters for Consideration by Consent Authorities	As per the above, the PHA considered the required matters.

Chapter 4 - Remediation

Key provisions under Chapter 4 Remediation of land under the Resilience and Hazards SEPP are address at **Table 6** below.

Table 6 Relevant Provisions of Resilience and Hazards SEPP

Source: Architectus

Section	Response
4.6 Contamination and Remediation to be Considered in Determining Development Application	<p>Section 4.6 of Chapter 4 of the Resilience and Hazards SEPP requires the consent authority to consider whether the subject land of any development application is contaminated and if found to be contaminated, it is satisfied that the land is suitable in its contaminated state (or will be made suitable, after remediation) for the purpose for which the development is proposed to be carried out.</p> <p>A Detailed Site Investigation (DSI) was prepared for the East Campus and for the West Campus and are appended at Appendix AJ and Appendix AK respectively.</p> <p><u>West Campus</u></p> <p>The DSI for the west campus examined the area where the lift pit for the ambulance lift (to the temporary helipad) is proposed. No contaminants were present at this location that exceeded human health criteria. Cardno find overall, it is considered that the current data indicates the site is suitable for the proposed redevelopment. Therefore, a Remediation Action Plan (RAP) is not required.</p> <p><u>East Campus</u></p> <p>Detailed Site investigations within the East Campus focused on the "Emergency Bay Area" (EBA) being where the ED drop off works are occurring, and the "Eastern Development" area, being the existing location of the Women's and Babies Unit drop off plaza and the area to the rear of the main hospital building where new buildings are proposed.</p> <p>Within the Eastern Development Area, contamination was found within the Women's and Babies drop off area, however all contaminants of concern analysed were found to be below the human health and ecological criteria. Contamination was also encountered to the rear of the existing hospital building at various soil depths that exceeded the high density residential and public open space human health criteria.</p> <p>A Remediation Action Plan has been prepared for the Eastern Development Area and sets out the methodology for removal of the contaminants. Subject to remediation the site will be suitable for its intended use as a health services facility.</p> <p>In relation to the EBA, the site target location was constrained and inaccessible to any form of safe or physical foot traffic or mechanical equipment, and as such a sample could only be collected from an accessible nearby area. Soils encountered at the borehole location, two metres east of the EBA roadway retaining wall, showed concentrations of certain contaminants in the sample were significantly above the human health and ecological criteria. Additional detailed site investigations will be completed once the site target location becomes accessible and an updated Remediation Action Plan would be prepared as required for this area.</p> <p>Refer to DSI (West Campus), DSI (East Campus) and the RAP (East Campus) and the Interim Site Audit Statement (East Campus) at Appendix AK – Appendix AN.</p>

4.7 Remediation Work Permissible	A person must not carry out a category 1 remediation work except with the consent of the consent authority.
4.8 Category 1 Remediation Work: Work Needing Consent	A category 1 remediation work includes a remediation work that is carried out in a heritage conservation area. Most of the site (being the east campus) is located in a heritage conservation area.
4.10 Refusal of Consent to Category 1 Remediation work	Remediation is required and as the land is encumbered by heritage conservation area, it will be a Category 1 remediation work. The consent authority will need to be satisfied that there would not be a more significant risk of harm to human health or some other aspect of the environment than if the work did not occur.

2.10 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-rural Areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to land zoned SP2 Special Infrastructure within the City of Sydney LGA and 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.

Table 7 Relevant Provisions of Biodiversity and Conservation SEPP

Section	Response
2.9 Vegetation to which Part Applies	This Part (being part 2.3 of the SEPP) applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part (being part 2.3 of the SEPP) applies.
2.10 Council May Issue permit for Clearing of Vegetation	This provision specifies a council may issue a permit to a landholder to clear vegetation to which this Part applies in any non-rural area of the State. A permit is not required from council for proposed tree removal as Council is not the consent authority. Moreover, sub-section (3) does not apply to the proposed development because DCPs do not apply to SSD.

Chapter 10 - Sydney Harbour Catchment

Chapter 10 applies to land within the Sydney Harbour Catchment and the subject site is situated within this catchment. However, there are no relevant provisions, namely those referenced under Section 10.2(2) of the SEPP.

2.11 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 - Advertising and Signage

Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP) applies to all signage that under an Environmental Planning Instrument (EPI) can be displayed with or without development consent and is visible from any public place or public reserve.

Section 3.6 of the SEPP provides that the signage must be consistent with the objectives of the chapter and it must satisfy the assessment criteria under Schedule 5.

Wayfinding Pylons

The proposal includes three (3) wayfinding signage pylons, to direct pedestrians and vehicles, at the following locations:

- Upgraded Public Northern Arrival Drop-off and Entrance;
- Proposed Public Emergency Department Drop-off;
- Upgraded Ambulance Drop-off.

The objectives for Advertising and Signage are provided in Chapter 3 of the Industry and Employment SEPP while the assessment criteria are listed in Schedule 5. The

consistency of the signage against the objectives and assessment criteria are considered below.

Table 8 Relevant Provisions of the Industry and Employment SEPP

Chapter 3 Advertising and Signage –	
<i>Objectives:</i>	The signage is compatible with the desired amenity and visual character of the area. It is in keeping with the signage of RPA Hospital, providing effective communication and directions to provide wayfinding and identification to important buildings. It will have high quality design and finishes that integrates with the streetscape
Schedule 5	Assessment Criteria
<i>Character of the Area</i>	The proposed wayfinding signage is consistent with the existing and proposed character of the health, research and education precinct and will not significantly alter the character of the area.
<i>Special Areas</i>	It is noted that the proposed signage is located within the University of Sydney heritage conservation area. The graphic area of the wayfinding signage will be designed so as not detract from the heritage values of the site.
<i>Views & Vistas</i>	Being wayfinding pylons, it is not anticipated they will block or diminish any view or vistas. It will not compromise important views.
<i>Streetscape, Setting or Landscape</i>	The proposed signage will be appropriate in the streetscape and will not be dissimilar to existing wayfinding pylons already present within the RPA Hospital campus.
<i>Site & Building</i>	The wayfinding pylons are not attached to any existing or proposed buildings.
<i>Associated devices and logos with advertisements and advertising structures</i>	Details of any safety devices, lighting and logos will be developed at a later stage.
<i>Illumination</i>	The illumination of signage will be controlled and will not result in any unacceptable glare.
<i>Safety</i>	The wayfinding signage is expected to improve safety outcomes for pedestrians and motorists by providing clear guidance on how to get to key points within the RPA Hospital site.

The above analysis provides that the proposed wayfinding signage is consistent with the objectives and assessment criteria of the Industry and Employment SEPP. Further detail of the signage is subject to design development.

Wayfinding to New ED Entry Canopy

Section 3.7 of the Architectural Design Report details the conceptual changes to the Missenden Road Forecourt in architectural layout, elevations and sections. The works include removal of the existing canopy and replacement with new slender and contemporary canopy structure that integrates wayfinding signage and enables existing heritage signage on the State-listed Albert Pavilion to remain visible. More detailed architectural plans are being developed for provision following the public exhibition period. Further assessment of the wayfinding and other signage will take place at the response to submissions stage.

Table 9 Relevant Provisions of the Industry and Employment SEPP

Chapter 3 Advertising and Signage	
<i>Objectives:</i>	The signage is compatible with the desired amenity and visual character of the area. It is in keeping with the signage of RPA Hospital, providing effective communication and directions to provide way finding and identification to this critical destination. It will have high quality design and finishes that integrate with the canopy design and complement the ED façade and streetscape
Schedule 5	Assessment Criteria

<i>Character of the Area</i>	The proposed wayfinding signage is consistent with the existing and proposed character of the health, research and education precinct and will not significantly alter the character of the area.
<i>Special Areas</i>	The proposed signage is positioned on a canopy along the frontage of a State heritage building, and it is located within the University of Sydney heritage conservation area. The graphic area of the wayfinding signage will be subtle and fully integrated within the form of the canopy. The canopy and signage will be designed so as not detract from the heritage values of the site.
<i>Views & Vistas</i>	The signage is fully integrated into the form of the parking canopy, and so will not block or diminish any view or vistas. It will not compromise important views.
<i>Streetscape, Setting or Landscape</i>	The proposed signage will be appropriate in the streetscape and will not be dissimilar to existing wayfinding signs already present within the RPA Hospital campus.
<i>Site & Building</i>	The wayfinding signage sits wholly within the built form of the canopy.
<i>Associated devices and logos with advertisements and advertising structures</i>	Details of any safety devices, lighting and logos will be developed at a later stage.
<i>Illumination</i>	The illumination of signage will be controlled and will not result in any unacceptable glare.
<i>Safety</i>	The wayfinding signage is expected to improve safety outcomes for pedestrians and motorists by providing clear guidance on how to get to key points within the RPA Hospital site.

Building Identification Signage

It is anticipated that proposed signage zones will be developed for building identification signage and plans will be provided following the public exhibition period. Assessment of the proposed signage will take place at the response to submissions stage.

2.12 Sydney Local Environmental Plan 2012

The development is consistent with the relevant provisions of Sydney Local Environmental Plan 2012 (SLEP 2012). Consideration of the relevant clauses of the SLEP 2012 is provided in **Table 8** below.

Table 10 Sydney Local Environmental Plan 2012

Provision	Consistency	Response
Land Use Table Zone SP2 Infrastructure Objectives of zone To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure.	Yes	The site is zoned SP2 Infrastructure for the purpose of Health Services Facilities and the purpose shown on the Land Zoning Map is development permissible in the zone. The proposed development is for the purpose of a health services facility (hospital) and therefore complies with the objectives of the zone and is permissible with development consent. Notwithstanding, permissibility is also facilitated under the Transport and Infrastructure SEPP.
4.3 Height of Buildings	N/A	There is no maximum permissible height applying to the site.
4.4 Floor Space Ratio	N/A	There is no Floor Space Ratio control applying to the site.

5.3 Development Near Zone Boundaries	N/A	<p>Tree removal and tree planting is proposed on USYD land for the purpose of a health services facility.</p> <p>Notwithstanding Clause 5.3, the permissibility of the proposed off-site works can be facilitated under the Transport and Infrastructure SEPP.</p> <p>Furthermore, tree removal, tree pruning and tree planting are permissible with development consent for the purpose of a University in SP2 land under Section 3.46(1) of the Transport & Infrastructure SEPP.</p>
5.10 Heritage Conservation	Refer response	<p>Development consent is required under the clause for the proposed development because of:</p> <ul style="list-style-type: none"> – Demolition of two buildings, being the Tissue Pathology and Diagnostic Oncology Building (Building 94) and RPA Chapel (Building 95), as well as mature trees which form part of the Rear Gardens (Precinct 4), all of which are listed under State heritage item I68; – Alterations and additions to a building under I68 and on the State Heritage Register, being the Albert Pavilion; and – Erecting a building on land on which a heritage item is located and is within a heritage conservation area. <p>Refer to Section 6 of the EIS on Heritage Impact.</p>
5.21 Flood Planning	Yes	<p>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area (FPA) unless the consent authority is satisfied of certain matters under the clause.</p> <p>An Infrastructure Delivery, Management and Staging Plan – Flooding & Stormwater has been prepared for the proposed development by TTW and is appended at Appendix AD.</p> <p>Refer to the flood assessment within Section 6 of the EIS.</p>
Division 4 Design Excellence		
6.21C Design Excellence	Yes	<p>Development consent must not be granted to development to which this Division applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</p> <p>A detailed assessment of the proposal against the Clause 6.21C Design excellence requirements is provided below in Table 9.</p> <p>A response to the relevant matters for design excellence under the clause has also been provided in the Architectural Design Report at Appendix I and within Sections 3 and 6 of the EIS.</p> <p>The proposed development was subject to a competitive design process. The Design Jury found that the Bates Smart scheme exhibited the potential of achieving design excellence following the retention of the key features for its selection, and resolution of matters that required further refinement.</p> <p>A Design Integrity Panel (DIP), forming the same members as the Jury, was established to assist in the ongoing achievement of design excellence and to ensure that design integrity is maintained. The DIP found under their Design Integrity Process Summary Report (refer Appendix P) that the design achieves design excellence. The report is currently noted as interim – this is due to one of the Panel members (Teresa Anderson AM, Chief Executive of the SLHD) being unavailable to sign the report as she is absent overseas.</p>
6.21D Competitive Design Process	Yes	<p>A competitive design process was required for the site given:</p> <ul style="list-style-type: none"> – the proposed building has a height greater than 25 metres on land outside of Central Sydney;

		<ul style="list-style-type: none"> – has a Capital Investment Value greater than \$100 million; and – is development in respect of which a DCP is required under clause 7.20. <p>A bespoke invited design competition was held between November 2021 and March 2022 and the proposal was the winning scheme.</p> <p>As no Building Height and FSR controls apply to the land, the proposal is not seeking uplift in relation to sub-clause (3).</p>
7.13 Contribution for purpose of affordable housing	Refer response	Refer to Section 2.14 'Development Contributions' below.
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land designated Class 5 Acid Sulfate Soils.</p> <p>As noted in the Geotechnical Interpretive Report at Appendix AH, the NSW Government Planning Industry and Environment online mapping tool, eSPADE Version 2.1, indicates that the site is not mapped as being situated within or near an ASS risk area. The nearest mapped ASS risk area is approximately 600m north west in the vicinity of Johnstons Creek.</p> <p>Previous contamination investigation carried out for the main works also suggested that there are no indicators of acid sulfate soils and salinity within the sampled soils.</p>
7.16 Airspace Operations	Refer response	<p>Sub-clause (2) provides if a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.</p> <p>The proposed HLS and lift overrun of the East Wing are RL 86.30 and RL 91.280 respectively.</p> <p><u>Sydney OLS</u></p> <p>The Sydney Obstacle Limitation Surface (OLS) Conical Surface varies from approximately 70m to 95m AHD across the RPAH campus but is approximately 80m AHD overhead the RPA redevelopment site.</p> <p>A development in the vicinity of RPA Hospital could be built to a maximum height of approximately RL 80 before it enters the Sydney Aerodrome OLS. The East Wing exceeds RL 80.</p> <p>Therefore, approval for airspace intrusion will be required. Preparation for the airspace application activity is currently being undertaken.</p> <p><u>Sydney PANS-OPS</u></p> <p>The Sydney PANS-OPS surfaces vary from approximately 135m to 150m AHD across the RPA Hospital campus but is approximately 140m AHD overhead the RPA redevelopment site. A development in the vicinity of RPAH could be built to a maximum height of approximately RL 140 before it enters the Sydney Aerodrome Procedures for Air Navigation – Aircraft Operations (PANS-OPS) surface lower limit. Approval for (temporary) airspace intrusion for the purposes of cranes during construction would be required above this elevation.</p> <p>Consultation to date with authorities, has been detailed in the Aviation Report at Appendix AA.</p>
7.20 Development Requiring or Authorising Preparation of a Development Control Plan	Refer response	<p>A site-specific DCP would ordinarily be required for the site given the site area for the development is more than 5,000 square metres or if the development will result in a building with a height greater than 25 metres above ground level (existing).</p> <p>A waiver to the requirement for the preparation of a site-specific DCP was requested of the Minister for Planning and Homes on the basis that it would be unreasonable and unnecessary in the circumstances.</p>

		The waiver request was granted on 26 September 2022 on the basis it was unreasonable and unnecessary in the circumstances.
Schedule 5 Environmental Heritage	Refer response	<p>The whole main hospital building is listed as a State heritage item, and the site is also within a heritage conservation area:</p> <ul style="list-style-type: none"> – Royal Prince Alfred Hospital group including buildings and their interiors, trees and grounds (Item number: I68); – University of Sydney Conservation Area (Item Number: C5).

Table 11 Clause 6.21C Design Excellence Requirements

Clause 6.21C	Response
<i>(1) Development consent must not be granted to development to which this Division applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</i>	
<i>(2) In considering whether development to which this Division applies exhibits design excellence, the consent authority must have regard to the following matters—</i>	
<i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i>	<p>Architectural design, materials and detailing have been developed in the context of the richly detailed sandstone and brickwork buildings of the original hospital buildings.</p> <p>New forms have interpreted these masonry finishes in a contemporary material of horizontal banded terracotta in two tones – sandstone and glazed green.</p> <p>This approach creates a calm and coherent language that provides a respectful backdrop to the heritage context and incorporates all the various functions of the hospital.</p> <p>(Source: Bates Smart)</p>
<i>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</i>	<p>The proposed design improves the design and built form of the Camperdown Health Education and Research precinct through:</p> <ul style="list-style-type: none"> – Enhancing the Missenden Road Emergency Department entry with better separation of vehicles and pedestrians; – Enhancement of the northern entry into a genuine arrival on the primary CHERP axis; – In Lambie Dew Drive, where public domain amenity is limited, the space is reworked to provide optimised service access with pedestrians directed elsewhere to the east and west. <p>(Source: Bates Smart)</p>
<i>(c) whether the proposed development detrimentally impacts on view corridors,</i>	<p>The Visual Impact Assessment considered views corridors that could potentially be affected by the proposed development, a key corridor being the Wilkinson Axis running east-west through Victoria Park. This corridor is unaffected as the proposal is not visible from this corridor.</p>
<i>(d) how the proposed development addresses the following matters—</i>	See responses below.
<i>(i) the suitability of the land for development,</i>	<p>There are no known site conditions which would prevent the development including geotechnical conditions, contamination, flooding, biodiversity, Aboriginal cultural heritage, historical archaeology, or other.</p> <p>Impact of the proposal such as to heritage, trees and noise affecting adjoining areas have been minimized and mitigated where possible.</p>
<i>(ii) the existing and proposed uses and use mix,</i>	<p>As noted above the proposed land use being for health services facilities is the same as the current land use on the site.</p> <p>RPA Hospital has existing on this site as a health services facility for over a hundred years. The proposed development seeks to build on this established character through the provision of additional service capacity on the site.</p>
<i>(iii) any heritage issues and streetscape constraints,</i>	<p>The proposed design improves the relationship to heritage through:</p> <ul style="list-style-type: none"> – Foregrounding heritage buildings and landscapes as powerful elements in place-making; – Building resonance with heritage in the new works; – Protecting important viewlines; – Improving the forecourt to the State Listed buildings fronting Missenden Road;

	<ul style="list-style-type: none"> – Rekindling the campus's historical relationship with accessible courtyard gardens. <p>(Source: Bates Smart)</p> <p>The proposed major additions respond sympathetically to the heritage context and the surrounding setting. There are components of the proposal which would result in a significant and irreversible loss of heritage value to the subject site; as such, interpretation and other mitigation measures will provide an avenue for the ongoing exploration and appreciation of the RPA Hospital, whilst also facilitating the broader redevelopment.</p> <p>(Source: Heritage 21)</p>
<i>(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i>	<ul style="list-style-type: none"> – The new tower is carefully positioned to reflect the bend of Building 89, presenting a soft curve towards the University of Sydney Oval and responding to the angled forms of the neighbouring buildings. – Building height is concentrated in the Eastern Wing due to its proximity to and efficiency in supporting the core functions of the Hospital. – The Eastern wing is set back a minimum of 1.6 metres from the eastern boundary with University of Sydney, with a curved form to create space for trees which will provide a high quality of views and amenity to east-facing rooms. – A solid facade to the north is minimum of 3.7 metres from the existing Centenary building. There are no north-facing windows that would compromise privacy for the building. – To the south, the building presents a solid angled facade to the corner of the Susan Wakil Building. It is 7.3 metres at the narrowest point from the boundary. <p>(Source: Bates Smart)</p>
<i>(v) the bulk, massing and modulation of buildings,</i>	<ul style="list-style-type: none"> – The proposed built form provides a scale of services that responds to the requirements and needs of RPA Hospital and the wider SLHD. – The gently curved built form of the Eastern Wing aims to sit comfortably within a tightly constrained footprint, responding to the curve of the University Oval and the angles of the existing buildings. – At the northern arrival, a layering of smaller building elements towards the Heritage buildings especially Kerry Packer Education Centre minimises the visual impact and overshadowing at key interfaces. <p>(Source: Bates Smart)</p>
<i>(vi) street frontage heights,</i>	<p>Note there are no street frontage height controls applying to the site under Sydney LEP 2012 or Sydney DCP 2012.</p>
<i>(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</i>	<p>The proposal Improves environmental performance through:</p> <ul style="list-style-type: none"> – Introducing controlled daylight into the heart of the building through the Central Courtyard; – Optimised window-to-wall ratio and solar shading to new facades; – Consolidating enlarged plantrooms allow iterative plant replacement to improve long term energy performance <p>(Source: Bates Smart)</p>
<i>(viii) the achievement of the principles of ecologically sustainable development,</i>	<p>A range of initiatives that are being developed by the project to meet and often exceed the principles of ecologically sustainable development laid out in clause 193 of the EP&A Regulation 2021, including the adoption of a carbon neutral target, and close alignment with Green Star Design & As-Built (v1.3), the principles of which are laid out in NSW Health's Design Guidelines (ESD Evaluation Tool).</p>
<i>(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,</i>	<p>The proposal is increasing provision for pedestrians at all locations where construction is occurring, including additional zebra crossings and separated footpaths. This is particularly the case at the emergency department where pedestrians will now receive a dedicated walkway to the ED entrance and have priority when crossing the circulation aisles. Permeability of the pedestrian network around the hospital is maintained, while the proposal will improve permeability within the main building.</p> <p>Vehicle and service access for all locations have been checked through use of swept path analysis, and minimising conflict in circulation has been a priority within the design. Locations such as the loading dock will see significant benefits from the redevelopment, which will increase maneuverability at the dock for large freight</p>

	vehicles while providing dedicated parking for smaller courier vans, reducing congestion and safety risks. (Source: SCT Consulting)
<i>(x) the impact on, and any proposed improvements to, the public domain,</i>	The proposed design improves the design and built form of the Camperdown Health Education and Research precinct through: <ul style="list-style-type: none"> Enhancing the Missenden Road Emergency Department entry with better separation of vehicles and pedestrians; Enhancement of the northern entry into a genuine arrival on the primary CHERP axis. (Source: Bates Smart)
<i>(xi) the impact on any special character area,</i>	The design has been developed in response to the 'University of Sydney/RPA Hospital Locality Statement' with a focus on heritage retention and interpretation, the campus landscape setting including revitalisation of several existing courtyards, retention of and respect for existing key views throughout the campus, and improvement to pedestrian and bike links. (Source: Bates Smart)
<i>(xii) achieving appropriate interfaces at ground level between the building and the public domain,</i>	The new northern arrival comes to ground to define a major upgrade to the existing women's and babies entrance. The east extension comes to ground as an enclosure to the loading dock with louvred facades and planting forming a comfortable buffer to the existing pathways to the west of Susan Wakil building. (Source: Bates Smart)
<i>(xiii) excellence and integration of landscape design.</i>	The landscape has a particular focus on health and healing; drawing landscape through the building from its surrounding public domain to become an integral part of the everyday hospital experience. Species selections celebrate the D'harawal six seasons and species that have traditional medicinal uses. A diversity of landscape characters throughout respond to their immediate context – from the sun-drenched Northern Arrival to the part shaded Central Courtyard – each place connects with experiences of the natural landscape that are uniquely 'Sydney'. (Source: Bates Smart)

2.13 Sydney Development Control Plan 2012

The Sydney Development Control Plan 2012 (SDCP 2012) supports SLEP 2012 by providing detailed guidelines and controls that apply to a particular type of development and specific areas/precincts.

Section 2.10(a) of the Planning Systems SEPP provides that DCPs do not apply to SSD. Notwithstanding, an assessment of the proposed development against the relevant requirements of the SDCP 2012 is provided within the table below.

Table 12 Relevant Controls of the SDCP 2012

Source: Architectus

Matter to be considered	Objectives	Comment
Section 2 – Locality Statements		
2.3.5 University of Sydney/ Royal Prince Alfred Hospital	<p>(a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.</p> <p>(c) Enhance the university's landscape campus setting and provide a more legible internal street and pedestrian network.</p>	<p><u>Principle A of the Section 2.3.5 of the DCP</u></p> <p>In response to Principle (a), the Architectural Design Statement at Appendix J and supporting design documentation including landscape, visual impact assessment and the EIS all identify how the redevelopment has been designed to align with the existing surrounding environment.</p> <p>Each component of the design strategy, has responded to the local surrounding context of USYD and the greater RPA health precinct.</p> <p>Refer to the Architectural, Landscape, Design Excellence and Heritage Documentation from Appendix I to Appendix R.</p> <p><u>Principle (c) of the Section 2.3.5 of the DCP</u></p>

		<p>In response to Principle C, the Architectural Design Statement at Appendix J, notes that the proposed redevelopment provides a connection to landscape and a clearly identifiable ground plane. The public circulation binds the hospital within its context, including Missenden Road, St Andrew's College, Gloucester House, Susan Wakil, University Oval No.1, Charles Perkins and the CHERP spine, St John's College.</p> <p>The landscape campus setting is anchored by a central courtyard which acts as a place of respite as well as a clearly identifiable marker of the centre of the hospital.</p> <p>From this, there are three key journeys within the landscape campus setting that provides pedestrianized internal connections. Including;</p> <ul style="list-style-type: none"> – A journey from north to south – Part 1; – A journey from north to South – Part 2; and – A journey from south to north. <p>Refer to the wayfinding strategy within the Architectural Design Statement at Appendix J.</p>
Section 3- General Provisions		
3.3 Design Excellence	<p>(a) Ensure high quality and varied design through the use of competitive design processes for large and prominent developments.</p> <p>(b) Ensure development individually and collectively contributes to the architectural and overall urban design quality of the local government area.</p> <p>(c) Encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens the City's public realm.</p>	<p>An Architectural Design Competition was undertaken between October 2021 and March 2022.</p> <p>The purpose of the Design Competition was to select a design collaborator who presented the highest quality architectural, landscape and urban design proposal for the RPA Hospital Redevelopment. The Competition was conducted in accordance with the Brief, which was endorsed by the Office of the NSW Government Architect (GANSW).</p> <p>The outcome of the Design Competition was the selection of the Bates Smart scheme, which sought to deliver improved wayfinding, heritage retention, enhanced landscape character and a health-promoting campus within the design proposal. Refer to the Architectural Design Report at Appendix J for further justification of design excellence.</p>
3.5.1 Biodiversity	<p>(a) Protect existing habitat features within and adjacent to development sites.</p> <p>(b) Improve the diversity and abundance of locally indigenous flora and fauna species across the LGA.</p>	<p>Proposed landscaping works across the site includes retention of multiple existing native tree and plant species. The Landscape Strategy (Appendix L) outlines additional native plant species that are proposed to be introduced to the site which contribute to its' existing character and overall biodiversity.</p>
3.5.3 Tree Management	<p>(a) Establish the trees to which Clause 5.9 Preservation of trees or vegetation of the Sydney LEP 2012 applies.</p> <p>(b) Ensure the protection of trees within and adjacent to development sites.</p> <p>(c) Maximise the quality and quantity of healthy tree canopy coverage across the LGA.</p>	<p>The subject site contains significant trees and planting areas within the areas of Missenden Road, University Boundary and the Rear Gardens.</p> <p>The Landscape Report has been prepared (at Appendix L) which proposes the replacement of 71 removed trees in line with HI's tree replacement strategy of 1:1 tree replacement. Further justification is provided as section 6.6 of the EIS.</p>

3.6 Ecologically Sustainable Development	<p>(a) Apply principles and processes that contribute to ecologically sustainable development (ESD).</p>	<p>Ecologically Sustainable Design (ESD) principles addressing water and energy use, material selection and waste management have been incorporated into the design of the proposed development.</p> <p>The proposed development aligns with targeted initiatives under the HI DGN-058 ESD Evaluation Tool which is closely modelled on <i>Green Star Design & As Built v1.3</i>. The development proposes a minimum of 60 points (5 stars) under this framework.</p> <p>Refer to the Sustainability report, at Appendix Z.</p>
3.7 Water and Flood Management	<p>(a) Ensure an integrated approach to water management across the City through the use of water sensitive urban design principles.</p> <p>(b) Encourage sustainable water use practices.</p> <p>(c) Assist in the management of stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways.</p> <p>(d) Ensure that development manages and mitigates flood risk, and does not exacerbate the potential for flood damage or hazard to existing development and to the public domain.</p> <p>(e) Ensure that development above the flood planning level as defined in the Sydney LEP 2012 will minimise the impact of stormwater and flooding on other developments and the public domain both during the event and after the event.</p> <p>(f) Ensure that flood risk management addresses public safety and protection from flooding.</p>	<p><u>Sustainable water use</u></p> <p>The project includes several ESD initiatives relating to the sustainable use of water, resources including:</p> <ul style="list-style-type: none"> – Use of sustainable fixtures – Landscape irrigation – Rainwater harvesting and reuse <p>The use of fire system test water tanks for closed loop testing.</p> <p><u>Flooding</u></p> <p>The post development 1% AEP and PMF scenarios show a change post development for the 1% AEP. In general water levels reduce beneath the East Extension and increase beneath the East Building.</p> <p>The increase is contained within the site boundary and so the flood impacts are deemed acceptable without the need for further flood mitigation controls.</p>
3.9 Heritage	<p>(a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.</p> <p>(b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.</p>	<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) (Appendix T) is appended to the EIS which determined that there is low potential for Aboriginal sites to be present within the study area due to the high levels of previous disturbance.</p> <p>The whole site is a defined local heritage item, while a portion of this site is also state heritage listed. The site is also within a heritage conservation area, being the University of Sydney Conservation Area.</p> <p>A SOHI was undertaken to determine risks and mitigation strategies to manage and preserve the site's heritage, at Appendix Q. Refer to Section 6 of the EIS for an assessment of heritage impact and proposed mitigation measures.</p>
3.13 Social and Environmental Responsibilities	<p>(a) Ensure that development applications are accompanied by sufficient information so that social issues and impacts resulting from development can be adequately assessed.</p>	<p>A Social Impact Assessment (SIA) has been undertaken by Urbis (Appendix W) which outlines the social issues and impacts associated with the redevelopment.</p>
3.14 Waste	<p>(a) Reduce the amount of construction and demolition waste going to landfill.</p>	<p>A Preliminary Waste Management Plan (WMP) has been prepared for the site</p>

	<p>(b) Reduce amount of waste generated in the operation of a development from going to landfill and maximise resource recovery.</p> <p>(c) Ensure waste from within developments can be collected and disposed in a manner that is healthy, efficient, minimises disruption to amenity, and is conducive to the overall minimisation of waste generated.</p>	<p>and details the likely waste streams to be generated by the development.</p> <p>The WMP is based on a hierarchy of avoid and reducing waste, followed by recycling and where neither of these are possible, waste disposal.</p> <p>Hazardous and non-Hazardous waste streams generated by the development will be appropriately disposed of.</p> <p>Refer to the WMP at Appendix AU.</p>
3.17 Contamination	<p>(a) Minimise the risk to human and environmental health on land contaminated by past uses.</p>	<p>Refer to response in Section 2.6 above and Appendices AM – AR for contamination assessment.</p>

2.14 Development and Affordable Housing Contributions

Consultation with Council

Consultation regarding item 26 of the SEARs was undertaken with the City of Sydney Council (Marie Burge, Manager, Major Projects) via phone call and email on the 17th January 2023.

Council advised that the site of the RPA Hospital falls within an area covered by the City of Sydney Development Contributions Plan 2015 which requires the payment of monetary contributions under Section 7.11 of the EP&A Act. Therefore, this plan needs to be referenced and any exemptions that may apply to the development should be addressed in line with Sections 1.3 and 2.1 of the Plan.

Council also advised that Section 7.13 of SLEP 2012 requires contributions for the purposes of affordable housing for non-residential land uses. The accompanying Plan is the City of Sydney affordable housing program, which should also be addressed within this application.

Development Contributions Plan

Section 7.11 of the EP&A Act allows the consent authority to require the dedication of land free of cost or payment of a monetary contribution where a development will or is likely to require the provision of or increase the demand for public amenities and public services within the area.

Section 7.12 levies payable under the relevant contributions plan are the maximum rates permitted by direction of the Minister for Planning under section 7.12 of the EP&A Act.

The *City of Sydney Development Contributions Plan 2015* (Contributions Plan) applies to the site.

Section 1.3 of the Contributions Plan includes the following exemptions from the requirement for contributions (although note not limited to):

6. Emergency services facilities

11. Development excluded from section 94 contributions by a Ministerial direction under section 94E of the Environmental Planning and Assessment Act 1979.1

A note to the above in Section 1.3 of the Plan provides that “All land use terms used in this plan have the same meaning as in Sydney Local Environmental Plan 2012.”

The Standard Instrument LEP defines “emergency services facilities” as follows:

Emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following—

(a) Ambulance Service of New South Wales

NSW Ambulance will be using the East Wing helipad (during the operational phase) and the temporary helipad (during the construction phase). The emergency department will also be refurbished as part of the proposed development. Therefore, the proposed development could also be characterised as an emergency services facility, being a building or a place (including a helipad) used in connection with the provision of emergency services by an emergency services organization, being the Ambulance Service of New South Wales. Specifically, the Emergency Department and the proposed helipad (HLS).

Planning Circular

Furthermore, an exemption from contributions for “*essential community services: education, health, community services, law and order and some housing*” is supported by Planning Circular (Circular D6) relating to Crown Development Applications issued by the then Department of Urban Affairs and Planning.

Circular D6 sets out the circumstances in which it is appropriate for a consent authority to seek the approval of the applicant or the Minister to impose conditions of consent.

Circular D6 also notes that where a consent authority intends to levy contributions on Crown Development, they must be justified, and consideration should be given to the Crown’s role in providing a community service, the cost of which is accountable to all taxpayers in the State.

Affordable Housing Contributions

Clause 7.13 of the Sydney LEP 2012 states:

*(2) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring a contribution equivalent to the applicable **affordable housing levy contribution** for the development provided for in subclause (2A), (2B) or (2C).*

The site is identified as ‘Residual Land’ by the Sydney LEP 2012 Locality and Site Identification Map, and therefore incurs affordable housing levy contributions in accordance with subclause (2C):

(2C) The affordable housing levy contribution for development on land at Central Sydney or on residual land is as follows—

(b) for development applications lodged on or after 1 July 2022—

(ii) 1% of the total floor area of the development that is not intended to be used for residential purposes.

The proposed development does not qualify for an exemption on the basis of Section 2.2 of the *City of Sydney Affordable Housing Program 2020*. However, as per Clause 7.13 (2) of the Sydney LEP 2012, it is at the discretion of the consent authority whether to impose a contribution.

Section 7.32 of the EP&A Act allows for the collection of contributions for affordable housing where a need for affordable housing is identified in a planning instrument and where one of the following applies: (a) the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or (b) the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or (c) the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or (d) the regulations so provide.

The proposed development will not unreasonably impact on these matters.

Other

There are no Voluntary Planning Agreements or Special Infrastructure Contribution Plans (SICs) that affect land to which the application relates or the proposed development type.

Summary

The Minister for Planning has discretionary powers to waive the imposition of development contributions and affordable housing contributions for the proposed development.

The redevelopment of the RPA Hospital will be providing a significant public benefit by providing an essential public service (delivery of community health services), and therefore should be exempted from these contributions.